businesscompanion
trading standards law explained

Refill shops

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In this guide, the words 'must' or 'must not' are used where there is a legal requirement to do (or not do) something. The word 'should' is used where there is established legal guidance or best practice that is likely to help you avoid breaking the law.

Although the United Kingdom left the European Union (EU) in 2021, certain pieces of legislation (known as 'assimilated law') continue to apply until such time as they are replaced by new UK legislation, revoked or permitted to expire. This means that our guidance still contains references to legislation that originated from the EU.

To fully understand this guidance, it is important to note the difference between the United Kingdom and Great Britain:

- UK: England, Scotland, Wales and Northern Ireland
- GB: England, Scotland and Wales

This guidance is for England, Scotland and Wales

In recent years there has been a surge in the number of shops selling goods to consumers by filling or refilling pots, jars, bottles and other containers that are provided either by the business or by 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. Links to these guides are given below.

Weights and measures

The weighing and measuring of the products you sell is covered by Trading Standards law. This section is about determining quantity to the required standard of accuracy.

Helpful definitions for this guide:

- Tare weight means the weight of any container
- Gross weight means the weight of any container, plus the contents
- Net weight means the weight of the product sold

Because weights and measures law is quite extensive and covers a significant number of products, it is important to note what this section does not cover, as well as what it does. Nearly all foodstuffs sold loose are required to be sold by net quantity, either by specific requirements in weights and measures law or, where there are no direct requirements for the specific product, by food law. Likewise, there are some non-foods that have specific weights and measures requirements and there are some that are required to be sold by quantity because of other legislation - for example, cosmetic products.

Any weighing or measuring equipment used to determine a product quantity for sale is in 'use for trade' and must bear a verification mark to show that it is legal to use. More information on equipment can be found in 'Weighing equipment for legal use'. Selling by volume is discussed later in this guide.

There are specific weights and measures requirements for some foods:

- 'Weighing and measuring meat'
- 'Weighing and measuring fish'
- 'Weighing and measuring fruit and vegetables'

This last guide includes a list of fruit and vegetables that can be sold by number (countable products), meaning they do not need to be weighed. As mentioned above, most other foods are required to be sold by net weight.

Goods for which where there is no legal requirement to be sold by quantity can be sold without reference to any unit of measurement. However, if any quantity is mentioned, that quantity must be accurate.

Examples of non-foods required to be sold by quantity:

- Soap
- Cosmetics
- Pet foods
- Nails (hardware)
- Seeds

Examples of non-foods with no quantity requirement:

- Cleaning and scouring powders
- Paint removers

Contact your local Trading Standards service if you are unsure whether particular products need to be sold by quantity.

Some goods are replenished, rather than refilled, by removing the spray or pump mechanism and fitting it to another full bottle. This guide does not apply to these products because the original container is not refilled. The 'refill' is a prepacked product and the packing requirements are those covered in 'Packaged goods: average quantity'. Milk in returnable bottles is another example of this; these may be sold by the pint.

Methods of sale

There are several methods of sale commonly in use in the refill / bring-your-own-container sector. Below are some examples:

- The consumer brings in a container previously provided by the retailer, to be refilled with the original product*
- The consumer brings in a container of their own, with the intention of filling (or partially filling) that container with a product sold by the business*
- The consumer selects a suitable container for the product that the business is selling, which is then filled (or partially filled) with the product that the consumer intends to purchase. The container usually has to be paid for as well as the product*
- The consumer is given a suitable container by the business for the product on sale (for example, a cardboard cup for pick 'n' mix sweets) so the consumer can select the product from bulk themselves before the quantity is evaluated

[*In these circumstances, the actual filling of the container may be carried out by a member of staff or the consumer themselves.]

Solid products sold by weight

The weight of solid products sold into consumers' own refill containers (or empty containers provided by the business) can be determined by using weighing 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 solid products sold, either before or after they are placed into the container; this will ensure that only the weight of the product is being charged for. There are two ways that this can be achieved.

Firstly, there is the use of a weighing instrument that has a goods scoop or plate capable of holding the product unwrapped (or wrapped in a container that regulations allow to be sold by gross weight). The quantity is determined by net weight and then simply transferred to the container.

Secondly, for transactions where the container is part of the quantity determination:

- The consumer's container may be weighed before it is filled so that the container weight may be deducted from the total (a)
  or
- The 'tare' function on weighing equipment can be used to remove the weight of a container from the weighing process (b)

The minimum steps are as follows.
(a) The container is placed upon the weighing instrument, which has no tare weighing facility. The tare

weight is noted. The required amount of the product is added to the container. The gross weight is noted and the net weight deduced by subtracting the tare from the gross weight. The price is calculated using the unit price (for example, price per kilogram) and the net weight quantity.

(b) The container is placed upon the weighing instrument, which has a tare facility. The tare button is pressed so that the quantity display shows zero. The required amount of the product is added to the container. If the weighing equipment has no price display, the price is calculated using the unit price and the net weight quantity. If the weighing instrument has a price display, the correct unit price must be entered to enable the net quantity to be read from the indicator.

Some scale manufacturers have developed systems where the tare weight of containers is recorded and identified via a barcode on a label, which can automate to some extent the steps described above.

There are a small number of food products that can be sold by gross weight rather than net weight, as long as the weight of the container provided by the business falls within a specified container allowance. Such sales should only be made where the business supplies the container (and therefore knows or can determine the tare weight) so that the quantities being sold can be evaluated accurately. Details of these products and the container allowances are given in the meat, fish, and fruit and vegetables guides linked to above.

Liquid products sold by volume

If liquid products are sold by volume, legally approved 'Government stamped' or certified equipment can be used to transfer a measured amount into the container, and the products must be sold in millilitres or litres. Measuring equipment can either be of a type where a line or series of lines indicates the accurate measurement or where the measure must be filled to the top (known as a 'brim measure').

Direct transfer is suitable for liquids that have low viscosity, meaning the whole contents will transfer easily from the measuring equipment into the container used. Minimal product residue is left in the measuring equipment and both the measure and the container are constructed to ensure there is no product loss during the transfer.

Semi-liquid products

Liquids that are of a higher viscosity (such as cooking oils and cosmetics) cause difficulties for the user, whether this is a staff member or the customer, because a considerable amount of product is left in the measure when transferring.

If the viscosity of a liquid makes it impractical to sell by volume, it is possible to sell it by weight. To do this you need to know the product's density. Contact your local Trading Standards service for advice on calculating density if it is not known or not provided by the product's manufacturer.

Further information

More information on the law in this area can be found in Business Companion's 'Weights and measures' section. 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.

Food

Food in refill shops is most commonly sold in a manner known as non-prepacked. Non-prepacked food has fewer labelling requirements than prepacked food, but businesses must still provide consumers with certain information. See 'Labelling of non-prepacked foods'.

Any containers that you fill and display for customers to purchase will be considered prepacked for direct sale (PPDS), which has more complex requirements than non-prepacked food. For more information, see 'Labelling of prepacked-for-direct-sale foods'.

You will have to provide allergen information regardless of whether the product is sold non-prepacked or PPDS. The requirements are covered in 'Food allergens and intolerance'.

You must ensure that the containers from which you sell your food products, 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. More information on these types of product can be found in '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.

You need to take particular precautions for products containing certain substances. One example would be for substances that may contain biocides, such as hand sanitisers, which are regulated by assimilated Regulation (EU) No 528/2012 *concerning the making available on the market and use of biocidal products* (known as GB BPR).

Several other EU regulations applying to biocides were brought into GB / UK law on 1 January 2021, including assimilated Regulation (EC) No 1272/2008 *on classification, labelling and packaging of substances* (known as GB CLP) and assimilated Regulation (EC) No 1907/2006 *concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH)* (known as UK REACH).

Another example would be for products containing active substances such as those found in cleaning products, detergents or bleaches. As with biocides, these are governed by GB CLP. The label or leaflet for products governed by GB CLP must include the following:

- Name, address and telephone number of the UK supplier
- Product identifiers - for example, chemical name and CAS / EC number of the substance
- Hazard pictogram
- Signal word (either 'Warning' or 'Danger' depending on the classification)
- Relevant hazard statement(s) that describe the hazardous effect - for example, 'Harmful if inhaled'
- Appropriate precautionary statements to allow the user of the chemical to take measures to protect health / environment - for example, 'Keep out of reach of children'
- Obligatory supplementary information includes hazard statements taken from the previous chemical legislation - for example, EUH001 *Explosive when dry* and EUH204 *Contains isocyanates. May produce an allergic reaction*

There is also information that is non-obligatory supplementary information under GB CLP - for example, instructions for use. However, if the product relies on following instructions in order to be used safely, then these must be included on the label.

Further information on GB BPR, GB CLP and UK REACH can be found on the Health and Safety Executive (HSE) website.

Pricing

Pricing is also important, of course - for example, products sold by weight must be priced by reference to the price per kilogram and products sold by volume must be priced by reference to the price per litre; this is known as unit pricing.

More information on pricing requirements can be found in 'Providing price information'.

Trading Standards

For more information on the work of Trading Standards services - and the possible consequences of not abiding by the law - please see 'Trading Standards: powers, enforcement and penalties'.

In this update

No major changes.

Last reviewed / updated: April 2026

Key legislation

- Weights and Measures Act 1985
- Food Safety Act 1990
- Weighing Equipment (Non-automatic Weighing Machines) Regulations 2000
- Price Marking Order 2004
- Assimilated Regulation (EC) No 1935/2004 *on materials and articles intended to come into contact with food*
- Assimilated 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*
- Assimilated Regulation (EC) No 1907/2006 *concerning the Registration, Evaluation, Authorisation, and Restriction of Chemicals (REACH)*
- Assimilated Regulation (EC) No 2023/2006 *on good manufacturing practice for materials and articles intended to come into contact with food*
- Assimilated Regulation (EC) No 1272/2008 *on classification, labelling and packaging of substances*
- Assimilated Regulation (EC) No 450/2009 *on active and intelligent materials and articles intended to come into contact with food*
- Assimilated Regulation (EC) No 1223/2009 *on cosmetic products*
- Assimilated Regulation (EU) No 10/2011 *on plastic materials and articles intended to come into contact with food*
- Assimilated 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 (Scotland) Regulations 2012
- Materials and Articles in Contact with Food (Wales) Regulations 2012
- Assimilated Regulation (EU) No 528/2012 *concerning the making available on the market and use of biocidal products*
- Cosmetic Products Enforcement Regulations 2013
- Food Information Regulations 2014
- Food Information (Scotland) Regulations 2014
- Food Information (Wales) Regulations 2014
- Non-automatic Weighing Instruments Regulations 2016

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 go to the legislation.gov.uk website. The site usually updates the legislation to include any amendments made to it. However, this is not always the case. Information on all changes made to legislation can be found by following the above links and clicking on the 'More Resources' tab.

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