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Issue 1

Selling fruit and vegetables

Regulations surrounding the sale of fruit and vegetables.

This guidance outlines the main legal requirements for sales of fruit and vegetables that are:

- displayed for sale in a loose unwrapped state or,
- pre-packed by a business for sale on the premises where the food was packed or from a vehicle or stall which is part of that business.

Regulations

Food Labelling Regulations 1996

All food must have its true name (eg tomatoes) clearly shown on a label attached to the food or on a notice close to the food which is clear and conspicuous to consumers.

The name used for melons and potatoes must include or be accompanied by an indication of the variety (eg Maris Piper Potatoes, Cantaloupe Melons).

The Food (control of Irradiation) Regulations 1990

These regulations allow fruit and vegetables to be irradiated but this fact must be indicated using the word 'irradiated' or 'treated with ionising radiation'.

EC Quality Standards

Most fruit and vegetables, other than farm gate sales, must comply with mandatory standards of quality. Three quality classes exist namely, Extra Class, Class I and Class II. Details of classification can be obtained from the Horticultural Marketing Inspector of the [Department for Environment, Farming and Rural Affairs](#) (DEFRA) - call 01392 352025.

All produce covered by the EC grading legislation must have its origin and

class clearly displayed at the point of sale. Some produce is also required to be marked with the variety. Enforcement of these requirements is the responsibility of DEFRA.

Strict stock rotation is necessary to ensure that produce remains within its quality classification while on display. Self-selection displays can become misdescribed because continual selection of the better quality produce tends to increase the percentage of substandard produce remaining.

Indication of the wrong class, origin or variety may constitute an offence under the Food Safety Act 1990 or The Consumer Protection Regulations 2008.

It is an offence to sell, or offer or expose for sale or possess for the purpose of sale any food the presentation of which is likely to mislead as to the nature, substance or quality of the food.

If fruit or vegetables are supplied in response to a request from a consumer from the back of a market stall the produce must be of the same quality as that displayed on the stall.

Price marking requirements

Under the Price Marking Order the selling price of all food must be indicated in writing and be unambiguous, easily identifiable with the goods in question and clearly legible.

- Loose fruit and vegetables must have the unit price (eg £1.20 per kg/20p each) indicated either on or near to the goods; this may be by means of a price list.
- Pre-packed items must be marked with the selling price. In addition the unit price must be indicated either on or near to the goods or by means of a price list.
- Unit pricing must be by reference to the metric quantity, ie per kg. A supplementary indication in imperial units is permitted but it must be no more prominent and it must be correct.

Weights and measures requirements

The requirements for sales of fruit and vegetables differ quite a bit.

Fruit and vegetables may be sold by weight, number or bunch depending on what they are and whether loose or pre-packed. The weight may either be the weight of the produce without wrapping - the 'net' weight- or the 'gross' weight, which includes the wrapping materials within certain weight limits.

Potatoes

Loose potatoes can be sold by either net, or gross weight. If you sell them by gross weight, the wrapper must be within specific weight limits:

Gross weight	Maximum permitted container weight
500g or less	5g
More than 500g	10g per kg of the gross weight.

Pre-packed potatoes must be packed in one of the following metric quantities, namely 500g, 750g, 1kg, 1.5kg, 2kg, 2.5kg (and multiples of this), 15kg, 20kg, or 25kg. The weight must be marked on the bag. Large baking potatoes (over 175g each) can be sold by number rather than weight; . See "countable produce" below for labelling requirements.

Soft fruits or mushrooms

Soft fruits such as blackberries, cherries, raspberries and strawberries, must be sold either by net or gross weight. Again, if sold by gross weight, container such as punnets - must not weigh more than a fixed amount:

Gross weight	Maximum permitted container weight.
250g or less	120g per kg of the gross weight.
More than 250g - 1kg	100g per kg of the gross weight.

More than 1kg - 3kg	90g per kg of the gross weight.
More than 3kg	60g per kg of the gross weight.

The same rule applies to the sale of mushrooms.

Other fruit and vegetables

Countable produce

Some produce may be sold by number, this is known as 'countable produce'. Up to eight items of countable produce may be sold pre-packed in a transparent container without being marked with the number as long as the buyer can count the produce. Pre-packs with more than eight items must be marked with the number of items.

The following is 'countable produce': Apples, Apricots, Artichokes (globe), Aubergines, Avocados, Bananas, Beetroots (included cooked), Cabbage, Cauliflower, Capsicum, Celery, Coconuts, Corn on the cob, Cucumber, Fennel, Figs (fresh), Garlic, Grapefruit, Guavas, Kiwi fruit, Kohlrabi, Lemons, Lettuce, Limes, Mangoes, Marrows, Melons, Nectarines, Onions (other than spring), Oranges, Passion fruit, Pawpaw, Peaches, Pears, Pineapple, Plums, Pomegranates, Pomelo, Pumpkins, Radishes, Shaddock, Soft citrus fruits, Tomatoes and Ugli.

Selling by the bunch

The following produce may be sold by the bunch: Asparagus, beetroots, carrots, chives, endives, garlic, mint, mustard and cress, onions (including spring), parsley, radishes, salad cress, turnips and watercress.

Other

All other pre-packed fruit and vegetables must be sold by net weight with the weight clearly marked.

Making the weight known

You must make the weight of goods you sell loose known to the buyer before payment is made. This may be by:

- weighing the goods in front of the consumer - the scales must be clearly visible.
- giving your customer the weight in writing, perhaps by using a combined weight and price ticket.
- stating the weight orally.

Weighing equipment

The scales that you use must have metric units, be accurate and passed as fit for use for trade. In practical terms this means that scales will either have a crown stamp in a lead plug or be marked with a CE mark, a green letter M and the four digit number of the verification body. Loose weights should bear a crown stamp in a lead plug. If you are uncertain about the equipment you have please contact us for advice.