

C3.

Plastic Glasses/Short Measures Guidelines June 2009

Guidance from Office of Fair Trading issued on 19th June 2009 to Licensing Forum and Isle of Man Constabulary

- Plastic glasses are often used for the serving of draught beer during events such as the TT and pop concerts.
- This public safety approach has been promoted by the Isle of Man Constabulary.
- Although the public safety approach is supported by the Office of Fair Trading, licensees should be aware that there should not be instances of short measures of draught beer being served in wholly inappropriate glasses.
- In order to conform to the 'top up policy' ensuring customers obtain a full measure, the Office of Fair Trading insist that plastic glasses used for the serving of draught beer must be stamped. Only plastic glasses that are lined measures as opposed to brim measures should be used. Plastic glasses that are lined in both imperial and metric quantities should not be used.
- Enforcement action may ensue if inspection by the officers of the Office of Fair Trading find short measures being served in plastic glasses that are not 'stamped' or are otherwise inappropriate, e.g. that are lined in both imperial and metric quantities.
- If short measures are consistently being served in a particular establishment, the business concerned is not trading fairly from the respective standpoints of consumers and competitors.
- Under section 36 of the Weights and Measures Act 1989, the gas comprised in any foam on the beer shall be disregarded in ascertaining the quantity of any beer. This basically means that pints of beer served in licensed premises should be full pints of liquid, i.e. they should not include a 'head'. Similarly, other measures, e.g. half pints, of beer served in licensed premises should not include a 'head'.
- At a meeting held in December 2008, the Board of the Office of Fair Trading made a fully informed policy decision as to what constitutes a full measure of beer for enforcement purposes. The views of the trade and the nature and numbers of consumer complaints received were considered in addition to the results of test purchases and the rationale of section 36. As such, there is a permitted tolerance in general of 2.5% in deficiency (5% for stouts).
- The trade are expected to implement an on-going 'top-up' campaign and code of practice.
- Enforcement action could move from informal warnings to legal proceedings. Repeat offences and mitigating circumstances will be considered.

- For the purpose of this guidance note, the term 'beer' includes stout, cider and lager.