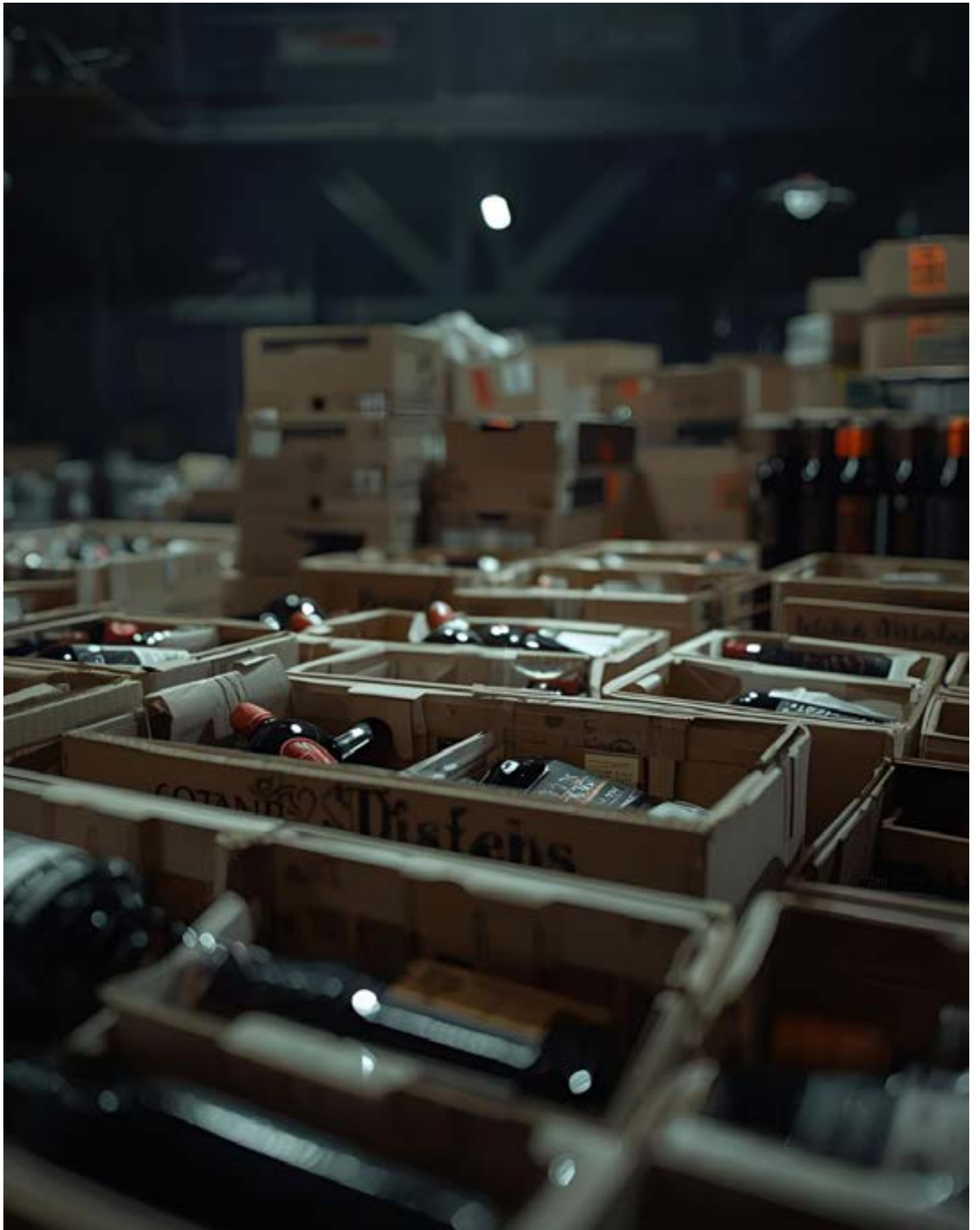


A guide for importers
The Weights and Measures (Packaged Goods)
Regulations 2006 and the 3 packer's rules.

December 2025





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User guide and disclaimer

This guide has been produced for WSTA members to help them understand their legal obligations under [The Weights and Measures \(Packaged Goods\) Regulations 2006](#) (the 2006 Regulations) when importing pre-packed wines and/or spirits into the UK. While this guide touches on all importer's duties, its focus is on the options available to help ensure that any packages imported would pass an inspector of weights and measures reference test.

This guide is produced in collaboration with our Primary Authority Trading Standards Partners at Salford City Council, on behalf of the Greater Manchester Regulatory Centre of Excellence, and the Shared Regulatory Services of Bridgend, Cardiff and the Vale of Glamorgan.

This guide is not a legal document and is not a substitute for the law. Operating in accordance with this guide does not confer immunity from enforcement action should offences be committed. Businesses should ensure that they are aware of and comply with the legal requirements expected of them.

For detailed, specific advice relating to your business you should contact your local trading standards department.

NOTE: They may charge for any advice provided.

Definitions

Batch	Packages of the same nominal quantity, the same type and the same production run, packed in the same place, which are to be inspected. This is restricted to 1 hour's production or 10,000 packs
Double Sampling Plan	A means of keeping testing (and the opening of packages) to a minimum. A preliminary sample is taken and subjected to certain criteria. It may pass, fail or fall between the two. If it falls in between, it is referred, and a second sample must be taken to decide matters
Field of Vision	All the surfaces of a package that can be read from a single viewing point
Food Business Operator (FBO)	Article 3(3) EC 178/2002, 'the natural or legal persons responsible for ensuring that the requirements of food law are met within the food business under their control.'
Gravimetric	Relating to the measurement of weight.
Gross weight	The weight of a finished package i.e. the bottle, label, cap and the liquid.
Importer	In relation to a package or outer container, means the person whom, or on whose behalf, the package or outer container is brought into the United Kingdom
Mean or average	The mathematical 'average' of 2 or more values. The mean is calculated by adding all values together and dividing by the total by the number of values.
Measuring Container Bottle (MCB)	A bottle made of glass or other rigid and stable substance that: <ul style="list-style-type: none"> • is designed to be stoppered. • is intended for storage, transport or delivery of liquids. • has a Nominal Capacity between 0.05 l and 5 l inclusive, and • can be measured with sufficient accuracy, when filled to a specified level or specified percentage of their Brim Capacity.
Nominal quantity (Qn) or nominal capacity	When packing to the average system, packages must be filled within the limits of variation (plus or minus) described further in this guidance.
Outer Container	A container with two or more items, at least one of which is a package to which the 2006 Regulations apply, provided that <ul style="list-style-type: none"> (a) the items were placed in the container without the purchaser being present, (b) the items cannot be removed from the container without the container being opened or undergoing a perceptible modification; and (c) the container is intended, or would normally be regarded as appropriate, for sale to an ultimate consumer as the outermost layer of packaging
Package	Food or drink and the packaging that it's put in before being offered for sale and where the quantity cannot be altered without opening or modifying the packaging.
Prepacked	Made up in advance ready for retail sale or wholesale in a securely closed container.
Reference Test	A test procedure that enforcement authorities will use at the premises of packers and importers to establish whether a particular batch of packages comply with the first two rules of the 3 packers' rules.
Standard Deviation	A measure of how much the packing process varies from the mean.

Tare Weight	The weight of the package without the contents i.e. bottle, cap and label.
Tolerable Negative Error (TNE)	The TNE is the amount in which the nominal quantity on a package may be less by as set out in schedule 3 of The Weights and Measures (Packaged Goods) Regulations 2006.
T1	The nominal quantity less one tolerable negative error (TNE).
T2	The nominal quantity less two times the tolerable negative error (TNE).
Visible in normal conditions of presentation	The 'principal display panel'. Reflecting the OIML R79. Part of a prepackage that is designed to be visible under normal conditions of display for sale. Note: This is normally the main or front panel of the prepackage and there could be more than one.
Volumetric	Relating to the measurement of volume.

Introduction

When a container is filled with wine, spirits or other liquids, and then sealed, this is defined as a 'package' and falls into the scope of [The Weights and Measures \(Packaged Goods\) Regulations 2006](#) (the 2006 Regulations).

The 2006 Regulations establish a framework for quantity control regarding packaged goods. They define a package and stipulate that packaged goods fall under the regulations if they are prepacked between 5g and 25kg or 5ml and 25l. **Please note:** These quantities differ from the specified quantities that wine and spirit drinks must be sold in, even though the specified quantities do fall between 5ml and 25l and will therefore be caught by the 2006 Regulations. Refer to Appendix 1 for the prescribed quantities for pre-packed wine and spirits.

When importing packages and placing them on the UK market, importers have various duties under the 2006 Regulations:

1. A duty to comply with the 3 packers' rules
2. A duty to mark packages
3. A duty to mark outer containers
4. A duty as to equipment, checks and documentation



The 3 Packers' Rules

When importing prepacked wines and/or spirits and placing them on the UK market, importers have a duty to comply with the 3 packers' rules.




Rule 1:	The actual contents of the packages in a batch must not be less, on average, than the nominal quantity indicated on the packages.
Rule 2	The proportion of packages in a batch that are below the nominal quantity by a defined amount - the 'tolerable negative error' or TNE - must be less than a specified level - in general no more than 2.5%.
Rule 3	No package should be below the nominal quantity by more than twice the TNE

The Tolerable negative error (TNE)




The following is a table of the tolerable negative error (TNE) values that you should use when complying with the three packers' rules:

Nominal quantity in grams and milliliters	Tolerable negative error	
	As a percentage of nominal quantity	g or ml
5 to 50	9	-
From 50 to 100	-	4.5
From 100 to 200	4.5	-
From 200 to 300	-	9
From 300 to 500	3	-
From 500 to 1,000	-	15
From 1,000 to 10,000	1.5	-
From 10,000 to 15,000	-	150
Above 15,000	1	-

For a 750ml bottle of wine this means:

Rule 1		The actual contents of the bottles must not be less, on average, than 750ml.
Rule 2		No more than 2.5% of bottles should be below T1, i.e. 735ml. No more than 2.5% of bottles should be less than T1, i.e. 735ml.
Rule 3		No bottle must be below T2, i.e. 720ml.

For a 700ml bottle with a spirit drink:

Rule 1		The actual contents of the bottles must not be less, on average, than 700ml.
Rule 2		No more than 2.5% of bottles should be below T1, i.e. 685ml.
Rule 3		No bottle must be below T2, i.e. 670ml.

The 3 packers' rules apply to every batch of imported packages. An inspector of weights and measures will carry out a reference test on a batch (restricted to 10,000 packages or one hour's production) to assess compliance with the first and second packers' rules.

A failed reference test may lead to a charge of failing to comply with your basic duty under the 2006 Regulations.

To satisfy yourself that your goods will pass a reference test you have 2 options:

- **OPTION 1: Carry out your own checks on the product contained in the packages using a system of sampling and tests.**
- **OPTION 2: Obtain evidence that provides reasonable grounds for believing that the packages have been packed in accordance with the three packers' rules. This evidence must be obtained before the packages leave the importer's possession.**

These options are explored in further detail in the following pages.

OPTION 1: Carry out your own checks on the product contained in the packages using a system of sampling and tests.

Under this option you would need to select a representative sample of bottles from each batch of imported products and keep records of these checks.

The sampling and tests need to be sufficiently rigorous and equipment must be fit for purpose. The sample size must be sufficient to ensure that the results are statistically valid.

Records of the checks and any adjustments needed to ensure compliance with the 3 packers rules must be kept for either:

- 12 months after the packages leave your possession. Or
- until any durability indication on the package.

Of the two options above, you must select whichever is the soonest.

It would be good practice to keep records for longer than the minimum period to enable you to demonstrate that reasonable precautions were taken should any problems arise at a later date.

Selecting a suitable sample

The 2006 Regulations do not stipulate the number of samples that should be selected, however, the 1979 Packers' Guide¹ does provide some suggestions, based on the relationship you have with your supplier.

Where you have little or no experience of trading with a supplier

Where you have little or no experience of trading with a packer, for the products in question, the 1979 Packers' Guide recommends a double sampling plan and relevant sample size as shown in the table below.

Group or consignment size (packages)	Sample size (packages)		
	Preliminary	Referred	Total
100-500	8	12	20
501-3200	12	18	30
3201 or more	20	28	48

A double sampling plan minimises the number of packages that need to be opened. A preliminary sample is taken, which can pass, fail or be referred i.e. fall in between passing and failing. If the sample is referred, a second sample must be taken, in line with the number of products suggested in the 'referred' column.

The results of the sample volumes should be recorded and kept. From this you can work out the average and standard deviation of the packages to know if they pass the 3 packer's rules. There should be no samples below T1.

If the sample passes the whole batch can be sold on. If they don't, the packages must be rectified (and records kept of the corrections) and cannot be passed on until they are. In reality, they may need to be returned to your supplier for rectifying.

Where you have previous experience with a supplier

Where you have previous experience with a packer and certification documents have been obtained to show that similar orders from the packer have been satisfactory, the sample size can be reduced to eight, no matter the size of the batch. If, however, that reduced sample does not pass, the full sampling plan should be used (as recommended in the table above).

Options for checking the samples

Checks can either be volumetric or gravimetric.

Volumetric checks are destructive tests. This involves opening individual bottles and pouring the contents into a government stamped capacity measure.

If the liquid is in a 'measuring container bottle', a non-destructive test can be performed by measuring the distance between the top of the bottle and the liquid level. **Please note** that not all bottles are MCBs and not all MCBs are used for the purposes of volume control. These should therefore not be relied upon unless you have received confirmation from your supplier/packer that the bottles have been used as MCBs.

For information on MCBs, see our separate guidance on this method of filling.

Gravimetric testing involves:

Gravimetric checks involve weighing the filled bottles and determining the weight of the liquid inside the bottle.

Gravimetric testing requires you to know:

- a. The tare weight of the bottles i.e. the weight of the bottle, cap and label without the contents.
- b. The density of the liquid at 20°C, to work out the equivalent threshold weights e.g. the weight of 700ml of rum (Qn), T1 at 685ml and T2 at 670ml.

Establishing the bottle tare weight

It would be worth asking your supplier for this information to ensure that accurate figures are used. If the supplier does not know the tare weight of the bottles you will need to establish this as part of your testing.

When the tare weight is known and is constant:

In this case, the amount of liquid contained in each bottle can be determined easily by subtracting the tare weight of the bottles on a scale then weighing each sample and recording the results on a chart marked with the values of the nominal quantity (Qn), T1 and T2.

The tare weight is deemed to be constant if the variation (standard deviation) of the bottles is less than TNE/10.

Where the tare weight is not known and/or is not constant:

Where the tare weight is not known, a preliminary sample based on the table above, should be selected randomly from the batch.

From the preliminary samples randomly select 4 bottles. From these 4 bottles you need to:

- determine and record the gross weight of each. Then
- Empty each one and record the net weight, to the nearest one-tenth of a gram.

If the standard deviation of the 4 tare weights is less than 1/10 TNE, the heaviest tare weight should be used as the constant value for the rest of the sampling.

If the standard deviation of the 4 tare weights is more than 1/10 TNE, the rest of the full bottles within the preliminary sample should be weighed then the two lightest and two heaviest should be emptied to determine the net weights. If the net weights of these 4 bottles is not less than the nominal quantity, the average of the four tare weights can be used to determine the net weights of the remaining packages in the sample.

If neither of the above situations apply, all bottles in the preliminary sample would need to be opened and it would be safe to assume that the tare weight for the batch is not constant. In this case, all bottles within the batch would need to be opened to check the nominal volume. As this would not be realistic, it would be advisable to reject the batch and return to your supplier.

Equipment for making checks

Approved equipment

Weighing instruments and volumetric measures must be:

- passed as 'fit for use for trade' by an inspector of weights and measures or an approved verifier. Or
- 'qualified' for legal use by an approved manufacturer, a notified body or an inspector of weights and measures.

Please see **Appendix 4** for images of stamps, stickers and other indications on the equipment that show it has been passed as fit for use for trade and therefore legal for trade use.

If the equipment does not bear the prescribed markings, it should not be used to determine the final weight/volume under which the final package will be sold. To do so would be a criminal offence under The Weights and Measures Act 1985.

Equipment such as thermometers and density meters, that can't be verified should be calibrated and linked to national standards for traceability purposes. One way to ensure the accuracy of these pieces of equipment is to get them checked by an accredited laboratory.

Please refer to our guide on Measuring Container Bottles (MCBs) for the mandatory markings for MCBs.

Accuracy of equipment

Equipment used to check packages must be suitable for the use to which it is put and for the environment in which it is used. Generally, for 70cL bottles, equipment that allows you to determine the volume to 0.2 Tolerable Negative Error (TNE) is deemed to have a reasonable degree of sensitivity and accuracy.

For example, a 70cL bottle of wine is permitted a TNE of 15g; therefore $0.2 \times \text{TNE} = 0.2 \times 15\text{g} = 3\text{g}$.

This means that an instrument with a scale interval of 3g would be suitable to carry out checks on these bottles. However, there are no instruments with a scale interval of 3g (as weighing equipment is only permitted to have scale intervals of 1, 2 or 5 x 10n) and so a scale interval of 1g and a maximum weight of at least 1.5kg would be needed in this scenario.

Automatic or non-automatic weighing equipment

Non-automatic i.e. a weighing scale where you place the goods on the equipment and the weight is displayed. This option is more practical when producing small batches.

Automatic i.e. as part of a production line where goods pass over the equipment to ensure the quantity is correct without intervention by an operator, for example, a checkweigher.

If you use an automatic checkweigher, this is not prescribed equipment in the UK and will not need to be marked with the same prescribed markings as 'non-automatic' equipment. This must still be suitable for the process for which it is being used and must be sufficiently accurate.

When determining whether your machine is 'non-automatic' or 'automatic', article 1.2.1 [WELMEC Guide 2](#) advises:

An instrument capable of performing consecutive weighing cycles without any intervention of an operator is always regarded to be an Automatic Weighing Instrument (AWI).

If an instrument needs the intervention of an operator, it is regarded to be a Non-Automatic Weighing Instrument (NAWI) only if the operator is required to determine or verify the weighing result. Determining the weighing result includes any intelligent action of the operator that affects the result, such as deciding when an indication is stable or adjusting the weight of the weighed product. Verifying the weighing result means making a decision regarding the acceptance of each weighing result on observing the indication. The weighing process allows the operator to take an action which influences the weighing result in the case where the weighing result is not acceptable.

The necessity to give an instruction to start the weighing process or to release a load is not relevant in deciding the category of instrument.

A filling instrument where the operator places the container on the weighing instrument, the fill is done automatically, and the weighing instrument then displays the filled weight, allowing the operator to check the weight and remove the container, may be considered a NAWI or an AWI. It is agreed that the applicant can choose, and the Notified Body then applies the appropriate legislation.

An approved NAWI to which one or more robot operators have been added so that no human operator is now involved, is an AWI.

Scenario 1

I am a small importer of rum, importing batches of approximately 250, 700ml/70cL bottles. I am dealing with a new supplier that I have not used before; I have information on the density of the rum and the tare weights of the bottles; the packer is unable to forward any test documents for the consignment. How can I fulfil my obligations to ensure the products pass an inspector's reference test, keeping as many bottles intact as I can?

You have a duty to ensure that:

Packers rule	Applied to this example
<p>Rule 1: The actual contents of the packages are not less, on average, than the nominal quantity indicated on the packages.</p>	<p>On average, the volume of vodka contained in each bottle is at least 70cL.</p>
<p>Rule 2: The proportion of packages that are below the nominal quantity by a defined amount - the 'tolerable negative error' or TNE - must be less than a specified level - in general no more than 2.5%.</p>	<p>No more than 50 bottles i.e. 2.5% of the batch must be less than T1, i.e. below 685ml.</p>
<p>Rule 3: No package is below the nominal quantity by more than twice the TNE.</p>	<p>No bottle must be below T2, i.e. 670ml.</p>

For the purposes of this example, we will work on the typical density of rum being 0.94g/ml. In practice, for due diligence purposes, any figure used would need to be accurate/traceable and defensible.

For the purposes of this example, we will work on the fact that the standard deviation of the empty bottles is constant i.e. there is less than 1/10 TNE deviation between the empty bottle weights. In this example 1/10 TNE = 1.5g.

As the tare is constant, gravimetric testing is the least destructive option. If the tare weight was not constant it would make sense to carry out volumetric testing.

Gravimetric testing relates to weight therefore the liquid volume needs to be converted to the equivalent liquid weight.

1. Select your samples

As a new supplier is being used a double sampling plan is recommended, consisting of 8 packages for the preliminary test and 12 for the second stage. It might be easiest to select all 20 bottles from the outset, selected randomly from all boxes within the batch of 250.

2. Look up the value of the TNE

For 700ml bottles the TNE is 15ml/15g.

3. Determine values for Qn, T1 and T2, in grams.

Based on the density of rum being 0.94g/ml and the TNE being 15g:

Target	Volume of liquid	Mass = Volume x density	Equivalent weight of liquid
Qn	700ml	700x0.94	658g
T1	685ml	685x0.94	643.9g
T2	670ml	670x0.94	629.8g

4. Weigh your preliminary samples.

For the preliminary test, you need to determine the weight of the liquid inside the bottle. To do this weigh each of the 8 bottles on equipment that has had the tare weight of the bottles deducted.

Record the weight of each bottle against the known values of Qn, T1 and T2.

5. Remove any inadequate bottles.

Inadequate bottles are any that weigh less than 629.8g.

If there are any inadequate bottles in the preliminary test, all testing should be stopped. Your supplier should be contacted and informed that the consignment would likely fail a reference test.

If there are no inadequate bottles, move on to step 6.

6. Count the number of non-standard bottles in the preliminary sample.

Non-standard bottles are any that weigh less than 643.9g but more than 629.8g.

For samples consisting of less than 40 packages, you must keep evidence that the batch meets the 3 Packers' Rules, i.e. no packages are below T1.

If there are no bottles between 643.9g (T1) and 629.8g (T2), calculate the average contents of the whole sample of 8 by dividing the total weights of all 8 by the total number of samples. For example, if the 8 bottles showed weights as follows:

660.8g | 647.9g | 658.8g | 659.4g | 658.3g | 657.9g | 660.6g | 662.7g

The combined weight is 5266.4g. The average contents = $5266.4/8 = 658.3g$

The weight of 658.3g is above the nominal volume equivalent weight of 658g, therefore the remaining 12 bottles do not need to be checked. The batch of bottles passes and can be sold on.

If the weight of the 8 preliminary samples was below 658g, the remaining 12 bottles of the sample of 20 would need to be weighed and the average contents determined as above.

Scenario 2

I am an importer of wine, importing batches of approximately 5000, 750ml/75cL bottles. I have a long-standing trading relationship with the packer for previous packages and have not had any issues with volumes before. I am happy to carry out sample testing on the batch, but the supplier is unable to provide me with the tare weight for the empty bottles. How can I fulfil my obligations to ensure this current batch passes an inspector's reference test?

You have a duty to ensure that:

Packers rule	Applied to this example
Rule 1: The actual contents of the packages are not less, on average, than the nominal quantity indicated on the packages.	On average, the volume of rum contained in each bottle is at least 75cL.
Rule 2: The proportion of packages that are below the nominal quantity by a defined amount - the 'tolerable negative error' or TNE - must be less than a specified level - in general no more than 2.5%.	No more than 125 bottles i.e. 2.5% of the batch, can be below T1, i.e. 735ml.
Rule 3: No package is below the nominal quantity by more than twice the TNE.	No bottle must be below T2, i.e. 720ml.

For the purposes of this example, we will assume that the density of the wine is 1.095g/ml. In practice, for due diligence purposes, any figure used would need to be accurate and defensible.

You have the option to determine the density of the liquid using the liquid contained in the samples that you open.

1. Select your samples

For a consignment of 5000 bottles, 20 are needed for the preliminary test and 28 for the second stage. You may want to select all 48 bottles from the outset. Samples should be selected randomly from all boxes within the batch.

2. Look up the value of the TNE

For 750ml bottles the TNE is 15ml/15g.

3. Determine values for Qn, T1 and T2, in grams.

Based on the TNE being 15g and the density being 1.095g/ml:

Target	Volume of liquid	Mass = Volume x density	Equivalent weight of liquid
Qn	750ml	750x1.095	821.25g
T1	735ml	735x1.095	804.83g
T2	720ml	720x1.095	788.4g

4. Weigh your preliminary samples and determine the tare weight of the bottles

We have 2 options here:

Option 1

Weigh all 20 bottles within the preliminary sample and record the gross weight of each.

Empty 4 randomly selected bottles from the preliminary sample and record the net weight of each, to the nearest 0.1g.

If the standard deviation of the net weight of these 4 empty bottles is not more than 1.5g i.e. 1/10 TNE, the heaviest net weight can be used as the tare for the rest of the sample.

If the standard deviation of the net weight of these 4 empty bottles is more than 1.5g i.e. 1/10 TNE, go on to select the 2 heaviest and 2 lightest full bottles, empty the contents of each and record the net weights.

If the net weight of each of these 4 bottles is not less than the nominal quantity (821.25g), then the average of the tare weights should be applied to determine the net weights of the rest of the sample.

Option 2

Randomly select 4 full bottles from the preliminary sample and record the gross weight of each.

Empty the contents of these 4 bottles and record the net weights, to the nearest 0.1g.

If the net weights of these 4 empty bottles are not more than 1.5g i.e. 1/10 TNE, use the heaviest net weight as the tare for the rest of the sample.

If the net weight of these 4 empty bottles are more than 1.5g i.e. 1/10 TNE, weigh the other 16 full bottles from the preliminary sample and record the weights.

From these, select the 2 heaviest and 2 lightest full bottles, empty the contents and record the net weight of each.

If the net weight of each of these 4 bottles is not less than the nominal quantity (821.25g), the average of the 4 tare weights can be applied to the rest of the sample to determine the net weights.

5. Remove any inadequate bottles identified in the preliminary sample.

Inadequate bottles are any that weigh less than 720g.

If there are any inadequate bottles in the preliminary test, all testing should be stopped. Your supplier should be contacted and informed that the consignment would likely fail a reference test.

If there are no inadequate bottles, move on to step 6.

6. Count the number of non-standard bottles in the preliminary sample.

Non-standard bottles are any that weigh less than 804.83g but more than 788.4g.

Remove bottles below 788.4g.

If there are no bottles between 804.83g (T1) and 788.4g (T2), calculate the average contents of the whole sample of 8 bottles by dividing the total weights of all 20 preliminary samples by the total number of samples. For example, if the 20 bottles showed weights as follows

823.2	826.1	822.4	823.4	824.0
824.1	823.0	821.1	821.8	821.6
821.4	821.2	821.0	821.5	821.5
821.3	821.3	821.3	821.3	821.4

The combined weight is 16443.9g.

The average contents = $16443.9\text{g}/20 = 822.2\text{g}$

The weight of 822.2g is above the nominal volume equivalent weight of 821.25g, therefore the remaining 28 bottles do not need to be checked. The batch of bottles passes and can be sold on.

If the weight of the 20 preliminary samples was below 821.25g, the remaining 28 bottles of the sample of 20 would need to be weighed and the average contents determined.

OPTION 2: Obtain evidence that provides reasonable grounds for believing that the packages have been packed in accordance with the three packers' rules.

What evidence should you obtain?

The evidence must be 'sufficient' and obtained before the packages leave your possession.

The person providing the evidence must be of a suitable status, e.g. an accredited test laboratory or national metrology service.

The evidence must be signed and dated by the relevant issuer and must be identifiable with the consignment(s) to which it relates.

Sufficient evidence might include:

- Records of production control checks done by any of the following:
 - the overseas bottler/packer.
 - an agent of the importer linked to the consignment in question.
- A certificate from the relevant overseas weights and measures authority confirming that the packer of the consignment in question operates in accordance with controls equivalent to the Packaged Goods Regulations.
- A written statement from the packer that the goods were packed according to the minimum system and therefore each package is at least the nominal quantity stated.

If you opt to obtain sufficient evidence that the packages have been packed in accordance with the three packers' rules you do not legally have to do any more checks. However, if the packages go on to fail an inspector's reference test and you have not taken steps to validate the data in the evidence, you may find it difficult to establish a defence if charged with failing to carry out your basic duty. This is particularly true when using a supplier for the first time.

If you have a trading history with a supplier and have had no previous issues with package weights/volumes, the checks you carry out can be relaxed. This is an individual business decision based on risk appetite and your faith in the continued compliance of your supplier. A suggestion could be to carry out random checks on random consignments, not on every consignment.

If charged with an offence of failing to carry out your duty and you relied on evidence supplied by a third party, it is a defence for an importer to prove:

- i. they performed their duty by obtaining sufficient evidence to give reasonable grounds for believing that the packages were packed in accordance with the 3 packers' rules and this evidence was obtained before the packages left their possession.
- ii. they did not know or suspect, and could not reasonably have known or suspected, that the packages were not made up in accordance with the 3 packers' rules.
- iii. they took all reasonable steps to ensure that there was no reduction in the quantity of goods in any of the packages whilst they were in their possession; and
- iv. within 7 days of any hearing for offences beginning they provided the prosecutor with copies of all the documents that they relied on together with a notice of their intent to rely on those documents.

We therefore advise our importer members to carry out checks on imported packages to help satisfy the defence of all reasonable precautions in the event the packages are found not to comply with the 3 Packer's Rules.

Scenario 3

I am an importer of wine, importing batches of approximately 3600 750ml/75cL bottles. I have a long-standing trading relationship with the packer for both my current line of wines and previous batches have not had any issues with volumes. I have documentation from the packer to confirm the products have been packed in accordance with the 3 packers' rules. I also have information that the tare weights of the bottles are constant. How can I fulfil my obligations to ensure this current batch passes an inspector's reference test?

1. Check the documentation from your supplier to confirm it meets the requirements of the 2006 regulations.

This could be:

Records of actual production control checks carried out on the batch of products supplied to you.

A certificate from the equivalent overseas weights and measures authority to the effect that the packer of the consignment is subjected to controls equivalent to those to which UK packers are subject under the 1985 Weights and Measures Act.

A written declaration from your supplier stating that the volume of wine in each bottle is at least 750ml.

Ensure that the documents are dated and signed by your supplier and relate to the batch of goods in question.

2. Carry out tests on a sample of the batch

As you have previous experience with the packer and certification documents have been obtained to show that similar consignments from the packer have been satisfactory, the sample size can consist of 8 bottles.

If, however, that reduced sample does not pass, the full sampling plan should be used.

You want to ensure that within the sample of 8:

- On average, the volume of wine contained in each bottle is at least 750ml/75cL.
- No more than 125 bottles i.e. 2.5% of the batch, are below T1, i.e. 735ml.
- No bottle is below T2, i.e. 720ml.

3. Select your sample of 8 randomly from the batch of 3600.

4. Look up the value of TNE

For 750ml bottles the TNE is 15ml/15g.

5. Determine values for Qn, T1 and T2

For the purposes of this example, we will assume that the density of the wine is 1.095g/ml. In practice, for due diligence purposes, any figure used would need to be accurate/traceable and defensible.

Based on the TNE being 15g and the density being 1.095g/ml:

Target	Volume of liquid	Mass = Volume x density	Equivalent weight of liquid
Qn	750ml	750x1.095	821.25g
T1	735ml	735x1.095	804.83g
T2	720ml	720x1.095	788.4g

6 Weigh your samples using appropriate equipment and record the gross weight for each bottle.

7. Using the tare weight provided by the supplier count the number of non-standard bottles within the sample of 8 i.e. those that have a net weight between 804.83g and 788.4g. Remove any inadequate bottles, i.e. bottles below 788.4g.

If there is no bottle below T1, calculate the average contents of the whole sample of 8 bottles i.e. divide the total weights of all 8 samples by the total number of samples. If this is at least the nominal volume, the batch passes the test and no further checks are needed.

If the average contents of the 8 samples are below the nominal volume, a full sampling programme should be adopted.

Appendix 1

Specified quantities as permitted by the Weights & Measures (Intoxicating Liquor) Order 1988, as amended

Product	Product Definition	Specified Quantities (ml)	Exceptions
Wine	Wine as defined in point(1) of Part II of Annex VII to Regulation 1308/2013	100, 187, 200, 250, 375, 500, 568, 750, 1000, 1500	Containers of a capacity of less than 100 ml or more than 1500 ml
Sparkling wine, quality sparkling wine, quality aromatic sparkling wine, aerated sparkling wine, semi-sparkling wine and aerated semi-sparkling wine	Wines defined in points (4) to (9) of Part II of Annex VII to Regulation 1308/2013	125, 200, 375, 500, 568, 750, 1500	Containers of a capacity of less than 125 ml or more than 1500 ml
Liqueur wine	Liqueur wine as defined in point (3) of Part II of Annex VII to Regulation 1308/2013	100, 200, 375, 500, 750, 1000, 1500	Containers of a capacity of less than 100 ml or more than 1500 ml
Aromatised wine	Aromatised wine as defined in Article 3(2) of Regulation 251/2014	100, 200, 375, 500, 750, 1000, 1500	Containers of a capacity of less than 100 ml or more than 1500 ml
Spirit drinks	Spirit drinks as defined in Article 2 of Regulation 110/2008	100, 200, 350, 500, 700, 1000, 1500, 1750, 2000	Containers of a capacity of less than 100 ml or more than 1500 ml

Appendix 2

Duty to mark packages.

All importers have a duty to ensure that each container is either marked with, or contains a label that includes, the following information:

- The nominal quantity in the permitted metric units or symbol.
- The name and address of the established UK food business operator (FBO), who is either:
 - i. The packer or the importer of the package.
 - ii. The person who arranged for the packer to make up, or the importer to import, the package.

Or

- iii. A mark which enables the name and address of the FBO to be readily confirmed by a local authority. For packages being imported from the EU, the name & address of an EU 'person' is acceptable if the package is imported before 31 December, 2027.

The required markings need to be easily legible and visible under normal conditions of presentation. The International organization of legal metrology (OIML) [international recommendation 79](#), which aims to harmonize the regulations and metrological controls applied by different bodies in the UK and EU, provides a model definition for 'principal display panel', which is accepted to satisfy the requirement that markings be 'visible under normal conditions of presentation'. The principal display panel is defined as the '*part of a prepackage that is designed to be visible under normal conditions of display for sale. This is normally the main or front panel of the prepackage and there could be more than one*¹.'

Use of colour and contrast should also be considered.

If a package is imported and does not include the nominal quantity, the importer must decide what nominal quantity will be marked on the package and keep a record of this until this is done. Wine and spirit drinks nominal quantity should be indicated by the volume at 20°C.

Please note: As alcohol falls under the labelling provisions of retained Regulation (EU) No 1169/2011 the name of the food, net quantity (volume) and alcohol strength must appear in the same field of vision.

The units of measurement used to declare the nominal quantity is also controlled. The permitted metric units and correct symbols are shown below.

Unit of measurement (metric)	Symbol
Litre	l or L
Centilitre	cl or cL
Millilitre	ml or mL

Appendix 3

Duty to mark outer containers

'Outer container' means a container which contains two or more items, at least one of which is a package to which these Regulations apply, provided that:

- (a) the items were placed in the container without the purchaser being present.
- (b) the items cannot be removed from the container without the container being opened or undergoing a perceptible modification; and
- (c) the container is intended, or would normally be regarded as appropriate, for sale to an ultimate consumer as the outermost layer of packaging.

In the case of outer containers, regulation 6 of the 2006 Regulations places a duty on importers to mark these with:

1. the nominal quantity of the packages contained in the outer container, being the predetermined constant quantity in which those packages are made up (including any additional quantity to which any statement on the package or outer container refers), or where the packages have different nominal quantities, each distinct nominal quantity.
2. the number of packages contained in the outer container, or where the packages have different nominal quantities, the number of packages corresponding to each nominal quantity; and
3. the name and address of a person established in the United Kingdom who is either—
 - a. the packer or the importer of the packages contained in the outer container, or
 - b. the person who arranged for the packer to make up, or the importer to import, those packages,or a mark which enables the name and address of such a person to be readily ascertained by his local weights and measures authority.


However, where this information is on the package label and can be seen through the outer container, without opening it, it does not need to be repeated on the outer container.

Please note that these requirements apply to e-marked packages only and are separate to, and in addition to, any requirements under FIC.

Additionally, by virtue of The Product Safety and Metrology (Amendment and Transitional Provisions) Regulations 2022 (SI 2022/1393) product(s) with an E-marked package or outer container imported from an EEA state to the UK, before 31 December 2027 is exempt from having to include the UK importers details if the package or outer container has the contact information for the packer or importer in the EEA.

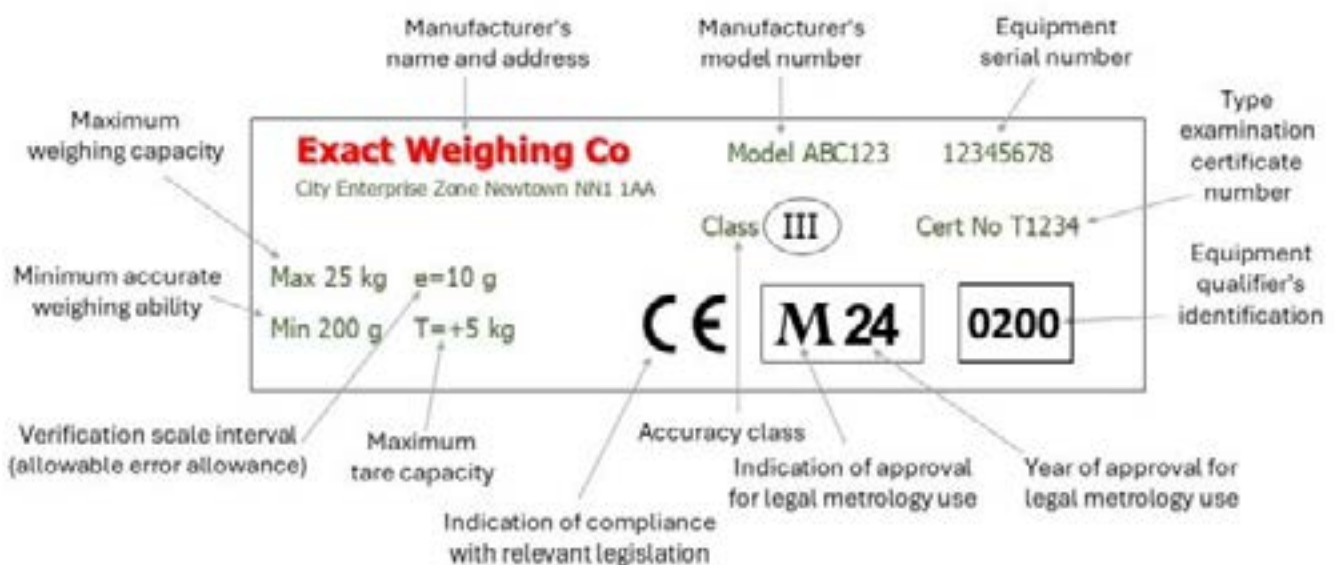
Appendix 4

Verification marks

	The crown stamp, applied by an inspector of weights and measures if equipment is passed as fit for trade. This shows the year the machine was approved and the official number of approval officer.
M 21	The M sticker, followed by the year of manufacture, shows that equipment has been made in accordance with legal metrology requirements.
CE	The CE sticker shows that equipment has been made in accordance with legal metrology requirements.
UK CA	For the GB market, products assessed against UK rules by a UK approved body may show the UKCA mark, in place of the CE mark, followed by the M symbol.
0126	The approved body sticker indicates which organisation examined and approved the equipment as meeting all requirements.

More information on these markings can be found via the Business Companion guidance on weighing equipment for legal use.

Examples of verification marks:



Source: [BusinessCompanion](#)

The WSTA represents over 300 companies producing, importing, exporting, transporting and selling wines and spirits in the United Kingdom.

We campaign for a vibrant and sustainable wine and spirit industry, helping to build a future in which alcohol is produced, sold and enjoyed responsibly.

 www.wsta.co.uk
 info@wsta.co.uk
 +44 (0)20 7089 3877
 @wstauk

The Wine and Spirit Trade Association
Unit 9 Baden Place, Crosby Row
London
SE1 1YW

Registered number: 410660 England Limited by Guarantee