

Information for greengrocers

This leaflet contains a summary of the main requirements of labelling, weights and measures and pricing legislation enforced by the Trading Standards Service, as applicable to retail sales by greengrocers. This leaflet is intended to be a brief summary to help you understand what the law says about the way you are required to sell 'green produce' to the ultimate consumer. It does not cover wholesale transactions.

Please also see our separate leaflet on 'Weighing equipment in use for trade' (http://www.derbyshire.gov.uk/images/std44_tcm9-8379.pdf), which gives guidance on the controls over the scales you use.

This leaflet covers:

The labelling of fruit and vegetables which are:

- displayed for sale in a loose or unwrapped state or
- pre-packed for sale from those same premises or
- pre-packed for sale by the packer on his market stalls or mobile vehicles

This leaflet does not cover:

The labelling of fruit and vegetables pre-packed for sale from premises other than the last two items above.

Required labelling:

This should be on a notice, on the food, which is clear and conspicuous to customers.

The true name of the food - Potatoes and melons must also be marked with their variety (e.g. Maris Piper potatoes, Ogen melons).

Irradiation - Food or ingredients that have been irradiated must be declared and labelled 'irradiated' or 'treated with ionising radiation'.

Other food labelling issues:

EC grading requirements:

Most fruit and vegetables are required by EC grading legislation to be labelled with their class and may also need labelling with country of origin and variety. Defra Horticulture Inspectors are responsible for the enforcement of these requirements. More information can be found at the Defra website (<http://www.defra.gov.uk/>).

Place of origin:

The place of origin should be marked if failure to do so would be misleading. (This may be a more local description than country of origin, e.g. English strawberries or Tasmanian apples.)

Waxed fruit:

Fruit which has been waxed must be labelled as such.

Additives:

Some prepared salads, dried fruit and peeled potatoes are treated with preservative solution to keep them fresh. These must be labelled 'contains preservative'. If sulphur dioxide or sulphites have been used as a preservative, they must be named on the packaging in order to comply with allergen labelling requirements.

Additional requirements are in place for the following colourings:

E102 Tartrazine

E104 Quinoline Yellow

E110 Sunset Yellow

E122 Carmoisine

E124 Ponceau 4R Blue

E129 Allura Red

These six colours have been subject to a request for voluntary withdrawal in the UK by the Food Standards Agency. Under EU law from 20 July 2010 products containing these colours must be labelled with the following information: '(E number/ name of colour) may have an adverse effect on activity and attention in children'.

Organic:

Organic fruit and vegetables can only come from producers, importers or processors that have been inspected and approved by a body authorised by the Government. Food from any other sources is not 'organic' and to describe it as such is an offence. See our leaflet 'Organic Products' for further information (http://www.derbyshire.gov.uk/images/std24_tcm9-90306.pdf).

Beetroot:

Beetroot that has been dipped in vinegar should be labelled as such.

General selling methods:

As a general rule, produce (including items that are divided into pieces or have had parts removed for trimming but have not as such been processed) is required to be sold by net weight (produce without the wrapper). However, there are a range of exemptions that enable you to sell:

- some items sold by gross weight including the weight of the container - if the container is within the table of weights shown at the end of this leaflet
- soft fruit and mushrooms sold in a container (within the table of weights shown at the end of this leaflet) - provided the weight is made known to the buyer before they take possession of the goods
- 'countable produce' by number, if not more than eight items which can be clearly seen, including apples, aubergines, bananas, grapefruit, nectarines, peaches, plums, radishes and tomatoes*
- produce sold by the bunch, including asparagus, carrots, garlic, onions, radishes, and spring onions*
- pre-packed items in heavier containers to be marked with net weight
- multi-packs of two or more types of pre-packed produce - if the individual inner packs are marked, are all visible, and if the outer is marked with the content quantities and number of packs*

* For a full list and further advice please check with your local trading standards service.

Specific requirements for potatoes:

Loose potatoes can be sold by either net or gross weight. If you sell them by gross weight, the wrapper must be within specific weight limits (5g up to 500g and over 500g at the rate of 10g per kg of the gross weight). Bags containing very large potatoes (over 175g each) can be sold by number rather than weight as long as the bag contains a statement that each potato is not less than 175g. All bags of pre-packed potatoes must indicate a marked weight or number.

Making the weight known before a customer buys:

Soft fruits and mushrooms must have the weight made known to the buyer before payment is made, whether they are packed in a container, such as a punnet, or sold loose from bulk. This can be done in the following ways:

- weighing the goods in front of the customer - the scales must be clearly visible as well as any indication given
- marking the weight on the punnet or pack
- giving your customer the weight in writing, perhaps by using a combined weight and price ticket.
- stating the weight on a display notice

On a practical point, customers may change the weight of open punnets by selecting or discarding some of the produce. This can mean that some packs may be less than the stated weight, so it is advisable to have a final check of the pack before the sale is made.

Price marking requirements:

In general, all foods, whether pre-packed, non pre-packed or sold by number, must be priced. The price indication must be in writing, unambiguous, easily identifiable and clearly legible. Customers must be able to see the price indication without asking for assistance.

Pre-packed items must be marked with the selling price and subject to certain exceptions. The unit price must be indicated either on or near the goods, or on a price list. (The unit price must be calculated by reference to the selling price and the weight or number.) For non pre-packed items, the unit price must be indicated either on or near the goods, or on a price list.

The unit price must be in metric - generally the price per kg. You may, in addition, show the unit price per lb, but the metric marking should be

first and more prominent. Sales must be made with reference to the metric quantity. Unit price for mushrooms and other pre-packed items marked with a quantity can be displayed as price per 100g. Unit price for countable produce is the price per single item.

Where the quantity is required to be made known to the purchaser and the food is pre-packed in a container not marked with quantity, e.g. for soft fruits and mushrooms there is no requirement to state a unit price.

Trading fairly with your customers:

The law requires you not to trade unfairly with your customers.

The Consumer Protection from Unfair Trading Regulations 2008 (<http://www.legislation.gov.uk/ukxi/2008/1277/contents/made>) ban traders from using unfair commercial practices towards consumers and set out broad rules outlining when commercial practices are unfair. Please see our leaflet 'A guide to the Consumer Protection from Unfair Trading Regulations 2008' (http://www.derbyshire.gov.uk/images/ft23_tcm44-71886.pdf).

Table of container weights:

Soft fruit and mushrooms only	
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 3kg	A weight at the rate of 60g per kg of the gross weight

Fruit and vegetables other than soft fruit and mushrooms	
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

Bag and box schemes:

Bag and box schemes are selling methods where you select a variety of items of fresh fruits or vegetables and place them together in a container for a future sale to a customer. Schemes vary but most involve either deliveries of regular 'standing orders' to customers or the sale of bags or boxes from trade premises or vehicles. These bags or boxes are 'pre-packs' because they are made up for retail sale in advance.

When sold separately, the quantity of each item still has to be marked in accordance with the specific requirements for each type of food, but when sold together in the bag or box, the following guidance shows how and when such marking is required:

- the net weight of the bag or box is 5kg or less
- the bag or box consists of two or fewer different fruit or vegetable items

The bag or box must be marked with a statement of net weight (or, where permitted, by number).

- the net weight of the bag or box is more than 5kg
- the bag or box consists of three or more different fruit or vegetable items

The bag or box is exempt from quantity marking and may be sold 'by the bag' or 'by the box' accordingly.

If you are going to sell fruits, by placing them in a bag or other container as part of your shop or market stall display (e.g. a bag of plums or a plastic container filled with bananas) it is advisable to seek further advice from your local trading standards service about the price and weight markings that must be given to an intending purchaser.

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:	Citizens Advice consumer helpline	08454 040506

Fax: 01629 536197

Website: www.derbyshire.gov.uk/tradingstandards

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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To ensure that you are looking at the most up-to-date version of this leaflet, please visit our website at http://www.derbyshire.gov.uk/images/std27_tcm9-8356.pdf or telephone us on 01629 536166.

