



Guidance for Indian and Chinese Restaurants and Takeaways



"Promoting safer, healthier, local food"



GUIDANCE FOR INDIAN AND CHINESE RESTAURANTS AND TAKEAWAYS

Index

How this booklet will help

Descriptions Applied to Food and Drink

Food Allergies

Colours in Food

Genetically Modified Foods

Food Safety Considerations

Disposal of Catering Waste

Healthy Eating - Practical tips for caterers

Alcohol Measures

Substitution, passing off, Illicit and counterfeit alcohol

Business Names

Prices and Price Displays

Sale of Alcohol, Tobacco and Other Age Restricted Products

Mandatory Licensing Conditions

Advertising Material

Further Help and Guidance

Self Assessment

How this booklet will help you

The purpose of this booklet is to provide guidance, in simple terms, for someone running an Indian or Chinese restaurant or takeaway.

Where the booklet goes beyond what is legally required, the advice is detailed in the sections headed 'Good Practice Advice'.

This is a complex subject and legislation does change, therefore it must be stressed that when embarking on such an enterprise it is important to obtain advice specific to your circumstances from both the Trading Standards Service and the local Environmental Health Department. Contact details for these and other organisations can be found at the back of this booklet.

This is not an authoritative document on the law and is only intended for guidance. Please keep it handy for reference.

Descriptions Applied to Food and Drink

Most food which is sold for consumption at catering establishments is exempt from the majority of food labelling requirements. However, a name used to describe a food must not mislead as to the nature, substance or quality of that food, nor must it falsely describe it.

Below is a list of some of the problems areas encountered by Trading Standards:

- **Tiger prawn:** this description can only be used where prawns are of this species.
- **Branded drinks:** if a brand name of a drink is advertised, then that brand of drink must be supplied. Brand names can appear on bottles, optic stands, beer pump clips, price lists, menus, etc.
- **Steak weights:** these should be stated as the approximate uncooked weight. Check the weights and ensure there is a written order or invoice from the supplier showing the weight.
- **Portion sizes:** pancake rolls (6) or ½ duck, for example, must be accurate.
- **Crab soup:** if crab soup is made from seafood sticks it must be made known to the customer that the soup contains only crab flavour.
- **Chicken fillet and chicken breast:** these terms must not be used where the chicken has been chopped and shaped, or where the chicken has added water or added proteins such as from another animal species or milk derived.
- **Vegetarian:** any vegetarian dishes must have been produced without any contact or contamination with meat, fish or seafood. This includes using separate oils for frying and careful checking of sauce ingredients. It is important to be aware that not all cheese is vegetarian and that many types of cheese are made with animal rennet - the supplier will be able to confirm whether or not this is the case. Although many vegetarians include eggs in their diet, the majority of these will only consider free range eggs as being acceptable on ethical grounds.
- **General claims:** claims such as “All beef comes from West Country herds”, must be able to be substantiated by obtaining written confirmation of this from the supplier.
- **Organic:** there are specific rules with regards to food claimed to be organic. The supplier must be registered with a body like the Soil Association and must certify that particular foods are indeed organic, unless these foods are individually marked pre-packaged items.
- **Home-made:** the term “home-made” should be restricted to the preparation of the recipe on the premises, from primary ingredients, in a way that reflects a typical domestic situation. This should not be achieved simply by the assembly of wholly pre-prepared elements, or simple reconstitution from dry base mixes, but must involve some degree of fundamental culinary preparation.
- **Fresh:** This description must not be used where ingredients are tinned or frozen.
- **Butter:** margarine or low fat spreads must not be described as butter.
- **Scampi:** this description can only be used when referring to wholetail scampi. Reformed scampi must be described as “reformed”. **Roast ham or roast beef:** these traditional names should not be applied to foods which have been “flash” roasted or which have been made from meat that has been reformed, chopped or shaped.
- **Smoked food:** should have been traditionally smoked. Foods with a chemical added to give a smoke flavour must be described as “smoke flavour”.

Remember:
in addition
to written
descriptions
in menus,
blackboards,
adverts, etc. any
illustration and
verbal statement
must also be
accurate.

The Food Standards Agency has issued advice which is available on their website (www.food.gov.uk) on such terms as “traditional” and “homemade” etc. and the requirements that must be met when using these terms.

Good Practice Advice:

- Check that the descriptions are correct and agree with the descriptions given by the supplier (on order forms, delivery documents, invoices or on product packaging).
- Remember that product specifications may change over time; keep a watchful eye on the labels or specifications for both ready prepared foods and ingredients bought in.
- Take particular care when changing supplier.
- If the product specification changes, check your customers are not being misled. If menu descriptions cannot be changed immediately, or if the change is only temporary (e.g. because of a lack of supply of a particular ingredient), the customer must be advised of the change at the time the order is placed.
- If an item is taken off of the menu, the description of that food must be removed as soon as is reasonably practicable.
- If a customer asks for a drink by the brand name (for instance “Pernod” or “Coca-cola”) which is not available, tell the customer if an alternative is offered.
- Ensure that any promotional material around the bar is consistent with the brands being sold.

Food Allergies

It is very important for caterers to have an awareness of food allergies. When someone eats a food they are allergic to, even the tiniest amount can cause a very severe reaction called anaphylaxis. In the UK about 10 people die every year from an allergic reaction to food and many more end up in hospital.

In theory any food could cause an allergic reaction in someone, but severe allergic reactions are most commonly caused by the following foods:

- Peanuts (also called groundnuts)
- Nuts (namely almonds, hazelnuts, walnuts, Brazil nuts, cashews, pecans, pistachios, and macadamia nuts and Queensland nut)
- Sesame seeds
- Milk
- Fish
- Shellfish
- Eggs
- Soybeans
- Mustard
- Sulphur dioxide and sulphites at levels above 10mg/kg or 10mg/litre expressed as SO₂.
- Celery
- Cereals containing gluten (namely wheat, rye, barley, oats, spelt, kamut or their hybridised strains)
- Crustaceans
- Molluscs
- Lupins

Good Practice Advice:

- When selling a food that contains one or more of the ingredients which can cause a problem, list them on the card, label or menu, and make sure the information is accurate.
- Keep up-to-date ingredient information for any ready-made foods used (for example, a filling for a sandwich). The ingredients might be on the label or invoice.
- When making food, check what is in all the ingredients including cooking oils, dressings, toppings, sauces and garnishes.
- If the ingredients of a food change make sure your ingredient information is updated and tell staff about the change.
- If someone asks for a food to be made that does not contain a particular ingredient, don't agree unless there is absolute certainty that none of that ingredient will be in the food.
- If food is being made for someone with an allergy, make sure work surfaces and equipment have been thoroughly cleaned. Hands should also be washed thoroughly before preparing the food.
- Display a notice (and also a message on the menu) to inform customers with food allergies that they can ask staff for advice about what dishes contain.
- Check the ingredients list of anything you buy in.
- Check the recipes of all your products so that you can fully answer questions.
- Always store foods separately in closed containers, especially peanuts, nuts, seeds, milk powder and flour.
- If a dish contains one of the foods that can cause severe allergic reactions, make sure that you state it in the name of the dish or the description on the menu. e.g. 'strawberry mousse with almond shortbread.'
- If you use unrefined nut or seed oils in cooking or in dressings, state this on the menu and/or on a notice displayed at the serving area.
- When you have been asked to prepare a meal that doesn't contain a certain food, make sure that you don't cook it in oil that has already been used to cook other foods that could contaminate.
- Train your staff to check with the kitchen every time someone asks for a meal that doesn't contain certain food.

The Food Standards Agency website contains specific advice on allergen management for caterers at www.food.gov.uk/foodindustry/guidancenotes/labelregsguidance/nonprepacked.

There is also an interactive training tool available at <http://allergytraining.food.gov.uk>

Colours in Food

The use of certain colours in food is controlled because excessive consumption has been linked to allergic reactions and sickness.

When making sauces, seasoning (for example, curry powder or tandoori), pickles, relishes, chutney or piccalilli, it is only permitted to include 500mg/kg of the following colours, whether used singly or in any combination:

E100 Curcumin	E133 Brilliant Blue FCF
E102 Tartrazine	E142 Green S
E104 Quinoline Yellow	E151 Brilliant Black BN, Black PN
E110 Sunset Yellow FCF, Orange Yellow S	E155 Brown HT Lycopene
E120 Cochineal, Carminic Acid, Carmines	E160d Lycopene
E122 Azorubine, Carmoisine	E160e Beta-apo-8'-carotenal (C30)
E124 Ponceau 4R, Cochineal Red A	E160f Ethyl ester of Beta-apo-8' carotenoid acid (C30)
E129 Allura Red AC	E160b Lutein
E131 Patent Blue V	
E132 Indigotine, Indigo Carmine	

Note:

Meat, fish and Shellfish may not be directly coloured. However, accompanying sauces and seasonings in which they may be cooked or served and which are ready to eat may contain colours.

Rice is only able to contain colour introduced by ingredients added to it, such as seasoning.

Good Practice Advice

- Obtain written confirmation from the supplier that a product complies with the provisions of the Food Safety Act 1990 and the Food Additives (England) Regulations 2009.
- Always ensure that the instructions supplied with the seasoning/colour are followed. If there are no instructions, or if the instructions are not clear, ask the supplier for further details in writing. Do not guess or rely on information given only verbally.
- If you import the seasoning/colour directly, or manufacture it yourself you should seek more detailed advice from your local trading standards service.

Genetically Modified Foods

If food or food ingredients contain or are produced from genetically modified organisms (usually derived from maize or soya), each menu (including takeaway menus and temporary or “specials” menus such as chalk board menus) must indicate one of the following statements, depending on which is appropriate to the particular food in question:

- “genetically modified”; or
- “produced from genetically modified (name of organism)” for example, “bread produced from genetically modified maize.”

This information must accompany the food item and must also identify if the food has been cooked in genetically modified matter, e.g. “cooked in oil produced from genetically modified soya”.

As an alternative, the menu may state the product followed by the letters “GM”, but this indication must have an explanation on the menu that sufficiently explains the meaning. This is similar to the “V” symbol for vegetarian food, but must indicate the GM ingredient and, when appropriate, its use, e.g. “contains vegetable oil produced from genetically modified soya”, or “cooked in vegetable oil produced from genetically modified soya”.

The following examples would be acceptable:

<p>Starters</p> <p>Prawn Cocktail £3.90 (mayonnaise contains vegetable oil produced from genetically modified soya)</p> <p>Main Courses</p> <p>Scampi & Chips GM £5.95</p> <p>GM: contains vegetable oil produced from genetically modified soya</p>
--

The words “GM free” can be used but the use is discouraged as, analytically, it is possible to detect minute traces of GM organisms. Additives, flavourings and extractions that are used, may contain such organisms.

The only exemption to this are foods that have been accidentally contaminated or where genetically modified constituents are unavoidably present at low levels (no more than 0.9% in both cases).

Food Safety Considerations

Safer food, better business (SFBB)

Safer food, better business has been adapted for small catering businesses such as restaurants and takeaways that serve either Chinese cuisine or Indian, Pakistani, Bangladeshi and Sri Lankan cuisines.

- Chinese
- Indian, Pakistani, Bangladeshi and Sri Lankan

Safer food, better business for Chinese cuisine is also available in Cantonese.

A DVD guide has also been produced to help you use your pack and train your staff on SFBB, which is available in 16 different languages. The guide is divided into separate sections for staff or managers, which each take about 15 minutes to watch. You can view it online at <http://www.sfbtraining.co.uk/> and you can download a copy to your computer.

You should contact your local Environmental Health Office for further guidance on food safety issues.

Safe storage and cooking of rice

Many food handlers are not aware that boiled and fried rice can be a source of food poisoning. The food poisoning organism involved is called *Bacillus Cereus*.

The *Bacillus Cereus* bacterium is already present in the raw rice and although boiling the rice will kill the bacteria, some bacteria will produce spores (tough heat resistant bodies) which can survive. If the rice is eaten immediately no harm is done, but if it is left in a warm room these spores break open and the bacteria start multiplying.

As the bacteria multiply they produce a toxin or poison (which can withstand heating at 121°C for 90 minutes) and when the customer eats the rice he suffers food poisoning symptoms, in particular vomiting, 1 – 5 hours after eating the affected food.

How to prevent *Bacillus Cereus* food poisoning

Boiled Rice

- 1) Avoid cooking large bulks of rice and if possible cook in smaller quantities, to order
- 2) The rice should ideally be served immediately after cooking.
- 3) If the rice is not going to be served immediately it should either be:
 - a) Kept at a temperature above 63°C or
 - b) Cooled rapidly in a cool place, protected from any risk of contamination, such as flies and dust. Cooling can be aided by placing the rice in shallow trays, rinsing with cold water or by portioning. The rice should be cooled to room temperature within 1 ½ hours. It should then be placed in a refrigerator to cool below 8°C and stored there until required.

- 4) Boiled rice should be removed from the refrigerator only when required for immediate use.
- 5) Boiled rice should only be reheated once, to a temperature of 75°C, immediately prior to serving.

Fried Rice

When boiled rice is fried the bacteria and spores described above are not destroyed. Therefore, all boiled rice for frying should be treated as above and rice for frying should be removed from the refrigerator only when required for consumption. Other ingredients added to fried rice such as egg, ham, chicken, prawns etc. can provide an ideal medium for the growth of many types of food poisoning bacteria and correct storage and reheating is essential to ensure the safety of the product.

Good Practice Advice

- **Use by dates:** Try to make sure that the food bought in is marked with either a “best before” or “use by” date, and regularly check that the date on food in stock has not expired.
- **Breaking from bulk:** it may be necessary on occasions to break containers down for ease of storage. Whenever this is done, ensure that individual packs or portions can be readily identified by name and date stored, or when they should be used by.

Disposal of Catering Waste

All waste food including used cooking oils originating in restaurants, catering facilities and kitchens (including domestic kitchens) is defined as catering waste.

If catering waste is being disposed of for either:

- consumption by animals not being farmed for food; or
- use in a biogas plant or for composting,

it is controlled by Animal By-Products Regulations 2005 which specifies the disposal method to ensure the waste does not end up in the food chain - full details can be found on the Defra website at the address below.

All other catering waste can continue to be disposed of by landfill in the normal manner, but the waste must be stored in covered leak-proof containers that wild animals and birds cannot gain access to. However, rules do differ where premises are shared with another food activity such as retail, bakery or butchery.

Detailed advice about the disposal of catering waste can be found on the Defra website at www.defra.gov.uk/animalh/by-prods/wastefood/caterwaste.htm

Healthy Eating - Practical tips for caterers

Practical advice about how to give customers the choice to eat more healthily or to help staff learn about healthy catering is available on the Food Standards Agency’s website at www.food.gov.uk/healthiereating/healthycatering/.

Whether you want to offer some appetising healthy specials, make simple but effective changes

to all the food offered, or give customers the tools to make these choices, the website contains practical tips and explanations for the reasoning behind them. There are also sample recipes showing how dishes can be made healthier, for example by changing the fat or calorie content.

ALCOHOL MEASURES

Draught Beer, Lager and Cider

Beer, lager and cider can only be sold in quantities of 1/3 pint, 1/2 pint or multiples of 1/2 pint, unless they are mixed with other drinks.

When using meters, glasses do not need to be stamped, but the meters must be stamped and the customer must be able to see the glass being filled. The glass must not be filled before the drink has been ordered.

If there are no meters, then glasses must be stamped with either the “crown mark and number” or the new “CE and M marking”.

Draught beer, lager and cider can be sold by the jug provided the stated quantity is in multiples of 1/3 pint or 1/2 pint (e.g. two pints or four pints) and either the jug is stamped or the liquid is measured by a meter in front of the customer at the time of sale but not before.

Sale of Spirits

Unless gin, rum, whisky and vodka are sold in cocktails of three or more drinks, they may only be sold in quantities of 25ml, 35ml or multiples of these quantities. Premises using 35ml measures for single shots cannot use 50ml measures for doubles. The correct double would be 2 x 35ml.

Important: The same quantity must apply in all bars if you have more than one.

A notice, which is easy for customers to read, must be clearly displayed indicating which quantity applies, e.g. for 25ml:

“Gin, rum, whisky and vodka are sold on these premises in quantities of 25ml and multiples thereof.”

Whatever measures are used for gin, rum, whisky or vodka (e.g. optics, thimbles), they must be stamped and be in a place where customers can see them being used. Bottle top pourers are not usually stamped and they should only be used by pouring them into a thimble before putting the drink into a glass for the customer.

There is no legal requirement to sell other spirits by measure but it may be helpful to your customers and your own stock control to know what quantity you intend to sell them in.

Make sure there are no 1/6 or 1/3 gill measures still in use in the bar. They are now illegal.

Sale of Wine

Wine must be sold in the following quantities:

- by the bottle.
- by the glass in 125ml, 175ml or multiples of these quantities.
- by the carafe in 250ml, 500ml, 750ml, 1 litre or multiples of 1 litre quantities.

These quantities must be made clear to customers on a notice or in every wine list / menu. Again, any measure used to dispense wine (e.g. carafes, glasses or optics) must be stamped.

Good practice advice:

- It is best to keep stamped wine glasses separate from any unstamped ones used for bottles of wine so that staff do not use the wrong ones by mistake.
- It is best to keep stamped beer glasses separate from the unstamped ones used for bottled beer and soft drinks so that staff do not use the wrong ones by mistake.
- It is a good idea to have beer meters regularly tested.
- If the customer asks for a top-up is one always given? Under a Code of Practice agreed between the Brewing Industry and the Government, only a 5% head is allowed on a pint and it should not be made available to the customer until the measure is correct. If the customer asks for a top-up this must be given with good grace. The use of line measure glasses overcomes this problem without the need for top-ups. Many licensees have found it useful to display a notice reminding customers of their right to ask for a top-up.

Substitution, under strength alcohol, passing off, Illicit and counterfeit alcohol

It is illegal to refill a branded spirit bottle with an alternative product for re-sale.

It is illegal to sell under strength alcohol. There is an increasing tendency amongst the licensed trade to use pourers as opposed to sealed measures. Spirits in bottles that are not re-sealed at the end of a day's trading will lose strength over time.

To comply with consumer protection law, when a requested brand is not available, the customer must be advised of this and given the choice of accepting the alternative offered. If this does not happen and the customer is served an alternative without his or her knowledge then this is known as "passing off" and is against the law. If premium brands are on display and alternative are served e.g. from a speed rail, then this also constitutes an act of "passing off", even when a brand name isn't mentioned when ordering.

It is illegal to refill lot marked bottles (all bottles are now marked in this way) as this affects product traceability. It is also a legal requirement to have the necessary paper work to identify the source of any spirit and any other alcohol and food you purchase.

There has been an increase in the availability of illicit spirits (no tax paid) bogus brands and counterfeit brands. It is therefore essential to purchase only from known legitimate suppliers and always ask for and keep purchase invoices.

It is important that all holders of a personal licence are aware that if they are prosecuted for an offence in connection with the adulteration of alcohol and selling adulterated alcohol in addition to a fine and criminal record their license can be suspended for a period of up to six

months, or revoked.

The following is a useful checklist to help avoid substituting brands, adulterating and stocking illegal alcohol.

- Ensure all employees read this guidance.
- Only buy spirits and other alcohol from reputable sources and keep your receipts.
- Do not refill or top up bottles.
- Do not pour back unfinished drinks into the bottle.
- Ensure all spirit measures are cleaned after use, any cleaning detergents are rinsed through and the measure is dried.
- Do not leave bottles open or with open pourers for any length of time. Retain the original caps and re-seal them when not trading.
- Avoid buying opened bottles when taking over new premises as you will be legally responsible for their contents.
- Do the wine boxes in the chiller cabinet match the descriptions on the dispense equipment?
- Is the beer label on the tap/pump head correct for the beer being sold?

Business Names

Businesses are required to disclose the following information on business documents e.g. receipts, **and** on a notice or sign e.g. price list or menu, which is visible to its customers:

- the name(s) of the legal owner(s).
- an address in Great Britain where legal documents may be served on the legal owner of the business.

Prices and Price Displays

The full price that the customer will have to pay for food and drink items should be available to the consumer in advance of them making their choice and ordering. The usual way to communicate this information is by a price list at the bar and/or in a menu.

It is important to make sure price lists are not misleading. For example, when offering “free delivery” to customers it is not possible to also offer a discount to customers who collect, such as “free delivery - 10% discount on collection” as this means delivery is not free but costing customers an extra 10%.

The indicated price must be inclusive of VAT and must also show any service charge, cover charge, or minimum charge that might apply. This information should be displayed at least as prominently as the price of the food/drink.

Good Practice Advice

- State any conditions for “free delivery”, e.g. for orders over £10 or within a five mile radius.
- Use a date or reference number on takeaway menus to be sure that when a customer is placing a telephone order he/she is using an up-to-date menu with correct descriptions and prices.
- Repeat the descriptions and prices to the customer to confirm the order over the telephone.
- 'Suggested optional sums' such as service charges, should not be presented to the

customer on their bill.

- If a non-optional charge is to be made, such as service or cover charge, then this should be incorporated into 'fully inclusive prices' where possible, and in all cases this should be clearly advertised on the menu or price list.
- It may not be practical to include some non-optional extra charges in a quoted price; for example if you make a flat charge per person or per tablet in a restaurant (often referred to as "cover charge"), or if you levy a minimum charge. In such cases the extra charge should be shown as prominently as other prices on any list or menu, whether displayed inside or outside the establishment.

Sale of Alcohol, Tobacco and Other Age Restricted Products

Premises selling age restricted products have an important part to play in stopping such products getting into the hands of young people. Getting it wrong could mean a criminal record.

To help retailers and licensees comply with the law, members of the South West Trading Standards Partnership have produced “No Proof of Age – No Sale” which is a **free** training resource packaged on a CD. It contains a film and other materials designed to ensure staff do not make illegal sales. Its message is simple: if someone looks under 21, ask for valid ID before making a sale. **Copies are available from your local Trading Standards office.**

The table below summarises the age restrictions in respect of alcohol, tobacco and tobacco products:

Product	Age for supply	Maximum Penalty
Tobacco & tobacco products	18 and over	£2,500
Alcohol	18 and over	£5,000 & forfeit of licence

Good Practice Advice

- Are all staff aware of the age limits for the sale of cigarettes, alcohol and other age-restricted products?
- Does everyone make a concerted effort to check the age of persons who want to buy cigarettes, alcohol or other age restricted products?
- Are all staff comfortable with refusing sales to persons who do not appear to be or are too young to buy age-restricted products?
- Is there a “Refusal Policy” in place?
- Have all staff had training on the “Refusal Policy”?
- Are records of refusals kept?

If the answer is ‘No’ to any of these questions, we advise that you review your policies and procedures.

Warning Notices to be Displayed on Premises

Wherever tobacco is being sold the warning notice (right) must be exhibited in a prominent position so that it is clearly visible to anyone purchasing cigarettes. It must not be less than 297mm x 420mm (A3), with no character being less than 36mm in height.

Premises with a vending machine to dispense tobacco products should be aware of a Code of Practice issued by the National Association of Cigarette Machine Operators which states that the machine should be sited in a monitored, supervised area so that staff can be sure of preventing its use by young people. The notice on the right must be exhibited on the vending machine so that it is clearly visible to anyone using the machine. It must not be less than 60mm x 100mm, with characters no less than 6mm high.

The Courts may order the removal of a vending machine from premises where they are satisfied that a person under the age of 18 has used it.

**IT IS ILLEGAL TO
SELL TOBACCO
PRODUCTS TO
ANYONE UNDER
THE AGE OF 18**

**THIS MACHINE IS
ONLY FOR THE
USE OF PEOPLE
AGED 18 OR OVER**

Mandatory Licensing Conditions

The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 sets out the five new conditions that will apply to all licensed premises and those with a club premises certificate.

1. Ensure that customers have access to free tap water so that they can space out their drinks and not get too intoxicated too quickly
2. Require an age verification policy to be in place to prevent underage sales
3. Ensure that customers have the opportunity to choose small measures of beers, ciders, spirits and wine
4. Ban irresponsible promotions
5. Ban the dispensing of alcohol directly into the mouth

Who do these conditions apply to?

If you run or are responsible for an on-trade premises, such as a pub, hotel or bar, or if you run a members club then all five conditions apply to you.

Use an Age Verification Policy

Premises licence holder or club premises certificate holder must make sure that the premises has an age verification policy in place for the sale or supply of alcohol.

This policy must make sure that customers who appear to staff to be under 18 years of age (or any older age specified in your own policy or in schemes such as Challenge 21 and 25) are asked to show ID with:

- Their photograph;
- Their date of birth; and
- A holographic mark.

This must be done before they are served alcohol, to prove that they are old enough to buy it.

This condition is intended to ensure that all licensed premises operate at a minimum standard of due diligence to ensure they do not sell alcohol to minors. Premises that are already operating age verification policies (such as: No ID No Sale, Challenge 21, Challenge 25 or Challenge 30) do not have to take any additional action to comply with the condition.

Free Tap Water for Customers

Many premises already offer free tap water. This condition means that all premises have to give customers tap water for free if they ask for it. This helps people to space out their drinks and not become intoxicated quickly, which reduces the risk of crime and disorder occurring.

The tap water you provide should be suitable for drinking and must be provided where reasonably available.

What is meant by “reasonably available” is a question of fact; for example, it would not be reasonable to expect free tap water to be available in premises for which the water supply had temporarily been lost because of a broken mains supply.

Give Customers the Choice of Small Measures

Many premises already make smaller measures available, but if yours does not, you now have to make sure that you make the following measures available for customers to buy:

- Beer and cider: half a pint
- Gin, rum, vodka and whisky: 25 ml or 35 ml (depending on the measure you normally serve)
- Still wine in a glass: 125 ml

Customers must also be made aware of these measures by, for example, listing them on drinks menus, or being informed by staff when ordering their drinks.

Note: This does not prevent you from serving larger sizes, such as 250ml wine, pints or doubles, although all measures offered must comply with relevant Weights and Measures legislation.

Note: This does not stop you selling “ready to drink” pre-packaged alcoholic drinks. It does not mean that you need new glassware as you can choose to use an approved measure.

For further information on the following conditions:

- Ban irresponsible promotions
- Ban the dispensing of alcohol directly into the mouth

See:

<http://www.alcoholconcern.org.uk/assets/files/New%20mandatory%20licensing%20conditions%20-%20Home%20Office%20April%202010.pdf>

Advertising Material

It is illegal to make a claim about membership of an approval schemes or trade association when you are not a member. If you have decided to withdraw from a scheme you must remove all reference to this previous approval from your premises, paperwork and advertising material (including your website).

Please check your advertising material on a regular basis. If something has changed which makes your advertising inaccurate, then amend it and advise all affected customers. You should be aware that if a customer relied on misleading information or a misrepresentation given in your advert, then that customer may be able to claim damages against you and/or cancel the contract.

Further Help and Guidance

This booklet is a brief guide to the legislation. More detailed advice on any of the matters is available from your local Trading Standards or Environmental Health Office.

The self assessment questionnaire on the back page of this booklet also provides a useful checklist for keeping within the law.



Based on the **Welsh Healthy Options Award**

