

Advice for market organisers

Trading Standards Legal Requirements for Traders

Trading Standards have responsibility for the enforcement of trading & consumer protection laws. Most of our work involves advising businesses on how to improve their compliance & avoid mistakes that could be costly. We regularly make unannounced visits to businesses to check compliance & offer assistance. In some cases we may have to take legal action for serious or persistent non-compliance. Please ensure that you are aware of your legal obligations some of which are listed below.

For further advice and guidance please see our self help leaflets on our website

www.devon.gov.uk/tradingstandards or telephone our business helpline **01392 381381**

Food

Food labelling and standards are a complex area and may vary from product to product and by how a product is sold.

Any claims made must be accurate e.g. “organic” can only be claimed if you have independent approval and not just because you use organic ingredients.

Claims about the origin of food are important because generally consumers are very interested in where their food comes from. Trading Standards are asking businesses to fully justify origin claims e.g. “local steak” on a menu, in support of local producers & growers. Claims like “locally sourced” can be misleading.

NB: most food should be marked with a durability date, in the case of highly perishable food this is a ‘Use By’ date. It is illegal to sell food after this date.

Weights and Measures

Many goods must be sold by net weight & the quantity sold made known to the customer before a sale is concluded. The quantity can be labelled on the packaging or for foods sold loose from bulk the quantity can be made known by weighing the goods in such a way that a customer can see the weight displayed on the scale. Examples of goods that must be sold by net weight are meat, poultry, jams, soap, etc. Generally, suitably accurate weighing or measuring equipment of an approved design & Government stamped must be used.

Alcohol should be sold by reference to quantity marked on the container (ml or litres) or if sold for immediate consumption in approved capacity serving measures (government stamped glasses)

Carpets, fabric etc should be measured with an approved (stamped) rule.

Pricing and Description of Goods

The total price of goods inclusive of VAT should be clearly displayed. Extra charges for credit or debit card payments must be clearly stated & displayed. All descriptions applied to goods and services must be accurate and not misleading. It is also against the law to omit information which may effect the purchaser’s decision to buy goods or services

Product Safety

All goods sold to consumers must be safe at the time of sale & during reasonably foreseeable conditions of use after sale. Some products have to comply with specific safety regulations such as toys and nursery goods; these goods must be CE marked - this is a European mark of conformity to safety and other standards. Extra care must be taken to check second hand (pre-used) toys and other consumer goods before sale.

Fireworks, including caps and throw downs cannot be sold from a mobile or temporary stall.

Cosmetics including soaps etc.

Again a complex area but most require full labelling and technical documentation if you are the manufacturer. Please ask for more details.

Age Restricted Sales

Some products cannot be sold to children e.g. alcohol, tobacco, knives, fireworks including throw downs, solvents, lottery tickets DVD's and computer games etc. Appropriate signage must be at the point of sale.

Companies Act

Businesses must clearly display on their stand their business name (including the personal name of the sole trader/partners if different to the trading name) and an address at which legal documents could be sent in the event of a complaint.

As a business you are responsible for your own compliance with the law. Generally, if you comply with the law you will avoid problems & be in a good position to protect your business from frivolous or malicious claims.

Devon County Council Trading Standards Service recognises the difficulty in interpreting & applying legislation. We offer a free & impartial advice service to help you to comply first time every time.

This document is not exhaustive & only a general guide to some of the legal requirements. If you require further advice or clarification please visit our website & if you cannot find the answer there please contact us on 01392 381381.