

Small Bakers and Average Weight

Weights and Measures (Packaged Goods) Regulations 2006
(<http://www.legislation.gov.uk/ukxi/2006/659/contents/made>)

Who is a small baker?

One who does not have a fully automatic baking plant and who sells the majority of his/her production from his/her own premises or vehicles.

Which loaves are controlled?

Only loaves of bread weighing more than 300g. 'Bread' means bread in the form of single loaves (whether or not sliced) and includes fancy loaves and milk loaves but not bun loaves, fruit loaves, malt loaves or fruited malt loaves.

How are they controlled?

Unwrapped whole loaves, and loaves in a container which is not securely enclosed (e.g. a French stick in an open ended sleeve), over 300g must be offered for sale only if:

- an indication of the weight of the bread is given on a ticket displayed in immediate proximity to that loaf, or
- there is displayed, in such a position and manner so as to be ready available without special request for inspection by a buyer a notice:
 - listing the forms (for example sandwich loaf, cottage loaf, French stick) in which unwrapped loaves of bread are made for sale, and
 - indicating the weight in which each form is made for sale

Exempt from these weight display requirements are loaves that weigh 400g or a multiple of 400g - for example, 800g or 1200g at the time they are offered for sale.

Whole loaves of bread in a securely closed container are required to be clearly marked with the net weight.

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What does the law say?

Bread may be baked to an average weight. This means that, within a group (i.e. one type of loaf produced at one time), some loaves will be heavier and some slightly lighter than the 'prescribed weight' or weight to be stated on the wrapper. Three rules must be met:

1. The average weight of one type (from one baking group) must not be under the weight displayed, or for bread intended to be wrapped, the quantity to be stated on the wrapper, depending on the size of the loaf.
2. No more than one in 40 loaves may weigh below the first tolerance (T1), e.g. 785g ('defective') for an 800g loaf or T1, e.g. 388g ('defective') for a 400g loaf. For a batch of fewer than 100 loaves the batch shall be considered acceptable if the number of defective loaves does not exceed 5%.
3. No loaves are allowed to weigh under the second tolerance (T2), e.g. 770g ('inadequate') for an 800g loaf or under T2, e.g. 376g ('inadequate') for a 400g loaf.

The first tolerance (T1) is obtained from the table below by subtracting the Tolerable Negative Error (TNE) from the required nominal quantity weight. T2 is twice the TNE for that value.

If you wish to make all of your loaves weigh over the displayed weight or weight to be stated on the wrapper, you may do so. Retailers who finish the baking process for part baked bread at the shop where it is sold should give written notice to their local trading standards service if they have chosen not to have the bread treated under the average system.

The tolerance limits for loaves weighing between 300g and 500g are:

- first tolerance (T1) a deficiency of 3% of the displayed or labelled weight, and
- second tolerance (T2) a deficiency of 6% of the displayed or labelled weight

The tolerance limits for loaves weighing between 500g and 1,000g (1kg) are:

- first tolerance (T1) a deficiency of 15g of the displayed or labelled weight, and

- second tolerance (T2) a deficiency of 30g of the displayed or labelled weight

Do I have to check dough pieces?

No (it is the weight of the finished loaf that counts) but it is a good idea to do so. It is recommended that the weight for dough pieces be displayed in a chart near to the place of weighing. Safe dough-piece weights have been found to be 480g for 400g loaves and 950g for 800g loaves, but tests should be done to find the best weight for each bakery and the size of each loaf to be produced.

What about weight loss before sale?

Enhanced allowances must be made for the cooling and drying out of loaves whilst on display. You should carry out your own checks but as a guide, 30g for a 400g loaf and 40g for an 800g loaf are reasonable enhanced allowances for finished loaves while still hot from the oven. The same enhancements should also be given to the values of T1 and T2 above, if you are checking finished loaves hot from the oven (the loaves for sale in the shop must be able to pass the above three rules at any time).

What checks should bakers make?

A sample of loaves should be taken from each group which is baked, and check-weighed. An enhanced weight must be used if weighing the bread hot. This can be determined by testing each type of loaf straight from the oven and cold at the end of the selling day, the weight difference being added to the target weight. For example, a small white farmhouse weighs 430g hot from the oven and 410g at the end of the trading day. You should add 20g to target and action weights for this type of loaf.

It is a legal requirement for checks to be carried out on the baked loaves before they are offered for sale to ensure that they pass the three rules. A record of the check must be kept for one year or until a best before date that may be marked on the loaf has expired. However, small bakers can apply to the chief inspector of weights and measures, for their area, for exemption from keeping records of the checks. This exemption does not relieve you of the requirement to carry out the checks themselves, only the keeping of the record of the checks. Exemptions are granted where every dough-piece is weighed to an acceptable target weight and that the majority of the bread is sold

directly to the public at the premises where it is baked, or from your own vehicles.

While you may wish to take advantage of this exemption, you may find it difficult without records to provide evidence of your due diligence in carrying out the checks if an inspector of weights and measures finds that you are failing to meet any one of the three rules.

Checks are carried out by taking a sample from each batch, the number of which is shown in the following table (NB: loaves are weighed to enhanced prescribed quantities, and enhanced values of T1 and T2 if they are still hot or warm from the oven):

No. of loaves in group/batch	No. which must be weighed
1 - 49	3
50 - 99	5
100 - 199	7
200 and more	11

The sample is used to determine whether the three rules have been complied with:

- a) From the sample, find the number of 'defective' and 'inadequate' loaves.
- b) If any 'inadequate' loaves are found, they must not be sold as whole loaves. The entire batch should be checked and all such loaves removed.

If one or more loaves are found to be 'defective', an additional sample should be taken of the same size. If any loaves from this second sample are found to be 'defective', the entire batch should be checked and all 'defectives' removed.

- c) Weigh the sample and if more than half of the sample is below the 'prescribed weight' (plus the enhancement for drying and cooling), a second sample is taken and if that too has more below than above the enhanced 'prescribed weight', the following procedures must be followed:
 - the whole batch must be weighed and all above the enhanced 'prescribed weight' removed and set to one side

- from the part under the enhanced 'prescribed weight' remove all between the enhanced T1 tolerance up to the enhanced 'prescribed weight' until you have the same number of loaves that you set aside and add them to those set aside
- the final group set aside can be sold but you must dispose of all other loaves in the batch other than by selling as loaves, e.g. as bread crumbs or used to make bread pudding

What about keeping records?

As mentioned above, most small bakers can apply to their local trading standards service for an exemption from keeping records. This is at the discretion of the service's chief inspector of weights and measures, who may require visits to be made to your premises to check your procedures before it is issued.

Keeping records can be a good idea to protect yourself, as they help to meet the defence of all reasonable precautions and all due diligence required by the Weights and Measures Act. If you do not have an exemption you must keep records of checks. They must be kept for a year or until a best before date that may be marked on the loaf has expired. These records must be provided for inspection if requested by a weights and measures inspector.

To be robust, the record should include the following:

- name of person carrying out the checks
- date and time of weighing
- number of loaves in each batch produced
- target weights for hot or cold loaves of each type produced
- weight of each loaf in the sample, including the number and type of bread in each batch weighed and whether the loaves were hot or cold at that time
- number of loaves in each sample below your enhanced values of T1 and T2
- action taken if weight problems found

A diary entry may be a practical way to keep such records.

Remember - an exemption from keeping records is not an exemption from carrying out checks.

What equipment can I use to check finished loaves?

A suitable weighing machine is one which has an analogue scale (a pointer indicating on a continuous scale) with divisions of no more than 5g. If the indication is digital, the divisions should be no more than 2g. New scales must comply with the Non-Automatic Weighing Instruments Regulations 2000

(<http://www.legislation.gov.uk/uksi/2000/3236/contents/made>) (as amended). These scales are CE marked and also have stickers, one of which shows the letter 'M' in black on a green background. Our leaflet 'Weighing equipment in use for trade' provides more details and illustrations of the stickers (http://www.derbyshire.gov.uk/images/std44_tcm44-8379.pdf). You may still use old scales but they must be 'crown stamped' as fit for trade use.

Tolerable Negative Error or 'TNE':

The following is a table of the TNE values that you should use when complying with the 3 'packers' rules'.

Nominal Quantity (g)	Tolerable Negative Error (TNE)
from 200 to 300	9g
from 300 to 500	3% of nominal quantity
from 500 to 1,000	15g
from 1,000 to 10,000	1.5% of nominal quantity

Actual Weight of Packages:

Please see our leaflet 'Guidance notes on average quantity' (http://www.derbyshire.gov.uk/images/std02_tcm44-8361.pdf) for an explanation of how to determine the tare weight of the packaging and how to make allowances for variation.

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/uksi/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)

Further information:

Your local trading standards service can provide advice on complying with the legislation and can carry out checks on legal compliance. Further advice can be obtained from the National Association of Master Bakers, 21 Baldock Street, Ware, Hertfordshire SG12 9DH. Tel: 01920 468061 (<http://www.masterbakers.co.uk/>).

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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