

Retail sale of fresh fruit and vegetables

WEIGHT REQUIREMENTS

What is meant by "net" and "gross" weight?

Net weight means the weight of the goods without the wrapper

Gross weight means the weight of the goods plus the weight of the wrapper

The weight of the wrappers is strictly controlled and if gross weight is being considered then you should refer to the tables in the following text.

How can potatoes be sold?

Loose potatoes, in the state in which they are harvested apart from cleaning, must be sold either by net or gross weight (metric). Any weight may be sold.

If sold by gross weight the wrapper must not exceed certain weight limits.

Prepacked potatoes must be made up for sale only in the following quantities:

500g, 750g, 1kg, 1.5kg, 2kg, 2.5kg, 5kg, 7.5kg, 10kg, 12.5kg, 15kg, 20kg, 25kg.

The bag must be marked with the net weight (metric) or, where each potato weighs over 175g and the bag is marked with a statement that each potato weighs over 175g, it may be marked with the number of potatoes.

What are soft fruits?

Soft fruits are: bilberries, blackberries, blackcurrants, boysenberries, brambles, cherries, cranberries, gooseberries, loganberries, mulberries, raspberries, redcurrants, strawberries, tayberries and whitecurrants.

How can soft fruits and mushrooms be sold?

Soft fruits and mushrooms may only be sold by either net or gross weight. If sold by gross weight the wrapper/punnet must not exceed the following weight limits:

Gross weight	Permitted weight of container
Not exceeding 250g	A weight at the rate of 120g per kg of the gross weight
Exceeding 250g but not exceeding 1kg	A weight at the rate of 100g per kg of the gross weight
Exceeding 1kg but not exceeding 3kg	A weight at the rate of 90g per kg of the gross weight
Exceeding 3 kg	A weight at the rate of 60g per kg of the gross weight

The weight must be made known to the purchaser before paying for or receiving the goods.

How can the weight be made known?

The weight can be made known to the purchaser by:

- (a) weighing the goods in front of the customer
- (b) marking the weight on the packet
- (c) giving the customer the weight in writing; or
- (d) stating the weight on a display notice.

When relying on a) above to make the weight known you must ensure that the scales are placed in such a position that the customer has a clear and unobstructed view of the weighing operation, including the weight indication.

How can other fruit and vegetables be sold?

Loose fruit and vegetables must be sold by either net or gross weight (metric). As an alternative they may be sold by number if the fruit or

vegetable is listed as 'countable produce' or by the bunch if listed under 'sale by the bunch'.

Countable produce means:

Apples, apricots, artichokes (globe), aubergines, avocados, bananas, beetroots (including cooked), cabbage, cauliflower, capsicum, celery, coconuts, corn on the cob, cucumber, fennel, fresh figs, garlic, grapefruit, guavas, kiwi fruit, kohlrabi, lemons, lettuce, limes, mangoes, marrows, melons, nectarines, onions (other than spring), oranges, passion fruit, pawpaw, peaches, pears, pineapple, plums, pomegranates, pomelo, pumpkins, radishes, shaddock, soft citrus fruits, tomatoes and ugli.

Sale by the bunch

The following vegetables may be sold by the bunch:

Asparagus, beetroots, carrots, chives, endives, garlic, mint, mustard and cress, onions and spring onions, parsley, radishes, salad cress, turnips, watercress.

If sold by gross weight the wrapper must not exceed the following weight limits:

Gross Weight	Permitted weight of container
Not exceeding 500g	5g
Exceeding 500g	A weight at the rate of 10g per kg of the gross weight

Prepacked fruit and vegetables must be packed by net weight (metric), or alternatively by number if listed as 'countable produce'. The container must be marked with the net weight (metric) or number. A supplementary indication in imperial units may also be given provided it is no more prominent than the metric indication.

If the container is transparent and there are not more than 8 articles of countable produce in it, which the customer can clearly see and count, it need not be marked with the number.

LABELLING REQUIREMENTS

What is covered?

The labelling of fruit and vegetables which are:

- (a) not prepacked, i.e. sold loose; or
- (b) prepacked by a retailer for sale by him on the premises where packed; or
- (c) prepacked by a retailer for sale from a vehicle or stall used by him.
- (d) These labelling requirements do not cover fruit and vegetables prepacked for sale other than those in b) and c) above.

What labelling is required?

A notice on the food, which is clear and conspicuous to customers, stating the true name of the food. Potatoes and melons must also be marked with their variety, e.g. Maris Piper Potatoes, Ogen Melons.

What about class marking?

Most fruit and vegetables are required by EC Grading Legislation to be marked with its Class, e.g. Class I. The Rural Payments Agency (RPA) is responsible for the enforcement of these requirements.

BEWARE that produce correctly labelled "Class I" may become misdescribed if its quality deteriorates while on display.

Self-selection displays can also become misdescribed because the continual selection of the best items tends to increase the percentage of substandard items remaining.

PRICE INDICATIONS

What is covered?

If you offer or expose for retail sale fresh fruit or vegetables, you are required to indicate their prices.

What price must be indicated?

Where the fruit or vegetables are prepacked, the price which has to be shown is the selling price of the pack and the unit price per kg. Under certain circumstances this may not apply; please ask for further details.

Where the fruit or vegetables are sold loose, the requirements are as follows:

- (a) When offered for sale by weight, you must show the price per kilogram.
- In the case of herbs and spices however, the price per 10 gram should be indicated.
 - In the case of fresh processed salad, e.g. coleslaw, the price per 10 grams should be indicated.
- (b) When offered for sale by number you must show the price of each item.

How must the price be indicated?

All pricing must be clear, legible, easily identifiable and unambiguous. The indication may be given by pricing individual items, by pricing displays of goods, or by means of a price list reasonably near to the goods. If the indication is displayed in a list then it must be in such a position that a prospective customer can easily recognise that it refers to the fruit or vegetables in question.

Where can I get further help?

This leaflet is not an authoritative document on the law and is only intended for guidance. For further details or clarification contact Derbyshire Trading Standards at:

Chatsworth Hall
Chesterfield Road
Matlock
Derbyshire
DE4 3FW

Telephone:

Businesses:	Call Derbyshire	08 456 058 058
Consumers:	Consumer Direct	08454 040506

Fax: 01629 536197

Website: www.derbyshire.gov.uk/tradingstandards

(continued overleaf)

We want everyone to be able to understand us. On request, we will arrange:

- Language interpreters, including for sign language
- Translation of written materials into other languages
- Materials in large print, on tape or in Braille.

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