

Refill shops

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This guidance is for England and Wales

There has recently been a surge in the number of shops selling goods to consumers in pots, jars, bottles and other containers that are provided by the consumers themselves.

There are a number of guides that cover these business practices and the types of goods sold, and business owners should familiarise themselves with them. However, these may not be all the guides that are relevant for your particular business and it is recommended that you browse the website further.

Food

Food in refill shops is sold in a manner known as non-prepacked, which, although it has fewer labelling requirements than prepacked food, must still provide consumers with certain information. See 'Labelling of non-prepacked foods' for more information.

You must ensure that the containers you sell your food products from, as well as any smaller containers that you sell to consumers who don't have their own, are suitable for food use. More information can be found in 'Food contact materials'. However, you are not responsible for ensuring that the containers consumers provide themselves are suitable.

Product safety

If you sell shampoos, moisturisers, etc you need to ensure that what you sell is safe and correctly labelled. See 'Cosmetic products'.

For non-prepacked products, it may not be possible to label the products themselves; in these circumstances, information regarding precautions and ingredients can be given on leaflets, labels, tags or cards.

Weights and measures

The weighing and measuring of the products you sell is covered by trading standards law.

The weight of products sold into customers' own refill containers must be in metric quantities - grams or kilograms - and must be determined using legally approved equipment. There are very specific requirements for the type of equipment that must be used, details of which can be found in 'Weighing equipment for legal use'.

It is important to determine the weight of products sold before they are placed into the customer's container; this will ensure that only the weight of the product is being charged for. Alternatively, the customer's container may be weighed before it is filled so that the container weight may be deducted from the total, or the 'tare' function on weighing equipment can be used to remove the weight of a container from the weighing process.

If liquid products are sold by volume, legally approved 'Government stamped' equipment must be used, and the products must be sold in millilitres or litres.

Please contact your local trading standards service if further advice and information is required regarding appropriate weighing and measuring equipment, or the requirements for the measurement of particular products.

Pricing

Pricing is also important, of course, and details of the requirements can be found in 'Providing price information'. This guide also includes a list of the units in which products must be sold - for example, price per 100 g.

Penalties

Failure to comply with trading standards law can lead to enforcement action and to sanctions, which may include a fine and/or imprisonment. For more information please see 'Trading standards: powers, enforcement and penalties'.

Key legislation

Weights and Measures Act 1985

Food Safety Act 1990

Weighing Equipment (Non-automatic Weighing Machines) Regulations 2000

Price Marking Order 2004

EU Regulation (EC) No 1935/2004 *on materials and articles intended to come into contact with food*

EU Regulation (EC) No 1895/2005 *on the restriction of use of certain epoxy derivatives in materials and articles intended to come into contact with food*

EU Regulation (EC) No 2023/2006 *on good manufacturing practice for materials and articles intended to come into contact with food*

Consumer Protection from Unfair Trading Regulations 2008

EU Regulation (EC) No 450/2009 *on active and intelligent materials and articles intended to come into*

contact with food

EU Regulation (EC) No 1223/2009 *on cosmetic products*

EU Regulation (EU) No 10/2011 *on plastic materials and articles intended to come into contact with food*

EU Regulation (EU) No 1169/2011 *on the provision of food information to consumers*

Materials and Articles in Contact with Food (England) Regulations 2012

Materials and Articles in Contact with Food (Wales) Regulations 2012

Cosmetic Products Enforcement Regulations 2013

Food Information Regulations 2014

Food Information (Wales) Regulations 2014

Non-automatic Weighing Instruments Regulations 2016

New guidance: February 2020

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 legislation can be found on each link's 'More Resources' tab.

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