businesscompanion
trading standards law explained

Selling alcohol in licensed premises

In the guide

Weights and measures requirements
- Beer and cider
- Sales by the jug or pitcher
- Gin, rum, vodka and whisky
- Wine
- Stamped measuring equipment and glasses

Information to be provided to customers
Licensing Act requirements
Age-restricted sales
Further information
Trading Standards
In this update
Key legislation

In this guide, the words 'must' or 'must not' are used where there is a legal requirement to do (or not do) something. The word 'should' is used where there is established legal guidance or best practice that is likely to help you avoid breaking the law.

This guidance is for Scotland

The sale of alcohol in pubs, restaurants, etc is subject to the requirements of weights and measures, fair trading, licensing and underage sales legislation.

There are legal requirements for the licensed trade concerning the quantities and measurement of alcoholic drinks, and how they are described, as well as on informing customers about the prices they will be charged. There are also mandatory licensing conditions, which include irresponsible drinks promotions. All customers must be over 18 to buy alcohol in licensed premises.

Weights and measures requirements

There are legal requirements for the quantities that specific types of alcoholic drinks must be sold in. These apply to beer (in its various forms) cider, gin, rum, vodka, whisky, wine and fortified wines (such as port and sherry).

There are no specific requirements as to the quantities that any other drinks have to be served in. However, if a specific quantity is indicated to customers on, for example, a menu or price list, the requirements detailed below (regarding equipment or measures to be used to determine the quantity served) must should be followed.

Beer and cider

Draught sales of beer and cider must be made in one of these quantities:

- ⅓ pint
- ½ pint
- ⅔ pint
- Multiples of ½ pint

These requirements do not apply when beer or cider is mixed with other drinks. However, if you agree to sell a customer a particular quantity of a mixed drink - a pint of shandy, for example - the requirements given below regarding measuring the drink must be still be followed.

Draught beer or cider must be measured using either an automatic metering system or glasses of a relevant quantity. All such equipment and glasses must be 'Government stamped', which guarantees that the quantity served will be accurate; this is explained further below.

Stamped glasses used to measure and serve draught beer and cider can be either brim measures (where they need to be filled to the top of the glass) or lined glasses (where there is space above the quantity line to accommodate drinks with a frothy head). In either case, drinks must be dispensed with care to ensure they are filled to the required level, having regard to the nature of the drink - for example, stout is traditionally served with a large frothy head, whilst ciders are not. If customers consider that the amount of frothy head served is excessive, they can ask for the glass to be topped up to a reasonably acceptable level.

If automatic half-pint meters are used, glasses that the drinks are dispensed into should be slightly bigger than the amount being served to allow for any frothy head produced to be accommodated. These glasses should not be stamped or have a particular quantity marked on them, as this could cause customer doubt over the amount they are being served. The allowable accuracy of stamped meters and glasses is different and a metered pint of beer (for example) may not always come up to the line on a stamped pint glass.

Sales by the jug or pitcher

Beer and cider can be sold in jugs or pitchers, as long as:

- The quantity is made known to the customer
- The quantity is a multiple of a half-pint
- Stamped equipment is used to determine the amount served

For example, a four-pint pitcher of beer can be filled by dispensing eight half pints from a metered system. However, filling using four lined pint glasses, for example, is not permitted because they are designed to be drunk from, so cannot be used to transfer beer into a jug or pitcher.

Gin, rum, vodka and whisky

These four spirit drinks are required to be served by the glass in one of these quantities:

- 25 ml
- 35 ml
- Multiples of 25 ml or 35 ml

The same quantity must be sold in all bars of the same premises, and a notice must be displayed clearly informing customers which quantity is being used - for example:

Gin, rum, vodka and whisky are served on these premises in 25 ml measures or in multiples of 25 ml

These requirements do not apply when gin, rum, vodka or whisky is served as a cocktail in a mixture with two or more other drinks.

The quantity served can be determined using 'Government stamped' automatic measuring devices, such as spirit measuring instruments (SMIs), or by using 'thimble' measures, which guarantees that the quantity served will be accurate.

When using SMIs of the 'optic'* type on bottles, you must ensure that the measuring chamber is not obscured by price stickers etc, so that the chamber can be seen to be full before use. The measuring chamber must be allowed to fully refill before another measure is dispensed.

[*Optic is a brand name, but is often used as a generic description for similar SMIs.]

Bottle-top pouring devices attached to spirit bottles must not be used to determine the quantity of measures of gin, rum, vodka and whisky even if they are marked with a relevant quantity indication. These devices are not legally accurate, and are intended for use in making cocktails. When serving gin, rum, vodka and whisky neat or with a single mixer drink, you can use bottle-top pourers alongside a stamped 'thimble' (if you use the former for convenience).

When using 'thimble' measures that are required to be filled to the brim, it is good practice to hold the 'thimble' over the glass in which the drink is to be served whilst it is being filled; this will ensure that the customer gets the benefit of any spillage and is not served short measure.

Wine

Wine by the glass must be sold in the following quantities:

- 125 ml
- 175 ml
- Multiples of 125 ml or 175 ml

The quantity of wine by the glass served must be clearly indicated to customers on menus, price lists or on a displayed notice - for example:

Wine by the glass is served on these premises in measures of 125 ml and 175 ml, or in multiples of those quantities

Wine sold in quantities of less than 75 ml or mixed with other drinks is exempt from these requirements.

Wine served in open carafes must be in one of these quantities:

- 250 ml
- 500 ml
- 750 ml
- 1 l

Fortified wine (port or sherry, for example) must be sold in either 50 ml or 70 ml quantities, or multiples thereof, and the customer must be informed which quantities are being used.

The quantity of wine by the glass can be determined using SMIs, 'thimble' measures or lined glasses. All equipment, measures, carafes or glasses used to determine the quantity of wine served must be 'Government stamped', which guarantees that the quantity served will be accurate.

Stamped measuring equipment and glasses

As detailed above, all measuring equipment, measures, glasses, etc used for determining quantities of alcohol sold must be 'Government stamped'. The stamp applied ensures that the equipment, measure or glass is accurate and has been made to specific legal requirements.

The crown stamp will be found on SMIs and automatic beer metering equipment. It may also be seen on older 'thimbles' and glasses still in use.



Newer 'thimbles' and glasses may be CE-marked.



And since 1 January 2021 they may have been UKCA-marked.



All equipment, beer meters, SMIs, 'thimbles' and glasses used to measure alcoholic drinks must be checked to ensure they have a stamp on them, which on newer equipment may only be visible on the inside of the bottom of the glass or measure, or on the base of a glass stem.

The crown symbol may be used decoratively on new glasses, but only in addition to the legal marks. The Government has produced guidance on applying a crown symbol to pint glasses.

Bottled drinks and drinks not required to be sold in specific quantities should be served in plain, unstamped glasses to avoid customer confusion and possible complaints of short measure being served.

Information to be provided to customers

Part 4, Chapter 1 of the Digital Markets, Competition and Consumers Act 2024 (DMCCA) requires consumers to be fully informed about goods and services (which includes descriptions of alcoholic drinks and indications of prices charged in licensed premises) before they decide to make a purchase. More information on the DMCCA can be found in 'Protection from unfair trading (criminal law)'.

The best way to ensure that customers are given the required information is by the use of detailed menus or clearly displayed price lists that indicate the following:

- Accurate product descriptions, including alcoholic strengths where appropriate
- Price, inclusive of VAT
- Quantity of drink served, where appropriate
- Any compulsory additional service charge
- Any compulsory minimum charge per customer

If customers are not informed about prices prior to placing an order, they may have the right to refuse to accept and pay for drinks - for example, if the price charged is excessively more than the customer would reasonably expect to have to pay.

Names used to describe drinks on price lists, menus, etc must be accurate. For example, particular brand names such as 'Bacardi' and 'Coke' must not be used when other brands of white rum and cola are actually served.

Advertising signs attached to beer pumps and SMI stands must accurately indicate the brand of drink being dispensed and need to be checked regularly, particularly where guest beers, drink brands, etc have been changed.

Do not use particular brand names on price lists, menus, etc if you do not always stock specific brands of drinks. If all brands of a particular type and quality of drink are sold at the same price, use generic descriptions such as 'white rum', 'whisky', 'vodka', etc.

If you do not provide the customer with all or part of the information necessary, or give misleading information, this may be regarded as an unfair trading practice and constitute an offence.

Licensing Act requirements

Mandatory conditions placed on licensed premises selling alcohol include the following.

Irresponsible drinks promotions must not be used - for example:

- Buy one get one free
- All you can drink for £10
- Encouragement to drink alcohol quickly
- Offering alcohol as a prize to be consumed on the premises

Free drinking water must be available for customers on request and soft drinks must be available at a reasonable price.

Any continued breach of these conditions could result in suspension of a licence to sell alcohol or even removal of the licence.

Age-restricted sales

Alcohol can only be bought, bought for, or consumed on licensed premises by customers who are 18 or over. It is an offence to supply alcohol to a customer who is under 18, and continued breaches of this by licensed-premises operators can result in suspension or revocation of a licence to sell alcohol.

However, 16 and 17-year-olds can drink beer, wine, cider or perry bought for them by someone accompanying them who is 18 or over when they are eating a substantial meal at a table in a restaurant, hotel or parts of a pub specifically set aside for eating meals.

It is very important to ensure that sales of alcohol are only made to customers who are 18 or over. As the age of young people is often very difficult to assess, it is a licence requirement that you operate an age verification policy which states what steps are to be taken to establish the age of any person who appears to be aged 25 or younger, and to refuse the sale of alcohol to any person who cannot prove they are 18 or older.

See 'Alcohol: age restrictions' for more information on preventing underage sales.

Further information

For guidance on alcohol labelling and composition, including low-alcohol products, see 'Alcoholic beverages and alcohol in food' and 'Labelling and composition of spirit drinks'.

Beer walls and at-table self-service systems have become popular in recent years, but require specialist installation and maintenance. If you are considering installing these systems in your premises, please contact your local Trading Standards Service for advice.

Trading Standards

For more information on the work of Trading Standards Services and the possible consequences of not abiding by the law, please see 'Trading Standards: powers, enforcement and penalties'.

In addition to the information covered in the above guide, there are various measures that can be taken for breaches of Licensing Act requirements that can affect the licensee, such as the imposition of extra licensing conditions and temporary suspension or revocation of alcohol sales licences.

In this update

General detail added.

Last reviewed / updated: September 2026

Key legislation

- Weights and Measures (Intoxicating Liquor) Order 1988
- Licensing (Scotland) Act 2005
- Weights and Measures (Specified Quantities) (Unwrapped Bread and Intoxicating Liquor) Order 2011
- Digital Markets, Competition and Consumers Act 2024

Please note

This information is intended for guidance; only the courts can give an authoritative interpretation of the law.

The guide's 'Key legislation' links go to the legislation.gov.uk website. The site usually updates the legislation to include any amendments made to it. However, this is not always the case. Information on all changes made to legislation can be found by following the above links and clicking on the 'More Resources' tab.

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