

1977 No. 1334

CONSUMER PROTECTION

PRICES

The Price Marking (Cheese) Order 1977

<i>Made - - - -</i>	<i>1st August 1977</i>
<i>Laid before Parliament</i>	<i>10th August 1977</i>
<i>Coming into Operation</i>	<i>1st March 1978</i>

Whereas the Secretary of State, in accordance with the provisions of section 4(3) of the Prices Act 1974(a), has consulted in such manner as appeared to him to be appropriate having regard to the subject-matter and urgency of this Order, with such organisations representative of interests substantially affected by this Order as appeared to him, having regard to those matters, to be appropriate:

Now, therefore, the Secretary of State, in exercise of his powers under section 4 of that Act, hereby makes the following Order:—

1.—(1) This Order may be cited as the Price Marking (Cheese) Order 1977 and shall come into operation on 1st March 1978.

(2) In this Order “cheese” means cheese, whether or not containing flavouring or colouring matter, and whether or not coated with or mixed with other food for the purpose of giving the cheese a distinctive appearance or flavour; and includes processed cheese and cheese spread.

(3) The Interpretation Act 1889(b) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

2.—(1) Subject to paragraph (2) below, no person shall, in Great Britain, offer or expose cheese for sale by retail unless an indication of the price of the cheese is given, being an indication complying with the appropriate requirements the Schedule hereto.

(2) Paragraph (1) above shall not apply to—

- (a) cheese in a quantity not exceeding 25g; or
- (b) cheese offered or exposed for sale only for consumption at the premises of the seller; or

(a) 1974 c. 24.

(b) 1889 c. 63.

- (c) cheese forming part of an assortment of articles of food pre-packed together for consumption together as a meal and ready for such consumption without being cooked, heated or otherwise prepared.

Robert MacLennan,

Paliamentary Under-Secretary of State,
Department of Prices and Consumer Protection.

1st August 1977.

SCHEDULE

1. In this Schedule—

“container” includes any form of packaging of cheese for sale as a single item, whether by way of wholly or partly enclosing the cheese or by way of attaching the cheese to some other article, and in particular a wrapper;

“gross weight”, in relation to any cheese, means the aggregate weight of the cheese and any container in which it is made up;

“pre-packed” means made up in advance ready for retail sale in or on a container;

“selling price”, in relation to any cheese, means the price at which the cheese is offered or exposed for sale, not being a price expressed by reference to a unit of measurement;

“unit price”, in relation to any cheese, means the price per pound weight of the cheese.

2.—(1) In the case of pre-packed cheese the indication of price shall consist of—

(a) the selling price; and

(b) subject to sub-paragraph (2) below the unit price calculated by reference to the selling price and to the weight marked on the container.

(2) Sub-paragraph (1)(b) above shall not apply in the case of—

(a) a whole cheese the net weight of which is not more than 500g;

(b) cheese pre-packed in a container made wholly or mainly of ceramic or other rigid material;

(c) processed cheese, cheese spread or natural cheese of a type other than one referred to in sub-paragraph (3) below, being processed cheese, cheese spread or natural cheese made up in a container marked with an indication of quantity by weight which was so marked, or which bears a label which was so marked, before the cheese to fill the container was selected.

(3) The types of natural cheese which are not excepted by sub-paragraph (2)(c) above from the requirement that the unit price is to be given are Caerphilly, Cheddar, Cheshire, Derby, Double Gloucester, Dunlop, Edam, Gouda, Lancashire, Leicestershire and Wensleydale.

3. In the case of cheese which is not pre-packed, the indication shall be an indication of the unit price.

4. An indication of the price, if it is not marked on the cheese or on the container, shall be easily recognisable by an intending purchaser under normal conditions of

purchase as referring to the cheese in question; but the indication need not be adjacent to the cheese and may be grouped with other indications of the prices of other cheese to which this Order applies in the form of a list or otherwise.

5. Where the indication of the price is not adjacent to the cheese to which it refers it shall be in such a position that it is readily discernible by an intending purchaser from the place where he would under normal conditions of purchase select the cheese, or, if he would not select the cheese himself, where he would, under those conditions, ask for the cheese. If there is more than one such indication in relation to any cheese it shall be sufficient if one such indication complies with this paragraph.

6. If the indications of the selling price and the unit price are both marked on the container they shall be in close proximity to one another but sufficiently distinct as not to confuse an intending purchaser under normal conditions of purchase.

7. Any indication shall be clear and legible, and easily read by an intending purchaser under normal conditions of purchase.

8. Where the indication of a unit price has been calculated by reference to the gross weight of the cheese, that fact shall be clearly indicated.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order requires the price of cheese offered or exposed for retail sale to be indicated. The requirements to be fulfilled in indicating the prices are set out in the Schedule.

The unit price (price per lb weight of the goods) is to be indicated for all cheese which is not pre-packed.

In the case of pre-packed cheese the selling price is to be indicated, and the unit price is additionally to be indicated for—

(a) pre-packed natural cheese of the following types—

Caerphilly, Cheddar, Cheshire, Derby, Double Gloucester, Dunlop, Edam, Gouda, Lancashire, Leicestershire and Wensleydale;

(b) other pre-packed natural cheese, processed cheese and cheese spread which is pre-packed in varying quantities rather than to a pre-determined fixed weight pattern and is marked with an indication of quantity by weight.

Exemptions are given from the requirement to indicate the unit price for pre-packed whole cheese weighing not more than 500g and cheese pre-packed in a rigid container such as a ceramic jar.

Exemptions from all the requirements of the Order are made for cheese in a quantity not exceeding 25g (approximately $\frac{9}{10}$ oz), cheese offered or exposed for retail sale only for consumption on the premises of the seller, and cheese forming part of an assortment of articles of food pre-packed together for consumption as a meal without needing to be cooked, heated or otherwise prepared.

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