

## The sale of alcohol in licensed premises

### In the guide

- | Weights and measures requirements
- | Information to be provided to customers
- | Licensing Act requirements
- | Age-restricted sales
- | Key legislation

### This guidance is for Scotland

The sale of alcohol in pubs, restaurants, etc is subject to the requirements of weights and measures, fair trading, licensing and underage sales legislation.

There are legal requirements for the licensed trade concerning the quantities and measurement of alcoholic drinks and how they are described, as well as on informing customers about the prices they will be charged. There are also mandatory licensing conditions, which include minimum quantities and irresponsible price promotions. All customers must be over 18 years old to buy alcohol in licensed premises.

### Weights and measures requirements

There are legal requirements for the quantities that specific types of alcoholic drinks must be sold in. These apply to beer, lager, cider, gin, rum, vodka, whisky, wine and fortified wines such as port and sherry.

There are no specific requirements as to the quantities that any other drinks have to be served in; however, if a specific quantity is indicated to customers on, for example, a menu or price list, the requirements detailed below regarding equipment or measures to be used to determine the quantity served should be followed.

### BEER, LAGER & CIDER

Draught sales of beer, lager and cider must be made in one of these quantities:

- | 1 pint
- | ½ pint
- | 1.5 pint
- | multiples of ½ pint

These requirements do not apply when beer, lager or cider is mixed with other drinks. However, if you agree to sell a customer a particular quantity of a mixed drink - a pint of shandy, for example - the requirements given below regarding measuring the drink should still be followed.

Draught beer, lager or cider should be measured using either an automatic metering system or glasses of a relevant quantity. All such equipment and glasses should be 'government stamped'; this is explained further

below and guarantees that the quantity served will be accurate.

Stamped glasses used to measure and serve draught beer, lager and cider can be either brim measures (where they need to be filled to the top of the glass) or lined glasses (where there is space above the quantity line to accommodate drinks with a frothy head). In either case drinks should be dispensed with care to ensure they are filled to the required level, having regard to the nature of the drink. For example, stout is traditionally served with a large frothy head whilst ciders are not. If customers consider that the amount of frothy head served is excessive they can ask for the glass to be topped up to a reasonably acceptable level.

If automatic half-pint meters are used, glasses that the drinks are dispensed into should be slightly bigger than the amount being served to allow for any frothy head produced to be accommodated. These glasses should not be stamped or have a particular quantity marked on them as this could cause customer doubt over the amount they are being served. The allowable accuracy of stamped meters and glasses is different and a metered pint of beer (for example) may not always come up to the line on a stamped pint glass.

## **SALES BY THE JUG OR PITCHER**

Beer, lager and cider can be sold in larger quantities in jugs or pitchers provided that:

- | the quantity is made known to the customer
- | the quantity is a multiple of a half-pint
- | stamped equipment, measures or glasses are used to determine the amount served

For example, a four-pint pitcher of beer can be filled by dispensing eight half pints from a metered system or by filling four stamped, lined pint glasses - lined glasses being essential to allow for any frothy head produced.

## **GIN, RUM, VODKA & WHISKY**

These four spirit drinks are required to be served by the glass in one of these quantities:

- | 25ml
- | 35ml
- | multiples of 25ml or 35ml

The same quantity must be sold in all bars of the same premises and a notice must be displayed clearly informing customers which quantity is being used - for example:

Gin, rum, vodka and whisky are served on these premises in 25ml measures or in multiples of 25ml

These requirements do not apply when gin, rum, vodka or whisky is served as a cocktail in a mixture with two or more other drinks.

The quantity served must be determined using 'government stamped' automatic measuring devices such as 'optics' or by using 'thimble' measures, which guarantees that the quantity served will be accurate.

When using 'optic' type devices on bottles you should ensure that the measuring chamber is not obscured by

price stickers etc so that the chamber can be seen to be full before use. The measuring chamber should be allowed to fully refill before another measure is dispensed.

Bottle-top pouring devices attached to spirit bottles should not be used to determine the quantity of measures of gin, rum, vodka and whisky even if they are marked with a relevant quantity indication. These devices are not legally accurate and are intended for use in making cocktails. If you use bottle-top pourers as a convenience a stamped 'thimble' should also be used when serving gin, rum, vodka and whisky neat or with a single mixer drink.

When using 'thimble' measures that are required to be filled to the brim it is good practice to hold the 'thimble' over the glass the drink is to be served in whilst it is being filled to ensure that the customer gets the benefit of any spillage and is not served short measure.

## **WINE**

Wine by the glass must be sold in the following quantities:

- 125ml
- 175ml
- multiples of 125ml or 175ml

The quantity of wine by the glass served must be clearly indicated to customers on menus, price lists or on a displayed notice - for example:

Wine by the glass is served on these premises in measures of 125ml and 175ml, or in multiples of those quantities

Wine sold in quantities of less than 75ml or mixed with other drinks is exempt from these requirements.

Wine served in open carafes should be in one of these quantities:

- 250ml
- 500ml
- 750ml
- 1 litre

Fortified wine such as port or sherry must be sold in either 50ml or 70ml quantities and the customer must be informed which quantities are being used.

The quantity of wine by the glass can be determined using 'optic' type bottle-top measuring devices, 'thimble' measures or lined glasses. All equipment, measures, carafes or glasses used to determine the quantity of wine served must be 'government stamped', which guarantees that the quantity served will be accurate.

## **STAMPED MEASURING EQUIPMENT & GLASSES**

As detailed above, all measuring equipment, measures, glasses, etc used for determining quantities of alcohol sold should be 'government stamped'. The stamp applied ensures that the equipment, measure or glass is

accurate and has been made to specific legal requirements.

The traditional stamp was for many years a crown and inspector's number, which will still be found on automatic meters, 'optics', 'thimbles' and glasses in use:



Newer equipment and measures will now have 'European directive' style stamps as illustrated here:



All equipment, beer meters, 'optics', 'thimbles' and glasses used to measure alcoholic drinks should be checked to ensure they have a stamp on them, which on newer equipment may only be visible on the inside of the bottom of the glass or measure, or on the base of a glass stem.

Bottled drinks and drinks not required to be sold in specific quantities should be served in plain, unstamped glasses to avoid customer confusion and possible complaints of short measure being served.

## Information to be provided to customers

There are no longer any specific legal requirements regarding describing products or for indicating prices charged in licensed premises. Previous detailed requirements for the display of alcoholic strengths and price lists etc have been superseded by general fair trading legislation that requires consumers to be fully informed about goods and services before they decide to make a purchase.

The best way to ensure that customers are given the required information is by the use of detailed menus or clearly displayed price lists that indicate the following:

- ▮ accurate product descriptions, including alcoholic strengths where appropriate
- ▮ the price, inclusive of VAT
- ▮ the quantity of drink served, where appropriate
- ▮ any compulsory additional service charge
- ▮ any compulsory minimum charge per customer

If customers are not informed about prices prior to placing an order they may have the right to refuse to accept and pay for a round of drinks (if, for example, the price charged is excessively more than the customer would reasonably expect to have to pay).

Names used to describe drinks in menus and on price lists etc should be accurate. For example, particular brand names such as 'Bacardi' and 'Coke' should not be used when other brands of white rum and cola are actually served.

Advertising signs attached to beer pumps and 'optic' stands must accurately indicate the brand of drink being dispensed and need to be checked regularly, particularly where guest beers, drink brands, etc have been

changed.

Do not use particular brand names in menus or on price lists etc if you do not always stock specific brands of drinks. If all brands of a particular type and quality of drink are sold at the same price use generic descriptions such as 'white rum', 'whisky', 'vodka' etc.

If you do not provide the customer with all or part of the information necessary, or give misleading information, this may be regarded as an unfair trading practice and constitute an offence.

## Licensing Act requirements

In recent years additional mandatory conditions have been placed on licensed premises selling alcohol. These conditions include:

Informing customers who do not request a particular quantity of a drink to be served that the following minimum quantities are available for them to choose:

- ½ pints of beer, lager and cider
- 25ml or 35ml measures of gin, rum, vodka and whisky
- 125ml glasses of wine

This is to encourage responsible drinking by preventing a default larger measure being served. Customers must be informed of the availability of these quantities of drinks by means of displays in menus, price lists, etc as well as verbally when, for example, a 'glass of wine', 'a beer' or 'a whisky' is asked for.

Irresponsible price promotions should not be used - for example:

- buy one get one free
- all you can drink for £10

Free drinking water must be available for customers on request.

Any continued breach of these conditions could result in suspension of a licence to sell alcohol or even removal of the licence.

## Age-restricted sales

Alcohol can only be bought, bought for, or consumed on licensed premises by customers who are over 18. It is an offence to supply alcohol to a customer who is under 18 and continued breaches of this by licensed-premises operators can result in suspension or revocation of a licence to sell alcohol. However, 16 and 17 year olds can drink beer, lager, wine or cider bought for them by someone accompanying them who is over 18 when they are eating a meal in a restaurant, hotel or parts of a pub specifically set aside for eating meals.

It is very important therefore to ensure that sales of alcohol are only made to customers who are over 18. As the age of young people is very difficult to assess - especially those who are made-up or dressed for a night-out - it is recommended that an age-verification policy is adopted to ensure that young customers can prove their age. Quite often the use of an age-verification policy is a condition applied when a licence to sell alcohol is granted.

See 'Alcohol' for more information.

## Please note

This information is intended for guidance; only the courts can give an authoritative interpretation of the law.

The guide's 'Key legislation' links may only show the original version of the legislation, although some amending legislation is linked to separately where it is directly related to the content of a guide. Information on amendments to UK legislation can be found on each link's 'More Resources' tab; amendments to EU legislation are usually incorporated into the text.

## Key legislation

Weights and Measures (Intoxicating Liquor) Order 1988

Licensing (Scotland) Act 2005

Consumer Protection from Unfair Trading Regulations 2008

© 2015 Chartered Trading Standards Institute



The content on Business Companion is written and verified by expert contributors, but is not designed to be a replacement for professional advice and is intended only for guidance.

If you are in any doubt about your legal responsibilities with regard to the topics on this site and would like more guidance, start by getting in touch with your local trading standards service; you can find their contact details by using the search tool on the Chartered Trading Standards Institute website (<http://www.tradingstandards.uk/advice/businessadvicets.cfm>).