



West of Scotland Metrology Group

Project Report:

Retail Monitoring of Packaged Goods 2023-24

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Background

The West of Scotland Metrology Group ran a retail monitoring of packaged goods project during 2022, the key findings of which were –

- Of 296 product lines checked, 24 (8%) were found to contain at least 1 pack below T2
- A total of 2496 packs were checked – 71 (3%) of these were below T2
- The maximum levels of deficiency found ranged from 4% in frozen chicken to 22.7% in steak
- The levels of deficiency led to a range in detriment to consumers of between 7.4p per pack in bread to £1.10 per pack in steak
- 15 different packers were responsible for the 71 T2 packs

The decision was taken to repeat the project during the 2023-24 financial year and to expand it to include a wider range of retail establishments within which packaged goods may be found, and to include products caught by the minimum weight system.

The Section 70 report for period 2022-2023¹ identified that, with the exception of medical institutions, importers of packaged goods were the least visited type of business for 2022-2023, with an average of 0.32 businesses visited across all local authorities. This was despite this sector having the lowest rate of compliance in 2020-21 at 41% overall, and also the lowest rate of compliance on first inspection². The average number of visits to importers of packaged goods has seen a steady decline since 2019-20, with the rates being 0.6, 0.4, 0.4 and 0.32 in each of the last 4 years of reporting.

The overall price of food and non-alcoholic beverages rose around 25% between January 2022 and January 2024. In the 10 years prior to this, overall food and non-alcoholic beverage prices rose by 9%³. There has also been an increase in food insecurity (i.e. being unable to afford sufficient food), with 22% of households reported to be food insecure in autumn 2023 – 3 times as many as were in that position pre-pandemic⁴.

It has therefore never been more important that consumers receive the quantity of product they have paid for. Increases in the cost of food are a visible loss while any potential short measure would be hidden detriment. Where both occur then consumers are being disadvantaged twofold.

¹ <https://www.gov.uk/government/statistics/section-70-weights-and-measures-returns-and-reports/section-70-weights-and-measures-report-2022-to-2023>

² <https://www.gov.uk/government/publications/section-70-weights-and-measures-returns-and-reports/section-70-report-2019-to-2021>

³ <https://www.ons.gov.uk/economy/inflationandpriceindices/articles/costoflivinginsights/food>

⁴ <https://www.resolutionfoundation.org/press-releases/cost-of-living-pressures-have-not-fallen-as-fast-as-inflation-as-high-and-highly-variable-housing-cost-rises-move-centre-stage/>

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Packaged Goods Regulation 2006

The Regulations apply to packages which are made up to a predetermined constant quantity by the packer and covers packs within the range of 5g to 25kg and 5ml to 25L. It is the packer (i.e. the person who placed the product in the package) or the importer into the UK who has ultimate responsibility for ensuring that the packs he produces or imports comply with the Regulations including the 3 Packers Rules –

- (a) The average of the batch must be at or above the nominal quantity
- (b) No more than 1 in 40 packs can have a negative error greater than the tolerable negative error (T1)
- (c) No packages can have a negative error greater than twice the tolerable negative error (T2)

Any checks at retail level will be unlikely to have access to a full batch. Checks can however be made against the third rule as there should be no packs on the market below the T2 level. The presence of any such packs may represent a failure by the packer to comply with the 3 Packers Rules and may be an offence under regulation 13.

A retailer may commit an offence under regulation 14 where he sells, agrees to sell or has in his possession for sale a package that he knows or has reasonable grounds for believing is below T2. This provision is of particular importance where supermarket own-brand products are found to be short weight or where retailer have been previously notified of an issue relating to a particular product.

Project Approach

Officers carried out compliance checks of packaged goods during visits to retail outlets. Packs were check weighed and details of all checks recorded. As assessment of potential consumer detriment was a key objective of the project, where any short measure packs were identified, the unit price and selling price were recorded, allowing for the value of any deficiencies to be calculated. Retailers were asked to provide sales figures for any product lines found to contain short measure packs so a calculation of potential collective consumer detriment could be made. Details of any non-compliance were to be shared with the Primary/Home Authority for both the retailer and the packer. Packers were asked to provide details related to any non-compliant packs including packing records for affected batches and the number of packs produced each year, again allowing for a calculation of potential collective consumer detriment to be made. Any non-compliance was to be followed up in accordance with each authority's enforcement policy and an IDB log created where appropriate.

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Results

Appendix 1 lists all short weight packs sorted by packer. The collated results of the project are as follows –

	2022	2023	Difference
Number of participating authorities	5	7	+2
Number of visits	39	146	+107
Number of visits where T2 packs found	17 (44%)	47 (32%)	+30
Number of product lines checked	296	1479	+1183
Number of packs checked	2496	10308	+7812
Number of product lines containing T2 packs	24 (8%)	70 (5%)	+48
Number of packs found to be below T2	71 (3%)	424 (4%)	+353
Number of packers/importers found to have placed T2 packs on the market	15	50	+35

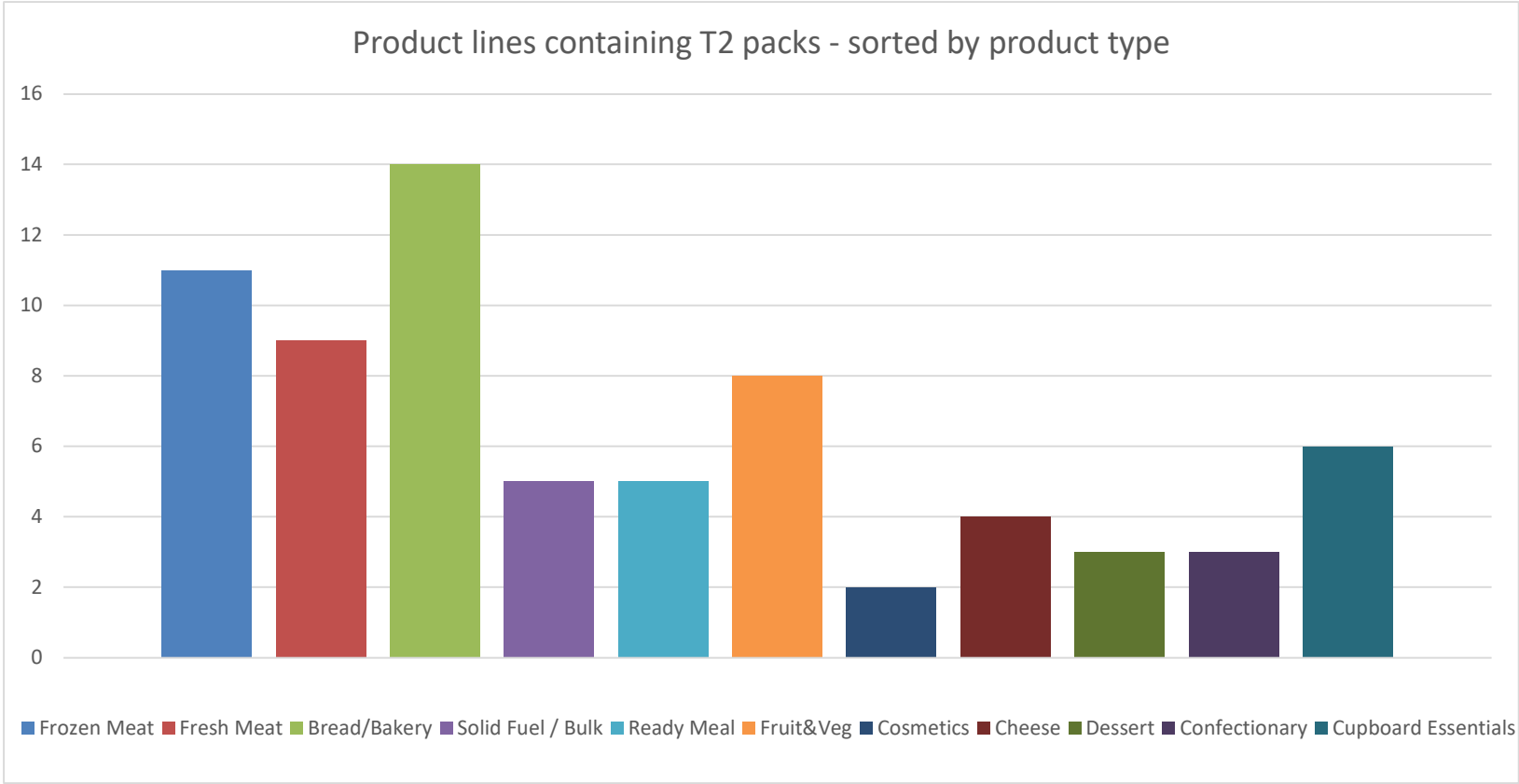
146 visits were carried out across 7 Local Authority areas within the West of Scotland. At least 1 T2 pack was found during 47 of these visits. 70 product lines were found to contain T2 packs out of 1479 product lines checked. A total of 10308 individual packs were weighed by officers with 424 of these below T2. 50 different packers and importers were responsible for the production and placing of these packs on the market.

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Key Findings

(1) Out of 1479 product lines checked, 70 (5%) were found to contain at least 1 T2 pack.

The 70 product lines were split across the following product types –

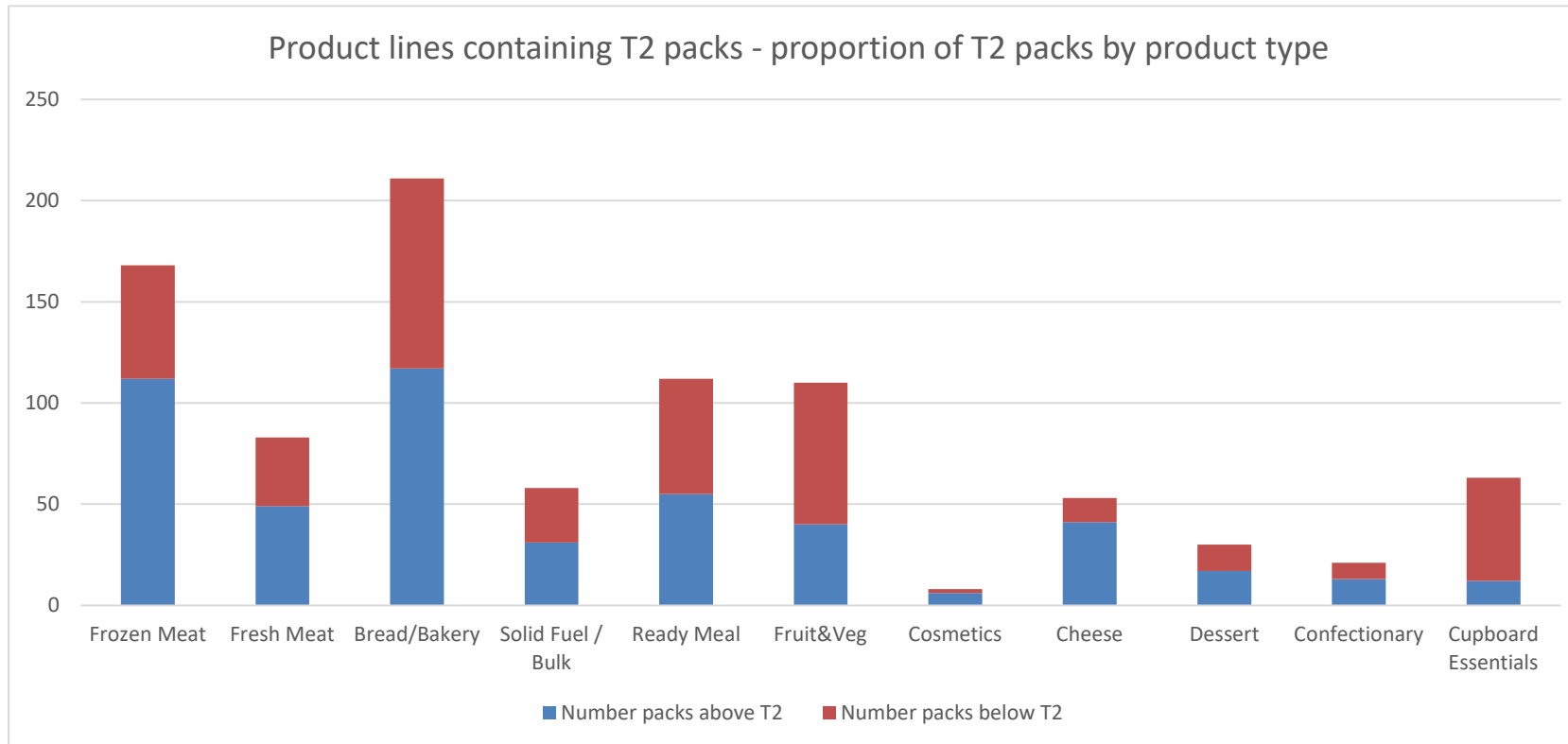


Almost half of all product lines found to contain T2 packs fell within the frozen meat (11), fresh meat (9) and bread/bakery (14) categories.

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(2) A total of 10308 packs were checked – 424 (4%) of these were below T2

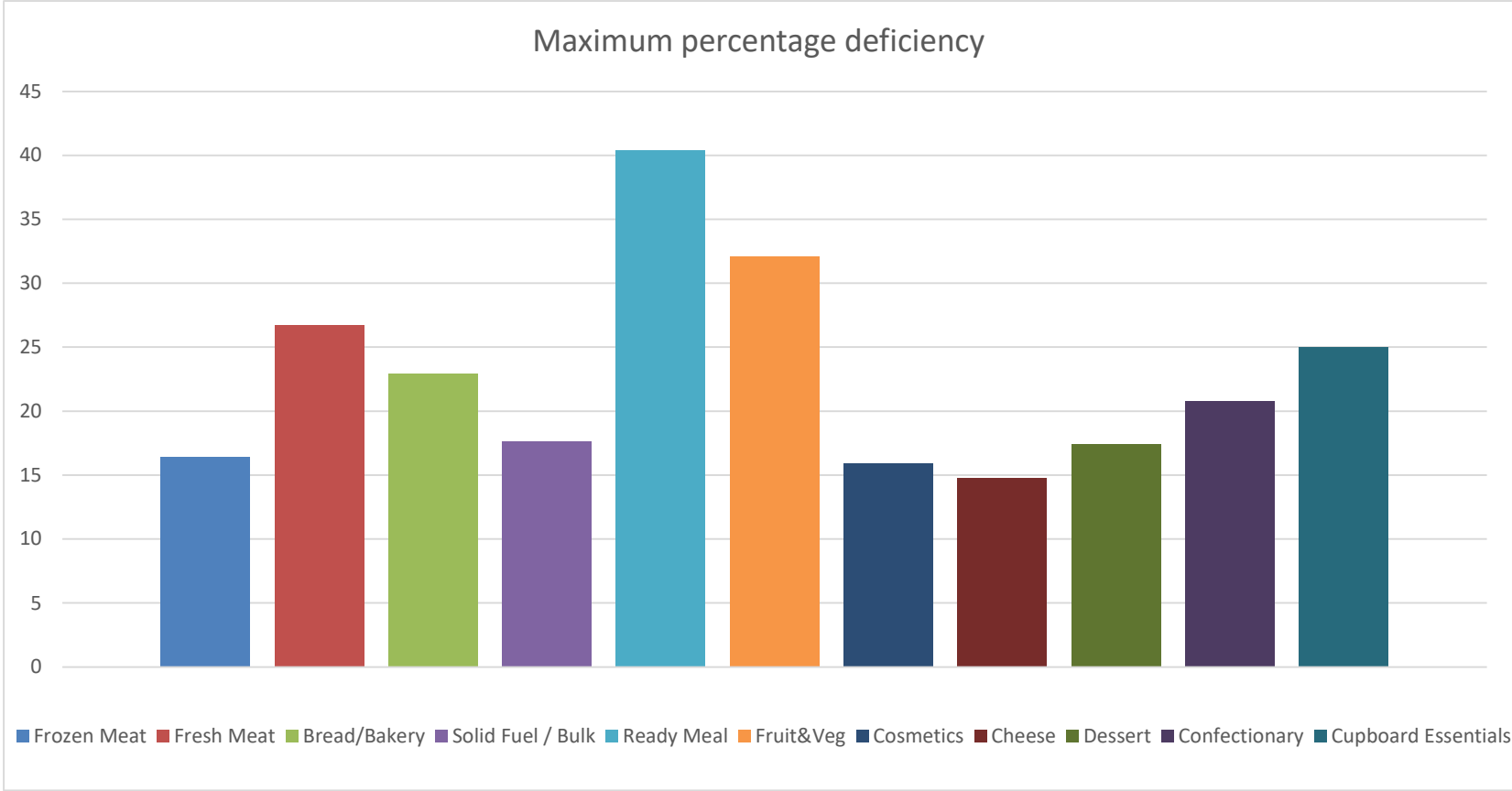
There were 424 individual packs below T2 found within the 70 product lines identified above. The proportion of T2 packs within each of these product lines is presented below and sorted by product type.



Where T2 packs were found, they were generally large in number, as shown in the chart above. Of the 14 bread/bakery product lines found to contain packs below T2, a total of 211 packs were tested with 94 of these below T2. This would suggest that where incidences of T2 packs on the market are identified, they will be large in number within the affected batches.

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(3) The maximum levels of deficiency found within affected product lines ranged from 14.8% (cheese) to 40.4% (ready meal)

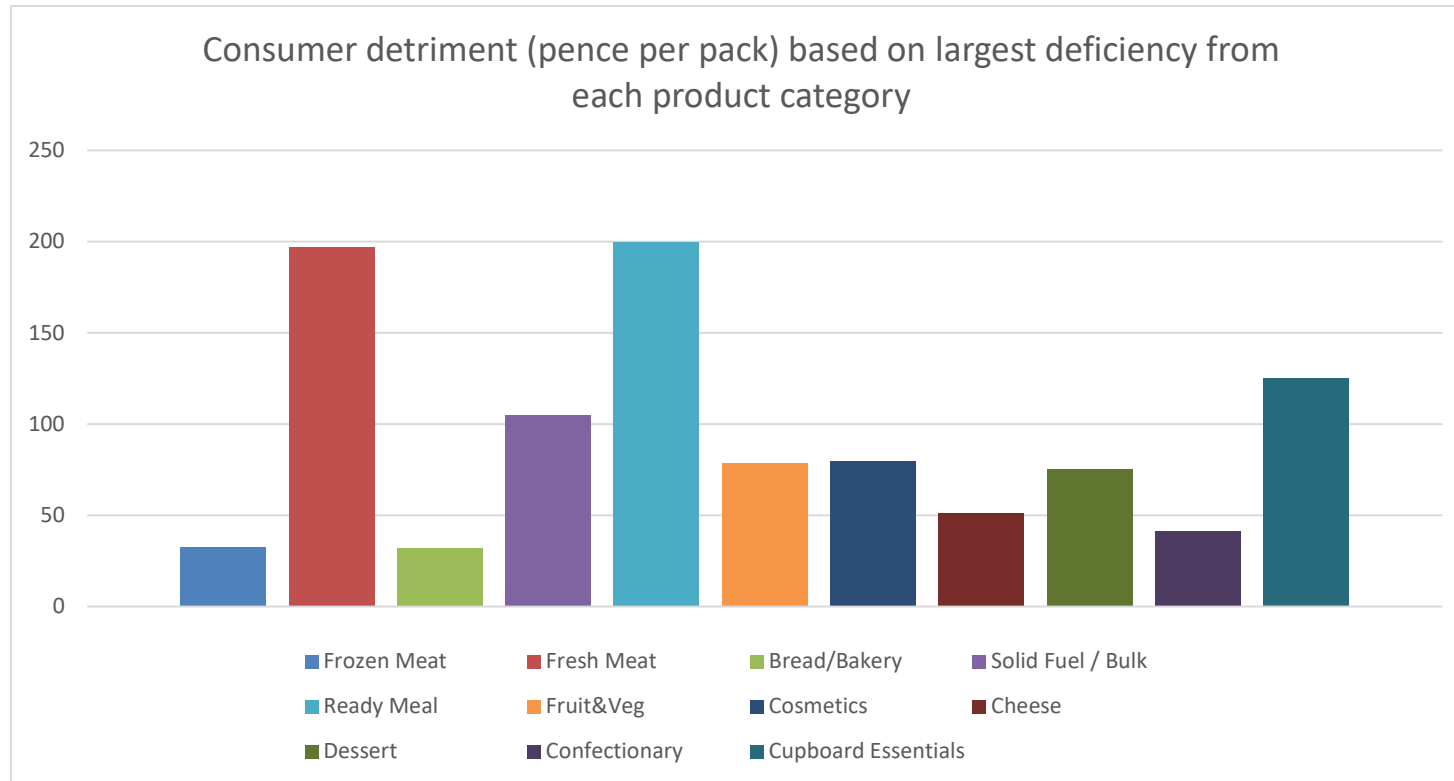


The largest percentage deficiency found across all product lines was 40.4% in a ready meal line.

The average level of deficiency across all 70 product lines was 11.4%.

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(4) The levels of deficiency led to a range in maximum detriment to consumers of between 32.3p per pack (bread) to £2 per pack (ready meal).



The 40.4% deficiency in a ready meal pack equated to financial detriment of £2 per pack. This pack was marked as 362g but weighed 215.7g net.

1 line of steak pies marked as 750g had gross weights of as low as 578g, equating to a loss to consumers of £1.97 per pack.

1 solid fuel product line was deficient by up to 17.6% - the 7.5kg pack was light by 1.32kg, causing detriment of £1.05 per pack.

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(5) 50 different packers were responsible for the 424 T2 packs.

The 424 packs found to be below T2 were the responsibility of 50 different packers and importers.

Conclusions

Against the backdrop of a cost-of-living crisis, consumers may be doubly disadvantaged at the checkouts – first through increasing prices and second through the hidden detriment that is short measure.

The results of the project suggest there are problems with short measure products being placed on the market. The prevalence of short weight packs is also greater than found in 2022. These packs have been identified at retail level having been produced and not identified or rectified at packing level. These packs should not have made it to the marketplace – the presence of them suggests failings in the systems and controls employed by each of the 50 packers. The presence of each short weight pack may also constitute an offence under the Packaged Good Regulations 2006.

The results also suggest there are problems with particular types of products which may mean the quantity is more difficult to control or there is a problem with weight loss after packing (e.g. desiccation). This could include bread and soft cheese. Short weight packs were most prevalent within the bread/bakery category. Of the 70 product lines containing T2 packs, 14 product lines were within this category. 22% of all short weight packs found during the project were categorised as bread/bakery.

All visits were carried out within a small geographical area. If checks were to be carried out nationally it would provide a greater pool of results from which to draw conclusions. That said, the presence of a substantial number of short weight packs within a small number of local authority areas would in itself suggest a widespread problem with the affected packers.

Instances were recorded of retailers applying a weight to non-weighted products through information contained on shelf edge labels and other point of sale materials. This fell outwith the scope of this project but will be shared with the Fair Trading groups due to the potential for consumers to be misled.

With food, fuel and energy prices continuing to rise, it is important that consumers receive exactly what they have paid for, including the correct quantity. Trading Standards is ideally placed to not only protect consumers against detriment through short measure products but to also support businesses responsible for placing these products on the market through advice and intervention where necessary. Without suitable weights and

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measures support from Trading Standards at packer and importer level we will continue to find short weight packs on the market contributing to extreme levels of potential collective consumer detriment and contributing to the cost of living crisis.

Recommendations

(1) Retail monitoring should be carried out on an ongoing basis and could be targeted based on the results of this project and the 2022 project. As the issues found across both projects are unlikely to be restricted to the West of Scotland, thought should be had to conducting these checks nationally as part of a wider project.

(2) Although retail monitoring can provide a snapshot of compliance at packer/importer level, it cannot identify the root cause at source and seek to resolve it. As the results of this project suggest an ongoing issue with compliance of packers and importers, Local Authorities with these businesses in their area should carry out a program of visits to assess compliance. This could be carried out in a co-ordinated manner or under direction from OPSS. This could encompass sector specific investigations/surveys – e.g. solid fuel, soft cheese, bread.

(3) The potential impact of continued non-compliance of packers and importers on supermarkets and other retailers cannot be underestimated. In addition to losses associated with the removal and disposal of short weight packs, retailers may incur liability where they knowingly sell a pack that is below T2. The results of this project and warnings to this effect should be shared with retailers as widely as possible, starting with the supermarkets Primary Authority group.

(4) As some issues were identified relating to information provided at the point of sale (e.g. application of weight to non-weighted products), the results of the project will also be shared with the national fair trading group.

(5) The results of the project will be shared with OPSS. As the national regulator it is crucial that they are aware of the issues that have been identified with a view to informing future policy and project decisions. A national strategy on legal metrology would also be beneficial.

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Acknowledgements

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