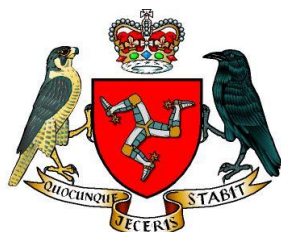




# Isle of Man Office of Fair Trading

## CONSULTATION ON PROPOSALS FOR CHANGES TO THE LEGAL QUANTITIES FOR SALES OF INTOXICATING LIQUOR

### SUMMARY OF RESPONSES



**Isle of Man**  
Government

*Reiltys Ellan Vannin*

**July 2017**

# Contents

**1. Introduction**

**2. The Consultation Exercise**

**3. The Responses**

**4. Conclusions**

**Appendix 1: List of Respondents**

**Appendix 2: Summary of Responses**

# 1. Introduction

In his introduction to the consultation document, the Chairman of the OFT stated:-

*"This public consultation is driven by repeated concerns about the continued availability of approved ('stamped') measuring equipment, which is used to determine measures of gin, rum, vodka, whisky and brandy sold by retail for consumption on the premises at which it is sold, in addition to the need to promote sensible drinking and facilitate events such as wine tastings and beer festivals.*

*The opportunity has also been taken to consider the issue of 'free pouring', i.e. pouring into capacity measures that have not been 'stamped', which, in the OFT's opinion, presents a risk of selling inaccurate measures.*

*With the above in mind, the OFT is proposing three changes to the legal quantities for sales of intoxicating liquor and exploring the possibility of effectively banning 'free pouring' of the above spirits in the outlined circumstances."*

Legal quantities for sales of intoxicating liquor in the Island are prescribed by the Weights and Measures (Intoxicating Liquor) Order 2001 ('the 2001 Order'), which came into operation on 1<sup>st</sup> July 2001.

Having considered the views of the Isle of Man Licensing Forum, which has been very successful in bringing together the Isle of Man Government, the industry and the police to address alcohol-related problems, in addition to developments in the UK, the OFT put forward three proposals for changes to the legal quantities for sales of intoxicating liquor:-

- the introduction of a new metric quantity, namely 25 ml, to supercede the current imperial quantity, namely 1/5 gill, for sales of gin, rum, vodka, whisky and brandy, with a lead in time of at least six months from the date on which the requisite secondary legislation comes into force;
- that fortified wines, e.g. sherry, port and madeira, should be sold in the glass in quantities of 50 ml or 70 ml or multiples of either of those quantities; and
- that sales of wines (other than fortified wines) in the glass in quantities of less than 75 ml should be deregulated.

The 2001 Order requires businesses to ensure that gin, rum, vodka, whisky and brandy are only sold in specified quantities where they are sold by retail for consumption on the premises at which they are sold.

Businesses can choose to use approved ('stamped') measuring equipment, e.g. 'stamped' 1/5 gill spirit measuring instruments and/or 'stamped' 1/5 gill capacity measures, to ensure compliance with this requirement but can also choose not to do so, in which case measures are determined by 'free pouring', i.e. pouring into capacity measures that have not been 'stamped'.

The OFT is aware of a number of businesses in the Island that have chosen to determine measures by 'free pouring' rather than by using 'stamped' measuring equipment.

The purpose of the consultation document was to invite comments on the three proposals for changes to the legal quantities for sales of intoxicating liquor outlined above and on the issue

of 'free pouring'. Five specific questions (see Appendix 2) were posed to prompt debate but it was made clear that both specific and wide-ranging responses would be welcomed.

## 2. The Consultation Exercise

The consultation exercise ran from 28<sup>th</sup> February 2017 to 31<sup>st</sup> March 2017.

Whilst it was a public consultation, the consultation document was sent directly to:-

- Tynwald Members
- Attorney General
- Local Authorities
- Chief Officers of Government Departments, Boards and Offices
- Isle of Man Chamber of Commerce
- Isle of Man Law Society
- Isle of Man TUC
- Isle of Man Licensing Forum
- Licensing Court
- Isle of Man Licensed Victuallers Association
- Bushy's Brewery Limited
- Heron and Brearley Limited
- Apple Orphanage Company Limited
- Isle of Man CAMRA
- Castletown Ale Drinkers Society
- WDS Limited
- D L Gelling Limited
- The Hooded Ram Brewing Company Limited
- Manx Entertainment and Nightclub Association
- Isle of Man Restaurateurs' Association
- Offwatch

The consultation document could be found on both the Isle of Man Government website and the OFT website.

## 3. The Responses

The OFT would like to thank each respondent for taking the time to assist it with this important work.

31 responses were received in total.

Three respondents remained anonymous, five respondents indicated that they had no comments to make and two respondents provided contact details online but did not answer any of the questions. Some respondents did not answer each question..

Responses were received by letter, by email and online.

A list of respondents is attached as **Appendix 1** and a summary of the responses, including representative comments, is attached as **Appendix 2**.

## 4. Conclusions

The OFT recognises the argument for the Isle of Man retaining its uniqueness and in normal circumstances would wish to retain the status quo, however, the arguments for promoting sensible drinking and facilitating business prevail.

A situation cannot be allowed to develop where illegal measuring instruments, or even a mix of legal and illegal measuring instruments, are being used in licensed premises due to the traditional 1/5 gill measuring instruments not being readily available. This would not be in the interests of any party concerned, least of all those of the consumer.

In addition, if the status quo is maintained there is the distinct possibility of anticipated increases in the costs of measuring equipment being passed on to consumers.

The OFT is, therefore, in favour of introducing a new metric quantity, namely 25 ml, to supercede the current imperial quantity, namely 1/5 gill, for sales of gin, rum, vodka, whisky and brandy, with a lead in time of at least six months from the date on which the requisite secondary legislation comes into force.

A shorter lead in time would not be realistic given the stocks of measuring equipment held by suppliers and the numbers currently in use.

The most striking but possibly the least surprising outcome of the consultation is that it is very obvious that there are serious concerns surrounding pricing issues that may arise from the proposal to introduce a new metric quantity, namely 25 ml, to supercede the current imperial quantity, namely 1/5 gill, for sales of gin, rum, vodka, whisky and brandy.

Whilst the OFT is not able to control prices, if the new metric quantity is introduced, it will make it clear to the industry that prices should be adjusted accordingly. This will involve making representations through the Licensing Forum and, if necessary, directly.

Even allowing for any initial costs in setting up new systems, it is anticipated that the industry will make significant savings if the new metric quantity is introduced and these should be passed on to consumers.

Both of the proposals concerning wine were driven by the need to promote sensible drinking and facilitate events such as wine tastings. The respondents were generally in favour of the proposals and these will be progressed if the OFT can ensure "consistency in respect of the quantity provided".

Further consideration may need to be given to the issues surrounding 'free pouring' given the changes in drinking practices, however, it is a criminal offence to sell inaccurate measures and the OFT remains of the opinion that the risk of committing an offence by selling short measures and/or measures in excess is increased where businesses choose to determine measures by 'free pouring' rather than by using 'stamped' measuring equipment.

## Appendix 1

### List of Respondents

- Mark Byrne
- Chief Registrar, General Registry, Isle of Man Courts of Justice
- R W Henderson MLC
- Marown Parish Commissioners
- WDS Limited
- Heron and Brearley Limited
- Andreas Parish Commissioners
- Ballaugh Parish Commissioners
- Jurby Parish Commissioners
- Tony Brown
- Roy Beale
- Alexander McKelvie
- Nigel Walker
- Hannah Shimmin
- Angela Aspin Isle of Man CAMRA
- Simon T. Bampton
- Andrew Saunders (Original Quids Inn)
- Juan McGuinness
- The Hon Juan Watterson SHK
- Nigel Jones
- M Dunn
- Alan Cooper
- Jim Smith
- Paul Doyle
- Barry Kennedy
- David Williams
- Department of Infrastructure
- Department of Environment, Food and Agriculture
- Anonymous x 3

## Appendix 2

### Summary of Responses

(All comments are quoted verbatim.)

#### General Comments

- It is more likely than not that the UK will do make a trade deal with the US, who use Imperial measurements, this is a waste of time. **Simon T. Bampton**
- As probably the largest supplier of optics and measuring aids to the licensed trade on the island we at WDS LTD did highlight the problems we were facing in finding suppliers of 1/5<sup>th</sup> gill optics and thimble measures to the OFT about 4 years ago.

The situation since then has not changed, we have only 1 supplier who can provide the 1/5<sup>th</sup> gill optics which they provide as blanks and these are inspected and stamped by OFT on the island, these optics have to be purchased in minimum quantities of 150 at a time. In the case of measuring thimbles no manufacturer is prepared to make less than 500 at a time which is a totally unrealistic quantity for us to hold in stock bearing in mind the cost. As a alternative 1oz shot glasses have been used, these glasses are checked and stamped by OFT, these glasses have to be 1oz to rim to pass inspection and after many attempts to source a suitable glass that is accepted for measuring purposes we have only found one which is manufactured in the USA and imported into the UK by their only British distributor, we can only order these glasses in minimum quantities of 60 cases of 72. If the UK distributor is out of stock there is a lead time of 8 weeks to receive them from the USA. We at present hold enough stock of optics and stamped shot glasses to satisfy 12 months sales (going on 2016 figures). **WDS Limited**

- I offer some comment from the Heron and Brearley Limited perspective. To offer context, the Heron and Brearley response is drawn together from a combination of our experience of operating multiple premises over a considerable period, internal staff feedback and training and best practise discussions within the IOM Licensing Forum.  
**Heron and Brearley Limited**

## Question 1

Given the concerns about the continued availability of 1/5 gill spirit measuring instruments, is there any valid reason for maintaining the status quo?

Total no. of respondents who made comment(s) = 21

Comment(s) summarised as	Number of respondents
There are <u>no</u> valid reasons for maintaining the status quo	11
There are valid reasons for maintaining the status quo	9
Undecided	1

### Representative comments – There are no valid reasons for maintaining the status quo

- I am unconcerned by this matter however I have no objection to the proposal to go to 25ml **David Williams**
- Change now and bring us into line with the rest of Europe **M Dunn**
- No, now is the time to change to 25ml **Andrew Saunders (Original Quids Inn)**
- No but there needs to be flexibility on its introduction **Roy Beale**
- So far as I am aware, spirits sold in bars are the only commodity measured in fractions of gills. Further, I imagine that the Isle of Man is one of the few, if not the only, jurisdictions that sells spirits in this way. I take it that the reason spirits are measured at all is to help people understand what they are paying for and to keep track of how much they have drunk. As spirits sold outside of the bar are sold in litres or diminutions thereof and healthguide lines on the safe consumption of alcohol are also based on glasses measured in millilitres then the use of the gill does nothing but obscure the very things it is designed to give clarity on. This is compounded by the fact that nobody know what a gill is compared to anyother commonly used measure of liquid. I have never knowingly bought a single gill of anything in a bottle or a glass and I suspect I am not alone.

Consequently on grounds of price transparency and responsible drinking the gill should be dropped in favour of litre based measures. For the same reasons free pouring is probably not a good idea.

While we are at it, and again for the same reasons, why not recalibrate a pint of beer as 500 ml - that way all will know what they are getting. **Mark Byrne**

- None of which I am aware. In my response to the 2012 Consultation I said:-



*"Given the concerns raised I can see no benefit to maintaining the status quo in respect of the gill measurement. I suspect that many younger drinkers, if asked, would have no idea how much a gill was, conversion to a metric measurement would allow consumers to more easily regulate their consumption (it being much easier to calculate in multiples of 25ml than in quantities of a gill), it would also be much easier to provide consumers with "safe" drinking advice."*

A move to the introduction of metric quantity would also have the benefit of bringing the Isle of Man in line with the UK and the rest of Europe allowing consistency of measures and, as the consultation document says,-

*"Adopting the proposed new legal quantity would mean that spirit measuring instruments and capacity measures would be readily available as these are also the legal quantities in the UK."*

The only other point I would wish to make is that plans to introduce metric measures for the sale of beers appear to have been abandoned, page 4 of the Consultation Document says

"It is fair to say that there was considerable opposition to the proposed introduction of two new legal quantities for sales of draught beer and, to a lesser degree, opposition to the proposals for deregulation."

If the introduction of metric measures for wine and spirits is introduced it will mean that draft beers are sold under the old imperial system whilst wines and spirits under metric measures. There is the possibility that this dual system of measurements will cause confusion and it might be better to maintain one system of measurement in respect of the sale of alcohol in the Isle of Man **Chief Registrar**

- Heron and Brearley are aware of the ever increasing difficulties in obtaining imperial measures or 'optics' in recent times and the greater cost in so doing as against metric volume equipment. We are conscious that in the future, sourcing such equipment may become troublesome or even impossible— this could lead to the practical difficulty of non-compliance with legislation if changes toward metrification are not carried out proactively.

We are of the view that the adoption of the 25ml measure as the standard size is the most appropriate. In taking that view, our reasoning in addition to the aforementioned points mentioned about availability and cost of the infrastructure includes a number of patronage-based factors including:-

- all readily available health promotion material on safe drinking guidelines use this size measure
- such measure accords with the recent adjustment by the United Kingdom Chief Medical Officer in encouraging safer alcohol consumption thus enabling persons to monitor or adjust their alcohol intake accordingly
- such measure enables a customer to make comparison of their intake in millilitres against the medical 'unit' value of alcohol – again because of the plethora of material available quoting the 25ml standard measure

On the above basis, Heron and Brearley Limited would support the introduction of a new metric quantity, namely 25 ml. **Heron and Brearley Limited**

## Representative comments – There are valid reasons for maintaining the status quo

- Yes, there is no real need for this change **Paul Doyle**
- Firstly you have simply stated "concerns" not evidenced so this question is bias rather than a true query. Ultimately the status quo is what people are used to, makes us unique, works and changing it will add to costs and result in people paying the same for less  
**Juan McGuinness**
- There is no need to abolish the Imperial measurements **Simon T. Bampton**
- It is a marketing ploy. We are not the only country who uses this measurement. It is commonly available on popular auction sites **Hannah Shimmin**
- I see no reason to increase, or decrease the measure. I don't know anyone who enthusiastically embraces this proposed change. I firmly believe that it will be used as a method of hiding inflation, and will lead to excess price increases, because vendors' parent companies "can get away with it". **Nigel Walker**
- If it's not broke, don't fix it **Alexander McKelvie**
- Losing the imperial measure to the metric has a strong social argument – we have always been known to have 'larger measures' than the UK, and a good visitor attraction, and one which countless visitors have supported as a bonus to their holiday. Not that they wished to get drunk, but it was the big novelty of ordering your spirits in the knowledge it was a larger measure than where they came from.

It's the same as the argument to keep the pint measure in some respects. Why do we wish to lose our traditions? OK, I can see obtaining a stamped measure etc may start to prove to be problematic, however, I'm sure its not beyond the wit of the Okell's , Bushey's etc to source someone to actually make such measures. **R W Henderson MLC**

- I don't feel that the expense argument is substantial. I think they could be sourced if desired and at a fair price. What would be an issues is the pricing structures would have to change – so effectively 'shots' would be cheaper, but you would get less.  
**R W Henderson MLC**
- Yes, our social traditions, same as the pint was retained, the difference in size is not that great as to effect 'sensible drinking'. Our long standing traditions, and what makes us unique is being eroded to the point of where we are becoming 'homogenised Europeans.' Not unique Manx, and Islanders. **R W Henderson MLC**
- As for reasons to not change, it would be a shame to be forced to abandon a traditional means of sale and which creates a uniqueness to the Isle of Man without a really good reason for doing so, and unless the weaker side is disadvantaged, it is not the business of the state to interfere with a private contract between two willing parties.  
**Marown Parish Commissioners**
- I only wish to comment on one aspect covered by the consultation and that is in relation to the measurement size for spirits in the Island which is 1/5<sup>th</sup> gill, which is 1 fluid ounce, whereas in the UK when it was changed to metric size (in line with EU regulations (which do not apply to the Island) they went to 25mm, as advised in your paper.  
I note that your paper indicates that there is likely to be a problem of production of the

measuring equipment if the Island retains the 1/5 gill measure; this is not correct. The Island's spirit measurement has always been different to the UK, and in recent years when this has been raised by IOM Brewery with the Office it has been found that the manufacturers of the automatic measurement optics have no problem at all in providing the 1/5<sup>th</sup> gill measures for the Island, as they have done for decades. The optic is only a small piece of plastic and in manufacturing terms providing the different size is not an issue.

Also one of the big advantages of retaining a 1/5<sup>th</sup> gill measurement is that the consumer is drinking smaller quantities of spirit with each drink, and therefore in itself it is a good way of reducing the quantities people drink, and thus it helps in some way to combatting drinking issues. I believe this is worth keeping in mind and I would urge the Office to retain the 1/5<sup>th</sup> of a gill measure for spirits on the Island.

I also find it a bit ironic that now the UK Government is progressing the removal of the British Isles (including our special arrangement) from the EU that we on the Island are now looking to adopt an EU measure for our spirits; we continue to retain our pints over the EU equivalent metric measure, or is that set for a change in the future? **Tony Brown**

### **Representative comment – Undecided**

Long term we would think it would be beneficial to fall in line with the metric measurements but given that the main reason for keeping with the imperial measure was the uniqueness to the IOM we feel in the short term we can comfortably service the industries needs.

The concern to us at the time (4 years ago) was there was no legislation in place to change to metric in the case of not being able to source suitable imperial measures. Can legislation be put in place ready to be implemented if and when the day comes when finally imperial measures become unavailable? **WDS Limited**

### **OFT Response**

There are strong arguments on both sides and it obvious that any decision not to maintain the status quo must not be taken lightly. Whilst the argument for the Isle of Man retaining its uniqueness cannot be ignored, the OFT is of the view that the arguments for promoting sensible drinking and facilitating business prevail.

If a situation is allowed to develop where the traditional 1/5 gill measuring instruments are no longer readily available, there is likely to be much confusion with illegal measuring instruments, or even a mix of legal and illegal measuring instruments, being used in licensed premises. In addition, if the status quo is maintained there is the distinct possibility of anticipated increases in the costs of measuring equipment being passed on to consumers.

## Question 2

Is the proposed lead in time of at least six months from the date on which the requisite legislation comes into force too long?

Total no. of respondents who made comment(s) = 15

Comment(s) summarised as	Number of respondents
The proposed lead in time of at least six months from the date on which the requisite legislation comes into force is <u>not</u> too long	12
The proposed lead in time of at least six months from the date on which the requisite legislation comes into force is too long	2
Undecided	1

### Representative comments – The proposed lead in time of at least six months from the date on which the requisite legislation comes into force is not too long

- After procrastinating for so many years does a few months make much difference??  
**M Dunn**
- no but again you are presuming the end result before the survey concludes  
**Juan McGuinness**
- yes that is acceptable. **Andrew Saunders (Original Quids Inn)**
- No. suggest a year. **Roy Beale**
- I would have thought that the industry will require a lead in period in order to purchase new measuring equipment, make the necessary pricing changes and deal with staff training. Six months does not seem an excessive amount of time for this to be done, it is after all now 5 years since the Office of Fair Trading first consulted on this issue, no explanation has been given as to why the consultation is taking so long, it would not be unreasonable to allow the industry time to make the changes necessary to accommodate any new system of measurement. **Chief Registrar**
- We as a company would prefer as long a lead in time as possible, as mentioned above we already carry approx 12 months supply of stock (mainly due to the minimum ordering quantities involved) and we would prefer not to have to pay a financial penalty by way of being left with a lot of redundant stock when the new legislation comes into being.  
**WDS Limited**
- On a practical basis, given the amount of premises operated and the methodology of our stock control and ordering systems, we would welcome the six-month lead in period to ensure introduction of such change had sufficient lead in time to enable necessary administrative and operational works to be carried out. **Heron and Brearley Limited**

**Representative comment – The proposed lead in time of at least six months from the date on which the requisite legislation comes into force is too long**

I think so yes I, if we change away from free pouring which is my concern there is no reason for any lead in period **David Williams**

**Representative comment – Undecided**

Could the industry cope within this time frame? **R W Henderson MLC**

**OFT Response**

The OFT is in favour of a lead in time of at least six months and may even consider a longer lead in time after further talks with the industry. A shorter lead in time would not be realistic given the stocks of measuring equipment held by suppliers and the numbers currently in use.

### Question 3

What, if any, concerns do you have surrounding pricing issues that may arise from this proposal?

Total no. of respondents who made comment(s) = 15

Comment(s) summarised as	Number of respondents
Those with <u>no</u> concerns surrounding pricing issues that may arise from this proposal	3
Those with concerns surrounding pricing issues that may arise from this proposal	12
Undecided	0

#### Representative comment – Those with no concerns surrounding pricing issues that may arise from this proposal

There are no concerns about pricing except to say that prices will need to be reviewed and changed in the light of the smaller measures that will be provided. **Chief Registrar**

#### Representative comments – Those with concerns surrounding pricing issues that may arise from this proposal

- I would expect prices to be held at least for a considerable period as a change to 25ml. I am a realist and while I would like to see a reduction I expect the brewery would use the changing of equipment costs to explain why they aren't reducing prices **David Williams**
- It is an opportunity to increase prices on the consumer **Paul Doyle**
- A move from existing imperial to proposed metric measures not only confuses by switching from one measurement approach to another. But also it changes from one quantity to another quantity. This presents the retailer with two opportunities to obfuscate the situation to the detriment of the consumer. **Alan Cooper**
- 25ml should give a reduction in price over 1/5gill and would expect to see this reflected in retail prices **M Dunn**
- There should be a guideline issued e.g. recommended % adjustment **Nigel Jones**
- I feel prices will stay the same and measure will decrease **Juan McGuinness**
- The licensees have been advised to keep the price the same therefore the customers will have a huge price hike **Hannah Shimmin**
- It will inevitably lead to price rises far in excess of any increase in the measure. I have no

doubt that the price per ml will be far in excess in a years time if this measure is adopted.

**Nigel Walker**

- Measure will reduce, but I bet prices don't **Alexander McKelvie**
- There will be no correspond h price reduction for the reduction in quantity. **Roy Beale**
- Presumably we would have cheaper shots, with less liquid? That may cause the Industry to re-evaluate its whole pricing structure which could be onerous. **R W Henderson MLC**
- The only concerns we would have about pricing is the cost in general to the industry for the changes. **WDS Limited**

### **OFT Response**

It is very obvious that there are serious concerns surrounding pricing issues that may arise from the proposal to introduce a new metric quantity, namely 25 ml, to supercede the current imperial quantity, namely 1/5 gill, for sales of gin, rum, vodka, whisky and brandy.

Introducing the new metric quantity would see a reduction in the legal quantity of 3.4 ml, equating to approximately 12 per cent of the current imperial quantity, which is not insignificant.

Whilst the OFT is not able to control prices, if the new metric quantity is introduced, it will make it clear to the industry that prices should be adjusted accordingly. This will involve making representations through the Licensing Forum and, if necessary, directly.

Even allowing for any initial costs in setting up new systems, it is anticipated that the industry will make significant savings if the new metric quantity is introduced and these should be passed on to consumers.

Having said that the OFT is not able to control prices, under the Fair Trading Act 1996 it can carry out an investigation into any price, with a view to providing the Council of Ministers with information relating to that price, if it is satisfied that the price in question is one of major public concern. This could ultimately lead to the Council of Ministers making an order requiring a person named in the order not to charge, without the consent of the OFT, for goods or services specified in the order a price or prices exceeding the price or prices specified in or determined in accordance with the order.

## Question 4

Is there a case for deregulating sales of wines (other than fortified wines) in the glass in quantities of less than 75 ml?

Total no. of respondents who made comment(s) = 17

Comment(s) summarised as	Number of respondents
There is a case for deregulating sales of wines (other than fortified wines) in the glass in quantities of less than 75 ml	9
There is <u>no</u> case for deregulating sales of wines (other than fortified wines) in the glass in quantities of less than 75 ml	7
Undecided	1

### Representative comments – There is a case for deregulating sales of wines (other than fortified wines) in the glass in quantities of less than 75 ml

- Yes so wine tastings can be run easily and with more variety **David Williams**
- Yes Desert wines should be (eg Sauternes ) They are not fortified but need to be sold in smaller glasses **M Dunn**
- for the purposes of wine tasting it seems reasonable **Juan McGuinness**
- Agree with multiples of 50ml for fortified only to ease confusion. Agree with the deregulation of wine in quantities < 75ml. **Roy Beale**
- Yes, as this is only a small measure **R W Henderson MLC**
- Heron and Brearley note the OFT proposes fortified wines, such as sherry, port and madeira, be sold in quantities of 50 ml or 70 ml (or multiples of either). We note the proposal is linked to sales of wines other than fortified wines in quantities of less than 75 ml – the proposal being such quantity should be deregulated. The basis offered for such proposals is the desire and need to promote sensible drinking practise and to facilitate legitimate events such as wine tastings, where for instance the supply of wine in a glass in a quantity of less than 75 ml would be legal. Based on the benefits to the consumer and to prevent a well-operated outlet from breaking the law, Heron and Brearley support the proposals as outlined. **Heron and Brearley Limited**

### Representative comments – There is no case for deregulating sales of wines (other than fortified wines) in the glass in quantities of less than 75 ml

- No! How many irresponsible drinkers consume Port, Sherry, or Madeira?! If you really want to promote sensible drinking, introduce a minimum price on Buckfast! Talk about targeting the wrong areas...! **Nigel Walker**



- In my response to the 2012 Consultation I said:-

*"I would oppose the deregulation of wine in any quantity. If it is proposed to introduce a 50ml measure for the sale of fortified wine could that measure also be used for the sale of wine, particularly at wine drinking festivals? This would allow the consumer and retailer to regulate the quantity of wine sold and consumed."*

There is no explanation or justification given for the deregulation of sales of wine in measures of less than 75ml, neither is it proposed that this deregulation should only apply at wine tasting events.

Given that it is proposed to sell fortified wines in quantities of 50ml and 70ml those measures are obviously available and could be used at wine tasting or similar events in order to ensure consistency in respect of the quantity provided.

If it is felt necessary to deregulate the sale of wine in quantities of less than 75ml then this should be specifically limited to authorised wine tasting events though the deregulation of sales of such quantities for any reason is opposed. **Chief Registrar**

- With regard to the last two questions and based on our experiences in dealing with customer enquires we feel the more control over the dispensing of alcoholic drinks the better. With the increased popularity of cocktails and "shots" has come the question of what quantities can be used and how they can be controlled. We as a company will only sell metric measures (125ml , 175ml and 250ml) for the purpose of dispensing wine, but we have on occasions been asked for 25ml or 35ml measures which we refuse to sell giving the reason that they are not a legal measure on the IOM but we are aware these items are freely available by mail order. **WDS Limited**

### **OFT Response**

There have been instances of confusion within the industry concerning the quantities in which fortified wines can be sold and the proposal concerning fortified wines would end any confusion.

Notwithstanding the fact that the respondents were generally in favour of the proposals, one respondent highlighted the fact that "consistency in respect of the quantity provided" is important. The OFT will examine the proposals again with this in mind.

Both of the proposals are driven by the need to promote sensible drinking and facilitate events such as wine tastings.

## Question 5

Should the 2001 Order be amended to specify that approved measuring equipment must be used to determine measures of gin, rum, vodka, whisky and brandy sold by retail for consumption on the premises at which it is sold?

Total no. of respondents who made comment(s) = 18

Comment(s) summarised as	Number of respondents
The 2001 Order should be amended to specify that approved measuring equipment must be used to determine measures of gin, rum, vodka, whisky and brandy sold by retail for consumption on the premises at which it is sold	10
The 2001 Order should <u>not</u> be amended to specify that approved measuring equipment must be used to determine measures of gin, rum, vodka, whisky and brandy sold by retail for consumption on the premises at which it is sold	7
Undecided	1

### Representative comments – The 2001 Order should be amended to specify that approved measuring equipment must be used to determine measures of gin, rum, vodka, whisky and brandy sold by retail for consumption on the premises at which it is sold

- Yes my major problem and why I am involved in this consultation at all is that I have been appalled at some of the extremely dubious instances of free pouring I have seen in various premises on the Isle of Man. **David Williams**
- free pouring should be allowed in restaurants. In pubs only optics or stamped measures should be used **M Dunn**
- Yes all spirit measures of the five mentioned should be using a stamped government measuring device. Please introduce 3ball precision pourers as an acceptable measuring device though **Andrew Saunders (Original Quids Inn)**
- Consequently on grounds of price transparency and responsible drinking the gill should be dropped in favour of litre based measures. For the same reasons free pouring is probably not a good idea. **Mark Byrne**
- Yes, the 2001 Order should be so amended. There is no justification for the practice of “free pouring” which is very likely to lead to either overconsumption because of inaccurate measures or for sale of short measures to unsuspecting customers.

A 6 month lead in prior to the introduction of the proposed change would seem to be sufficient to allow all retailers to obtain the necessary measuring equipment.

#### Chief Registrar

- Free Pouring – take the point on this – you can either get too much, or too little, and especially if the bar is busy, the staff are rushed, or not enough of them, so there will

inevitably be mistakes, genuine, unavoidable mistakes.

However free pouring does have the inherent risk of an individual obtaining more alcohol than what that customer wished, in turn leading to someone becoming more intoxicated than they were wishing. **R W Henderson MLC**

- Also, If the 'American Free pouring' is favoured by establishments then that is another issue as to what size of portion is being poured **R W Henderson MLC**
- That would have to be determined by the industry. However, I do have my reservations about free pouring which can lead to irresponsible drinking. **R W Henderson MLC**
- With regard to the last two questions and based on our experiences in dealing with customer enquires we feel the more control over the dispensing of alcoholic drinks the better. With the increased popularity of cocktails and "shots" has come the question of what quantities can be used and how they can be controlled. We as a company will only sell metric measures (125ml , 175ml and 250ml) for the purpose of dispensing wine, but we have on occasions been asked for 25ml or 35ml measures which we refuse to sell giving the reason that they are not a legal measure on the IOM but we are aware these items are freely available by mail order. **WDS Limited**

**Representative comments – The 2001 Order should not be amended to specify that approved measuring equipment must be used to determine measures of gin, rum, vodka, whisky and brandy sold by retail for consumption on the premises at which it is sold**

- No, stop regulating people. If you go to a cocktail bar, let them free pour. By definition if you are drinking you are an adult and should be of sound mind, and therefore choose to partake. **Paul Doyle**
- I see no problem with free pouring - it is standard practice for wine for example. I see little if any benefit to restricting free pouring. I have never seen an optic on the continent, where far more sensible drinking is encouraged. **Nigel Walker**
- Absolutely not. In a specialist bar selling a large selection of spirits this sounds completely impractical. **Roy Beale**

**OFT Response**

It is important to make it clear that 'free pouring' in this context means pouring into capacity measures that have not been 'stamped'.

One respondent highlighted the practice of pouring into capacity measures that have been 'stamped'. This is perfectly legal and, in the OFT's opinion, the risk of selling short measures or measures in excess would be significantly reduced by making this a requirement. If it is made a requirement then it should apply to all licensed premises, including restaurants and cocktail bars, to avoid confusion and ensure a level playing field for the businesses concerned.

What must also be taken into consideration though are the changes in drinking practices, for example, another respondent highlighted the increased popularity of cocktails and "shots".