

# The Yardstick

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*BWMA gratefully records the Patronage of the late The Hon. Mrs Gwyneth Dunwoody, MP and Lord Shore, and the Honorary Membership of the late John Aspinall, Nirad C Chaudhuri CBE, Jennifer Paterson, CBE, Leo McKern AO, Norris McWhirter CBE, Fred Dibnah MBE, Sir Julian Hodge, KStG, KStJ, Bernard Levin, CBE, Dr Charles H Sisson, CH, DLitt, Fritz Spiegl, F S Trueman, OBE, Sir Rowland Whitehead, Bt, George MacDonald Fraser, OBE, Beryl Cook, OBE*

## *Suspension of metric enforcement?*

On 18 October 2008, nine days after the conviction of Janet Devers of a crime for using pounds and ounces, John Denham, the Innovation Secretary, is reported to have said that he was updating advice to councils to ensure that action against non-metric traders was “proportionate, consistent and in the public and consumers’ interest”. His proposals are expected to be issued by the Department for Innovation, Universities and Skills meaning, apparently, that traders who sell goods in pounds and ounces will not be taken to court by local authorities. Mr Denham said: “It is hard to see how it is in the public interest, or in the interests of consumers, to prosecute small traders who have committed what are essentially minor offences. I would like to see an end to this kind of prosecution, which is why I have asked for new guidance to be introduced”. Short of full repeal, BWMA urges a formal moratorium on metric enforcement, along the lines of that declared by the Canadian government in 1983. We reproduce the text of the Canadian moratorium announcement on the back page.

\* \* \*

On 16 December, the European Parliament agreed to endorse proposals to extend indefinitely the option of supplementary indications, as well as the pint for draught alcohol and the mile for road signs. EU Industry Commissioner Gunter Verheugen said that the parliamentary decision was “... good news for the people in the UK and Ireland who prefer to use pints and miles as current practices will remain in place. [The] agreement will also ensure that imperial measurements can be indicated alongside metric - a measure that will lower costs for industry by allowing them the same labelling for their exports, whether in the EU or elsewhere in the world”. A full analysis will be in the next *Yardstick*.

\* \* \*

Yet, even as metric appears to recede in some areas, three fresh examples of creeping metrication are reported in this *Yardstick*.

\* \* \*

After many years sterling service, David Delaney is standing down as BWMA’s Press Officer. We thank David for his contribution to the cause, including press releases and radio interviews. David will continue to perform the role in an informal capacity until a replacement is found. Members interested in undertaking the role of Press Officer are invited to write to the 11 Greensleeves Avenue address.

## **Annual General Meeting & Conference**

Please note the date: Saturday 9 May 2009, to be held at the Victory Services Club, 63 Seymour Street, London W2 2HF, near Marble Arch; further details to follow in *Yardstick* 37.

John Gardner, Director

BWMA is a non-profit body that exists to promote parity in law between British and metric units. It enjoys support from across Britain’s political spectrum, from all manner of businesses and the general public. BWMA is financed by member subscriptions and donations.

Membership is £12 per year. Cheques or postal orders payable to “BWMA”, 11 Greensleeves Avenue, Broadstone, Dorset BH18 8BJ

## Government announcement

BWMA has written to Hackney Council, the National Weights and Measures Laboratory and the co-ordinating body for trading standards authorities LACORS, to ask their position on the government's forthcoming, but as yet unconfirmed, new guidance.

## Reply from Hackney Council, 21 November 2008

I would like to make clear that contrary to coverage in the media, it is not and never has been the policy of Hackney Council to force its residents to buy goods in metric measurements only. A customer in Hackney markets can ask for a pound of produce and be given a pound of produce, having seen the price of the goods on the stall being displayed in imperial.

What the Council does insist on is the following:

- Regardless of whether any imperial price is displayed, the metric price must be displayed. This is to ensure transparent pricing and allow consumers to make informed comparisons between goods both in shops and markets. It would be pointless to insist that everyone displays imperial to allow comparisons, as the many European goods sold in shops would not carry imperial weight markings.
- The scales that market traders use must either be metric, or dual imperial and metric. This is to allow them to be tested by the Council's trading standards team, and by law this can only be done in metric. Trading standards officers cannot arbitrarily decide to return to testing with imperial weights. Any prosecution brought forward for underselling, for example, is highly likely to fail on the basis that to use such weights was an illegal test.

These requirements are in no way onerous and do not discriminate against or hinder either traders or customers who wish to make transactions in imperial measures. I am given to understand that virtually every market trader has complied with these requirements. If a trader insists on using imperial only scales, it would mean that they have not been legally tested for the past eight years. It is for this reason that traders are prosecuted for "trading in imperial measures".

Most of the charges involved in the case highlighted by the press actually involved the practice of selling by the bowl. This is where an amount of produce is displayed in a bowl with a price attached and no weight indicated. It is argued that this practice "enables customers to see exactly what they are getting for their money". However, a series of test purchases on traders selling by the bowl showed that for one type of produce the price varied between 94p and £2.30. I don't believe that this is quite the transparency that is alleged by traders who sell by this method.

Selling by the bowl, without showing its weight and corresponding price is illegal. However, if the public and the press think it is immaterial whether people pay such widely differing prices without it being obvious, and that it should be just a case of "buyer beware", then the law should indeed be changed accordingly.

The following joint statement issued by the National Weights & Measures Laboratory (NWML) and the Department for Innovation, Universities and Skills (DIUS) concerning metrication, clarifies their position:

*"While individual enforcement decisions are rightly a matter for Trading Standards, we are keen to encourage action that is proportionate, consistent and in the public and consumer's interest. Accordingly we are in discussion with LACORS (the Local Authorities Coordinators of Regulatory Services) with a view to updating their guidance for trading standards officers. Any new guidance will be subject to legal scrutiny before it is issued. In addition, we are reviewing the current legislative framework with a view to making it easier for everyone to understand, businesses to comply with and trading standards officers to enforce. NWML's advice is that the law remains unchanged in so far as the circumstances in which metric units must be used. Traders are free to use imperial units if that is what their customers want, provided the imperial units are accompanied by the equivalent metric units. Consistency of units allows consumers to make value-for-money comparisons with similar goods on offer".*

I quite agree with the issuing of guidance to ensure action is proportionate; it would be iniquitous for individual trading standards officers to decide which parts of weights and measures legislation they wish to uphold. However, as the statement make clear, there has not been any change to the law.

Recent press coverage has contained allegations that one particular market trader was targeted by trading standards officers. This is now the subject of an independent investigation. However, it should be noted that the policy of the Council is that only as a last resort will it initiate such legal proceedings. The Council will only take such action following a protracted period of non-compliance by a trader during which they would have received advice about their contravention and ultimately numerous formal warnings.

Yours sincerely

Jules Pipe  
Mayor of Hackney

*Note: on 13 December 2008, Hackney dropped the case against Janet Devers for pricing offences (three selling by the bowl, one unit pricing in lb/oz) that would have seen a jury trial in January 2009. Nonetheless, it will be contesting Janet Devers' appeal against her October conviction (by a magistrate) for weighing in lb/oz.*

## Reply from National Weights and Measures Laboratory, 29 Oct 2008

The National Weights and Measures Laboratory is an Executive Agency of the Department for Innovation, Universities and Skills and has responsibility within Government for all weights and measures policy issues. As such, officials here regularly liaise with officials in the Local Authorities Co-ordinators of Regulatory Services (LACORS) on a range of issues, including the enforcement of weights and measures legislation.

Ultimately, decisions on enforcement in individual cases are, of course, a matter for trading standards departments. Nevertheless, both we here at DIUS/NWML and the trading standards service are keen to encourage enforcement action that is proportionate, consistent and in the public and consumer interest. To this end we are discussing with LACORS updated guidance aimed at achieving these objectives specifically in relation to the enforcement of units of measurement legislation.

I hope that this helps to make the Department's position clear.

Regards, Paul Cole

## Reply from LACORS, 8 Dec 2008

We do not believe that this is a simple issue of the government not wanting councils to take any action in relation to these matters. However the government's expectations are something you would need to take up directly with the NWML.

The guidance is indeed being redrafted and LACORS will happily reissue any revised government guidance to all local authorities.

Wendy Martin  
Director of Policy

## Reply from John Denham's representative, 10 November

BWMA wrote to Mr Denham himself to request a meeting; the following reply was received:

Thank you for your e-mail of 19 October, addressed to the Department for Innovation, Universities and Skills' Information mailbox, inviting John Denham to meet with you to discuss the proposed guidelines on the enforcement of units of measurement legislation. Your e-mail has been passed to Lord Drayson as this matter falls within his Ministerial portfolio.

Lord Drayson appreciates your organisation's interest in this issue. However, the guidance is still the subject of discussion between NWML, an Executive Agency of this Department, and LACORS. Lord Drayson does not therefore think

that a discussion at this time, in advance of the production of that guidance, would be appropriate. Instead, the Minister suggests that you contact NWML.

Lord Drayson would, of course welcome your organisation's views on this or any related issue in the future.

Nicholas Blaney  
Lord Drayson's Private office  
Victoria Street, London

*Following on from the above letter, BWMA has been in contact with NWML and has arranged a meeting in January, to be reported in the next Yardstick.*

## National Archives

Members may recall the denials by the Conservative government during the mid-1990s that compulsory metric conversion was related to Britain's membership of the EC. For example, Jonathan Evans MP, Under-Secretary of State for Corporate Affairs, said in a letter dated 3 May 1995, "The Government first decided that the UK should convert to the international system of metric weights and measures in 1965, in response to lobbying from British industry, and well before we joined the EEC".

However, our colleague Stuart Delvin has obtained documentation from the National Archives, including this 1971 "Note of a meeting", marked Confidential:

"Mr Nicholas Ridley called on the Lord President at No 68 Whitehall on Friday, 12<sup>th</sup> November to discuss recent developments on metrication. Mr Ridley said that it had just been brought to his attention, following a recent meeting in Brussels, that a draft EEC directive, which had already been approved by the Council of Ministers, would require that all members of the Community should go fully metric by the beginning of 1978. There would be a further meeting on 24<sup>th</sup> November at which Sir Con O'Neill would make certain reservations and seek derogations so far as Britain was concerned in the event of our becoming a member of the enlarged Community. It would certainly become publicly known on that occasion that the draft directive existed, and the question arose as to how the Government should now act in presenting its own proposals on metrication. *The line taken by the Conservative Party when in Opposition, and preserved in the draft White Paper until the possibility of these EEC developments became known some weeks ago, had been that metrication should be on a voluntary basis. This position could in any event not now be wholly preserved* and his own feeling (supported by the Secretary of State and the Minister for Industry) was that it would be best to publish the White Paper, which was at an advanced state of drafting, as soon as possible and to make clear in it the position as requests the EEC".

## Neil Herron reports on Devers trial:

"So, Thursday [9 October 2008] saw Janet back in court for the sixth time to hear her fate on nine of the thirteen charges after evidence was heard on September 23rd before a lay bench.

"Janet had decided to handle the case herself with former market trader Neil Herron of the Metric Martyrs Defence Fund as a McKenzie Friend. She felt it more appropriate that the two market traders handled the case informally rather than a formal challenge using the lawyers in order to appeal to the Magistrates on a common sense and justice perspective.

"In a full day's hearing doubts were cast over Hackney's evidence and the Trading Standards Officers were forced to admit that some of the photographs they had introduced as evidence were taken of the wrong stall and Infringement Notices had been handed to someone on a different stall.

"Beyond reasonable doubt and reasonableness were phrases used by the Court Clerk towards the three lay Magistrates yet they came back with their stinging verdict and found Janet guilty on eight of the nine charges despite the inconsistencies and errors in Hackney's evidence. Janet was given a conditional discharge on all of the charges but ordered to pay Hackney's costs of just short of £5,000. Stunned and tearful she asked the Magistrates to consider the fact that she could not afford such an amount and that to be charged £68 per hour (equates to an annual salary of +£140,000) for Trading Standards Officers time seemed excessive. The Magistrates allowed her the luxury of paying the costs at the rate of £400 per month".

On 26 Oct 2008, Neil added: "Janet Devers will lodge appeal papers at Thames Magistrates Court at 12.30pm Monday 27th October 2008".

## Sunday Telegraph editorial 12 October 2008, "Metric martyr Janet Devers was trading transparently"

The conviction of an east London stallholder, Mrs Janet Devers, for offences under the Weights and Measures Act, would be preposterous at the best of times and, at present, is about the worst conceivable instance of the "regulation" of markets. She fell foul of trading standards officers for selling fruit and vegetables by the pound, and also "by the scoop".

The former she did at the request of her customers, who complained that they couldn't understand kilograms, while the latter is a perfectly common and accepted practice in street markets.

There could hardly be a more transparent transaction. It is entirely *wysiwyg* - "what you see is what you get". The regulations under which Mrs Devers was punished do not issue from the dead hand of Brussels, as many think. Indeed, the EU has been at pains to distance itself from the persecution of our "metric martyrs". It is a very British initiative, whose

point is not to ensure fairness for all, but to make sure people do as they are told.

## Trading Standards Today, October

TS Today is the monthly journal of the Trading Standards Institute. It covers a wide range of consumer and commercial issues from regulatory, consumer and business perspectives. In August, it asked BWMA to contribute an article on metrication; here is the published piece:

People use different units of measure for different purposes. Scientists and administrators use metric because its decimal base makes calculations easy. Traders and consumers use pounds and pints because their sizes and divisions are suited to perception and practical use.

The different characteristics of metric and imperial have existed side-by-side for over a century because people use whichever system best suits their needs. The current metrication controversy arises not because of the metric system itself, but because of its imposition by law in areas where it is neither useful nor wanted.

Compulsory metric regulations change the emphasis of the role of Trading Standards Officers. The purpose of consumer protection law is to protect the public from inaccuracy and fraud, for example, by ensuring that a bottle described as 'one pint' contains a pint. Instead, laws have been used to make the sale of goods in imperial units illegal, with the result that Trading Standards Officers are embroiled in metric enforcement issues that are not properly part of their remit. A current example is the prosecution of market trader Janet Devers in Hackney. Action against traders for accurately weighing and pricing in lb/oz means resources are drawn away from other matters in which Local Authorities have a statutory duty, such as unsafe goods and counterfeiting.

Meanwhile, metric conversion of food packaging has resulted in widespread reductions in quantity that are not matched by reductions in price. Earlier this year, Birds Eye downsized frozen foods from 1 lb (454g) to 400g while keeping prices constant, meaning a real price increases of 13%. Trading Standards Officers are powerless to stop this, for although these price rises are effectively hidden from the consumer, they are lawful so long as the metric measurement is on the packet. The effect of replacing imperial units with metric is to remove appropriate sizing scales by which the consumer can judge value, meaning Trading Standards Officers are not only used to enforce a system that is unpopular, but one which is demonstrably detrimental to consumer protection.

The metric dispute is given another twist by the way it was legislated for and upheld by the courts. In 2002, the Divisional Court accepted that that Weights and Measures Act 1985, '*...confirms the continuing legality of the use of the yard and the pound along-*

side that of the metre and kilogram, without predominance of either system'. Yet, the Court refused to apply the law because, it claimed, the 1972 European Communities Act (under which metric regulations were passed) was a 'constitutional act' and therefore protected from implied repeal. Under British constitutional law, there is no such thing as a constitutional act, and their existence has since been denied by local authorities, government and the judiciary. In other words, the ruling is discredited.

Consequently, BWMA is campaigning for a moratorium on enforcement of metric regulations so that new legislation can be brought forward, enabling a democratic debate and vote. Fresh impetus has been recently provided from another source: the European Commission. Britain's metric regulations were supposed to have implemented EC Directive 80/181 but, earlier this year, the EC said that it was never the intention that the Directive should apply to Britain's internal trade, meaning Parliament is free to choose.

[Shortly before publication, John Gardner was invited to add an update following John Denham's announcement]:

BWMA welcomes Innovation Secretary John Denham's announcement that new guidelines for local authorities will effectively stop metric prosecutions. To be successful, these guidelines must address not enforcement *procedures*, for which guidelines already exist (and indeed were followed scrupulously by Hackney Council in the Janet Devers case), but rather metric enforcement *per se*. In other words, the government must declare metric regulations as not in the public interest. A precedent for this approach exists in Canada which, in 1984, announced a moratorium on all metric enforcement, which exists to this day. We urge that the TS community takes advantage the new moods in London and Brussels, as well as popular feeling in Britain, to support the government in introducing a new practice of preventing false measuring regardless of whether in metric or imperial.

### Creeping metrication 1 – motorway signs

Members Peter Kirby and Alan Lott have drawn attention to 'driver location signs' along British motorways, which refer to distances in kilometers (although the k-word is not on the signs). We wrote to the Department for Transport who passed our letter to the Highways Agency; they replied 4 July 2008:

"As you may be aware distance marker posts have been provided on the network for almost 30 years at 100 metre intervals along each hard shoulder of motorways. These are used for maintenance purposes (e.g. to enable maintenance contractors to identify exactly where repair works are needed) and also show the direction to the nearest motorway emergency phone. If a driver uses an emergency telephone the Police will automatically know the precise location of the caller.

"However, with the increased use of mobile telephones by drivers in an emergency, police may not be able to quickly locate the scene of an incident, as drivers are sometimes unsure of their location. Therefore driver location signs were introduced to supplement existing marker posts at regular intervals (e.g. every 500 metres in each direction). This single format referencing system avoids potential confusion and minimises delays to emergency services attending an incident that using two differing reference systems could cause. Trials have shown these signs help the emergency services and Highways Agency Traffic Officers respond to incidents more quickly. This reduces the risk of secondary incidents, congestion and delay to other road users.

"I can also confirm that the EU Directive on units of measurements permits the HA to use metric measurements in the same format as the existing marker post system. The Directive also allows the UK to use imperial measurements for road traffic signs and that the Government currently has no plans change this that we are aware of.

"Thank you for your interest in the HA's work towards improving road user safety and trust the above clarifies the situation regarding the beneficial use of driver location signs and assures you of our intention to maximise road user's safety wherever possible

"Graham Harper, SSR SAT Safe Road Design, Department for Transport"

### Creeping metrication 2 – railways

A member sent in a clipping from a Railway magazine referring to a European Train Control System that would be using the metric system. BWMA again contacted the Department for Transport.

"In response to your question, you should first be made aware that the business case for the fitment of ETCS in the UK is to some extent, reliant upon the equipment being commercially available across Europe. The ETCS has been designed to a European specification allowing all railway companies within the EU to benefit from lower equipment costs thanks to the benefits of scale of production. It will therefore not be a surprise to learn that the standard unit of measurement for the ETCS is the kilometre.

"Trains operating on the Cambrian line will be fitted with speedometers that will be able to display both kph, when operating in ETCS fitted areas and mph otherwise. When operating using ETCS, the speed limits will be displayed on the in-cab screen using kph.

"The intention is that trackside mileposts will be replaced by kilometre markers in ETCS fitted areas however there is some discussion as to whether mileposts should be retained until all the relevant documentation has been updated.

"Simon Vasey Rail Systems, Technical Manager (Operations), Department for Transport"

## Creeping metrication 3 – hospital weighing machines

In August 2008, LACORS published *The Weight of the Matter*, a survey into the use of weighing machines in hospitals. The survey found that 40% of scales were switchable. It declared: "One of the most potentially harmful issues is that of switchable scales – those that can display metric, imperial and other units. The risk is that medication could be administered based on a readout that was assumed to be metric. Such confusion was responsible for the \$125m failure of the Mars Climate Orbiter spacecraft, and could easily happen in hospitals. Of the equipment surveyed, 303 scales were set to imperial units at the time of testing".

Note the word 'potentially'. BWMA wrote to LACORS to ask whether any *actual* instances of misunderstanding had been identified. Rob Kidd, consultant project manager for the report, replied:

*"LACORS is unaware of any examples of actual wrong doses or other clinical errors brought about as a result of switchable scales. However, the potential for harm is clear, and it may be that such problems have already occurred and not come to light. I have heard in passing of some hospitals paying their servicing companies to disable the switching mechanism for all the scales in their estate, which I see as an encouraging sign that the hospitals take the matter seriously. For me, the best example of the problems caused by confusing metric and imperial measurements is that of the Mars spacecraft failure. I believe this already features on your website. While I would like to be able to cite further specific examples, I'm afraid I am unaware of any".*

The report concludes: "From now on, scales purchased for medical purposes should only be capable of metric display. There should be no capacity for switching or dual readouts. Trusts should be aware of the pitfalls of using switchable scales and may wish to consider replacing them, or having the switches removed. Conversion charts can be provided for those patients who wish to know their weight in imperial".

The report also stated: "One third of all the equipment (2,654 scales in total) was inaccurate. Some of these inaccuracies will have been minor, but others much more serious – potentially leading to big under- and overdoses of radiation, chemotherapy, anaesthetic, pain relief and other medicine. It is often difficult for a patient to know if their weight has been recorded inaccurately, as they may be unfamiliar with the units of measurement, preoccupied by their illness/treatment, or not be confident enough to challenge the weight displayed".

BWMA notes: *obviously* it is difficult for a patient to know if their weight has been recorded inaccurately, or to challenge the weight displayed, if hospitals use unfamiliar units of measurement.

## Freedom of Information latest: two holding letters from Information Commissioner, 22 September and 12 December 2008 (the two letters were identical)

Dear Mr Gardner

We are writing to update you as to the progress of your case.

As you may know, the Information Commissioner's Office (ICO) has continued to receive a large number of cases concerning the Freedom of Information Act 2000. We have introduced a number of changes within the ICO to improve our case-handling procedures, including a reorganisation of the complaints department by sector, introducing, for example, specialised central government, health and police teams. Your case has been allocated to one of the specialist central government teams and is awaiting assignment to a case officer. We will contact you again with further updates.

We apologise for the length of time it is taking to consider your complaint. If there are any changes in circumstances relevant to your complaint, please let us know.

Yours sincerely,  
FOI Operations, Team 3 – Central Government

## Warwick Cairns interviewed for BBC radio and website, December 2008

*Warwick writes:*

"We're doing a feature," said the email from the producer at Radio 4's More or Less, "... about why Imperial measurements refuse to die. Would you like to take part? If so, we'll try to find a pro-metric opponent for you to compete with".

So, it was that four weeks later I turned up at BBC White City and there in reception was the UK Metric Association's Derek Pollard. A little while later we were joined by the presenter, Tim Harford, together with a producer, a sound person and a video-camera operator. We set off for Shepherd's Bush market where they arranged for us to talk to a fruit & veg stallholder.

I set out with high hopes, but when we arrived it looked as if I was onto a loser. This stallholder turned out to be pro-metric, and the customers all looked so multicultural and multiracial that I thought I'd be hard-pushed to find anyone who even knew what pounds and ounces were. But we began, anyway, and the UKMA man and I argued about human proportions and human friendliness versus logical consistency and the need to 'move on'.

Then we talked to the customers; and to my delight they could not find one - not a single one - who wanted to buy their fruit and veg in kilogrammes. "I come from Barbados", as one man put it. "I grew up with poun's an ounces. It's got to be poun's and ounces. I don't understand kilos - don't like them. Poun's and ounces for me!"

Then we went on to a carpet stall, where my UKMA friend asked the stallholder whether he was fed up with having to convert between two systems, especially since carpets were 'now all made in metric'. "Not a bit of it", he fellow replied. And incidentally, he said, most carpets come in 12-foot widths. All very satisfactory.

*Note: A video of the above is available on the BBC*

website. Warwick was also asked to write an article for the BBC website on the clash between metric and imperial enthusiasts. To be published, it had to be un-partisan in tone. See both the article and video at this link: <http://news.bbc.co.uk/1/hi/magazine/7791527.stm>

### **From the Archives: "The Metric Failure", from BWMA's annual report of 1911:**

We refer in our columns in this issue to still another case of the failure of the metric system in a so-called "metric country." First we hear of the Minister of Commerce in France seeking the help of Chambers of Commerce in trying to persuade all French manufacturers to use the Metric System which has been "obligatory" in that country for over a century. Then we hear of the cotton trade in "Metric" Germany deciding to maintain the system of numbering based on the Imperial pound and yard. Next, it is Italian manufacturers who, in their vain endeavour to stick to the metre, adopt the device of dividing it into forty parts, so as to get a unit approximating to the Imperial inch, whilst French manufacturers for the same reason divide it into thirty-six. This time it is Norway. Although the use of the Metric System has been "compulsory" there for thirty years, we find the Director of the Institute of Weights and Measures now complaining that feet and inches are still in use, that certain trades will not adopt the metre.

Now seeing that the metre as a unit of length has proved, in the countries where it is best known, to be unsuitable for manufacturers, and traders who refuse to accept it in spite of the law—why should we continue to push the metre in the face of all this objection? Surely, with all this evidence before us, we must see that the metre can never become the base of a system such as the Norwegian Director and all of us desire — "a common system of measures for the whole civilised world." Would it not be a great step in this direction, and a great help both to those who use the metre and those who use the inch and foot, if the metre were altered so as to be exactly 40 inches?

### **Polish restaurant owner to take on council over 'barmy' weights and measures law (article by Jon Land for 24dash.com, a website for social housing and public sector news), 7 August 2008**

The owner of a Polish restaurant today described laws which ban him from serving beer by the litre as "barmy" after he was threatened with court action.

Nic Davison, who owns the Kuchnia Polska restaurant in Doncaster, South Yorkshire, with his Polish partner Dr Krystyna Ciurai, was served an infringement notice by trading standards officers for selling beer illegally because he serves the drink in litres rather than pints. The 1988 Weights and Measures Act states draught beer must be sold in pints. Mr Davison, from the Toll Bar area of Doncaster, was told by Doncaster Council standards officials he could face a court appearance and a £2,000 fine if he does not change his glasses within 28 days. But the 26-year-old accountant said he was writing a letter to

trading standards to tell them he will not be changing his glasses and that he intends to fight them all the way.

"They're barmy laws, the laws are just silly, they've got to sort it out," he said. "We had the idea for the bar as my other half is Polish and I've visited Poland many times and speak the language. "We've a great crowd who come in here - people from the town and people from Poland. They find this all rather amusing - they never realised it was illegal to drink beer in litres rather than pints."

Mr Davison opened the restaurant, on Sunny Bar, on Polish Independence Day, May 3. He serves beer from a Polish brewer, which also supplies the glasses in small and large sizes of 0.3 and 0.5 litres, and said he had received no complaints from customers about the measures.

Mr Davison has enlisted the help of the Metric Martyrs Movement, which believes traders should be allowed to sell goods in whatever weight measurements they want to. The group was launched after numerous attempts across the country to prosecute traders using imperial weights and measures rather than metric ones. Neil Herron said "Yet again we have officials who have failed to exercise any common sense. This is going to make the Government a laughing stock all over Europe. If ever a law needed to be changed this is it. No-one complained about Steve Thoburn selling bananas by the pound and no-one has complained about drinking beer by the litre. Let us hope that the penny finally drops for the Government that the metrication laws need to be changed."

Jane Miller, director for neighbourhoods at Doncaster Council, said: "In the UK, free flow beer must be sold in stamped pint or half pint glasses. This ensures consistency all over the country. We want to help the restaurant owner get this right and are providing help and advice so they sell their beer in accordance to the law."

### **Bill of Rights exchange**

Dave Barnby writes (19 November 2008): "*I have had a challenge in the Witney Gazette to my contention that decriminalised parking, soon to be introduced into Witney, is illegal according to the Bill of Rights. The challenge is by Mr Paul Wesson:*

"Had Mr Barnby read the whole of the statute, instead of the small part quoted, he would see in the preamble that it states: '*And several Grants and Promises made of Fines and Forfeitures before any Conviction or Judgement against the Persons upon whom the same were leveyed. All which are utterly directly contrary to the known Lawes and Statutes and Freedome of this Realm*'. These things had happened in the run up to the Glorious Revolution, when James II had abused his power. The section Mr Barnby quotes refers to says: '*finis and forfeitures of particular persons before conviction are illegal and void*'. The section was designed to cancel, in the present tense, those punishments inflicted by James II without proper recourse to law. The particular persons are long dead, and the Bill of Rights does not, by extension, apply to parking fines or charges in the 21st century".

*Dave Barnby replied:* "it is abundantly clear that the ruling 'finis and forfeitures of particular persons before conviction are illegal and void' is intended as repudiation *in toto* of the malpractice ascribed to King James's judges, and was not confined to relieving victims who had suffered before the Revolution. Wesson's absurd interpretation implies (as he explains) that futures instances of the malpractice were effectively legitimated (by not being prohibited) by the Bill's passage! "

## Sainsbury's Magazine

Sainsbury's Magazine has dropped imperial units from its magazine, prompting supporter Barbara Davies to make a complaint; here is Sainsbury's reply, dated 12 November 2008:

"I am sorry that you are reluctant to continue buying our Sainsbury Magazine, as we have switched from imperial to metric measures. I know how disappointing it must be for you and I am concerned that you find conversion charts very inconvenient to use. Because so many foods are no [sic] sold in metric measures, we have decided to follow suit with our recipes. I can assure you that we have carefully considered this step, as we know many of our customers are loyal to imperial measures.

"We highly recommend the conversion charts issued by the Guild of Food Writers. I have enclosed the printout from the GWF website, which I hope you will find useful. I can also advise you that all spoon measures in our magazines are level. Also, we give base measurements for all tins, pans and dishes.

"I am sorry that our new policy has caused you so much upset and I have passed your comments onto Seven Publishing, who issue our magazine. We will also continue to monitor our customer's [sic] opinions about the use of metric measures. Maria Kardel, Customer Manager"

*Mrs Davies replied:* "You say that you are concerned that I find conversion charts very inconvenient to use, so what do you do — send me one! Not only that, but the document you sent (and which I now return) is so patronising that it would offend any normal person. Yes, I can count in 5s, 10s and 100s thank you, but I actually find it a lot easier to work in 1s, 2s, 4s, etc as you can half and double by eye and often can work without using scales at all because of that. Why use big numbers when you can use small ones? The Guild of Food Writers document is also incorrect — my partner works in publishing, and in particular with the export side dealing with cookery books. In case you did not realise, Canadians use the pounds and ounces system in their cooking, whatever their official government policy may be. Add in the U.S.A. and the great number of people in the U.K. sticking to tradition, and it becomes clear that the vast majority of English speakers use the pound-ounce system. Could this be because it is actually more practical? If I were you, I would rethink your narrow-minded new policy and remember that the customer is sometimes right".

*Readers who are Sainsbury's customers may also wish to make a complaint: Sainsbury's Supermarkets Ltd, 33 Holborn, London EC1N 2HT. Do not mention that you are a member of BWMA.*

## Newspaper Monitoring

Owing to rising cost, BWMA is not renewing its annual newspaper monitoring service. Vivian Linacre commented: "Oh dear, does this mean no more references to, Japan's *imperial* navy, nor to Scotland *Yard*, nor to treatment of flat *feet*, goodbye to *weight*-watchers and *weight*-lifters and the saintly *Miles* Coverdale, cancel *chain*-reactions, donate your half-gallon hat to an American museum; police will no longer *pound* the pavement or quell a *stone*-throwing mob or charge speeding motorists for doing a *ton*; and we shall have to read Northern newspapers to keep up with Neil Herron ... but one consolation is that we shall no longer have to read about Eleanor Sharpston -- that EU Attorney who led the prosecution of Steve Thoburn". Nevertheless, BWMA will continue to

monitor the news, via the internet, through the entirely free Google news alert.

## Canadian government press release, 29 November 1983: Moratorium on Metric regulations announced

Federal Consumer Affairs Minister Judy Erola today announced a moratorium on the application of certain regulations under the Weights and Measures Act concerning the use of metric measurement in Canada. The moratorium follows the launching of appeal proceedings by Attorney General of Canada Mark MacGuigan of a recent Ontario Provincial Court decision regarding the retailing of gasoline and diesel fuel in metric units.

"While appeal proceedings are pending before the courts," Erola stated, "my department is suspending application of the metric regulations until the scope and limits of the Weights and Measures Act have been clarified by the courts." The Minister noted that at the moment, these regulations apply only to the retailing of home furnishings, gasoline and diesel fuels and individually measured foods. At the same time, however, Erola emphasized that Consumer and Corporate Affairs Canada inspectors will continue to apply the Weights and Measures Act and regulations to protect traders and consumers from fraud, deception and inaccuracy in measurement.

Commenting on the government's decision to launch its appeal, the Minister stressed the need "for all parties concerned to have a clearer understanding of the parameters of the law." She added that metric conversion in Canada had been proceeding well and was close to completion in those sectors which fall under the metric regulations.

**BWMA, 11 Greensleeves Ave,  
Broadstone, Dorset BH18 8BJ**

**☎ 020 8922 0089 (ansa machine)**

Website: [www.bwmaOnline.com](http://www.bwmaOnline.com)

*Hon President:* Vivian Linacre

*Director:* John Gardner

*Chairman:* Michael Plumbe

*Acting Press Officer:* David Delaney

☎ 01544 267197

*Hon. Treasurer:* Lee Consterdine

11 Greensleeves Avenue,

Broadstone, Dorset BH18 8BJ

*Production and Distribution:* Robert Stevens