

### **WHO DOES THE ORDER APPLY TO?**

It applies to traders who offer food and drink for retail sale, either for consumption on any premises or to take-away.

The order does not apply to Bona Fide clubs, staff canteens, canteens in education establishments, specially ordered food and situations where the food is only available to persons using sleeping accommodation on the premises.

### **WHAT DOES THE ORDER REQUIRE ME TO DO?**

You must provide price indications which are unambiguous, easily identifiable and clearly legible by someone intending to purchase food or drink. Probably the easiest way of showing prices is by means of a composite price list. The price can either be a total price for a commodity (eg Fish and Chips £2.40) or a price per unit (eg £1.60 per pint), but if the price of say ½ pint is not proportional, it also needs to be given.

### **HOW MANY PRICES MUST BE SHOWN?**

If no more than 30 descriptions of food and drink (other than wine) are sold, the price of each one must be shown.

If more than 30 descriptions of food and drink (other than wine) are sold the price of at least 30 must be shown. If soft drinks are for sale this must include the price of 5 soft drinks.

These 30 descriptions can be divided into groups such as “starters”, “main courses” etc but the price of at least 5 descriptions of food and drink must be given in each group. This must again include the price of 5 soft drinks if these are available for sale.

The above does not apply to food supplied as a table d’hôte meal. This requires its own separate price indication.

### **WHAT ABOUT WINE?**

If wine is supplied for consumption with other food, then the prices of at least 5 descriptions of wine must be displayed.

### **WHAT HAPPENS IF SOME FOODS SELL OUT?**

If food ceases to be available, the price indication of that food must be withdrawn

- a) as soon as reasonably practicable where the food is available all day, or
- b) before the next “mealtime” where food is available only for certain indicated periods of the day

### **WHERE MUST PRICES BE DISPLAYED?**

In the case of a self-service restaurant or bar service public house, a price list must be displayed at the place where a customer chooses their food or drink and if this list is not also visible before a customer enters this area, a further price list must be displayed at the entrance to this area.

In the case of a take-away area the price indication shall be given where the customer chooses their food.

In all other cases a price list must be displayed at or near the entrance to the eating area so that it is visible before a customer enters.

### **ARE THERE ANY OTHER CHARGES WHICH MUST BE SHOWN?**

If there is a minimum charge or service charge, this must also be shown on any price-lists or menus that are used and this must be at least as prominent as the main price indication.

The prices shown must include VAT.

If you charge a different price depending on the method of payment (eg credit card sales) you must display a statement to this effect at each public entrance and at each place where consumers make payment.

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These notes have been prepared by Aberdeenshire Council Consumer Protection. They are provided for the guidance of traders and are not intended to be a definitive statement of the law. Only the courts can give an authoritative interpretation of legislation.

## **SHOULD THE PRICES BE GIVEN IN STERLING?**

Yes, but if you indicate you will accept foreign currency, you must in addition

- a) give the price of the food in the foreign currency along with any commission to be charged, or
- b) clearly indicate the conversion rate of the foreign currency which will be used to calculate the price along with any commission to be charged

and in any case you must indicate that these prices or conversion rates do not apply if payment is made via a foreign currency account payment card.

## **FURTHER ADVICE IS AVAILABLE FROM;**

Aberdeenshire Council,  
Consumer Protection and Support Services,  
Gordon House, Blackhall Road, Inverurie, AB51 3WA  
Tel: 01467 628323 Fax: 01467 628117

Aberdeenshire Council,  
Consumer Protection and Support Services,  
10 Commerce Street, Fraserburgh AB43 9AQ  
Tel: 01346 510505 Fax: 01346 510484

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# **The Price Marking (Food and Drink Services) Order 2003**

## **Guidance Notes for Traders**

