ORNAMENTAL AQUATIC TRADE ASSOCIATION LTD
"The voice of the ornamental fish industry"
Wessex House, 40 Station Road, Westbury, Wiltshire, BA13 3JN
Telephone: 07946 167121
Email: info@ornamentalfish.org
www.ornamentalfish.org

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Guide to the responsible distance selling of livestock

1: OATA's position

We believe that wherever possible it is best to buy fish in person so that new owners can see the animals, choose the one they want and get the support they need to successfully introduce new fish, or other aquatic animals, into a home aquarium. Pet shops selling animals also offer customers the opportunity to enjoy the beauty of live fish swimming around which we think helps to captivate and inspire the next generation of fish-keepers.

But there's no doubt that consumer habits have changed. Internet sales are here to stay, and more people are buying live fish online, perhaps because they live a long way from aquatic retailers or have accessibility issues that make visiting shops more difficult. And we understand that online pet-selling websites can be important places for private sellers who can no longer look after their fish to find them new homes.

With this guide we hope to improve fish welfare and raise awareness and standards among both sellers and customers about the best way to buy fish online.

This guide is primarily aimed at commercial sellers (eg businesses such as aquatic retailers). But we also offer guidance for private sellers who rehome their fish by selling online, to ensure fish welfare is at the forefront of any sale.

2: Selling live animals commercially

If you sell live vertebrate animals, such as fish, commercially to the public (whether online or not) you need to hold a Licensing of Activities Involving Animals (LAIA) licence from your local council, which requires specific conditions to be met.

Find out more about Animal Activity Licensing for Pet Vending below:

England: Selling animals as pets licensing: statutory guidance for local authorities

Scotland: The Animal Welfare (Licensing of Activities Involving Animals) (Scotland) Regulations 2021: guidance for pet sellers

Wales: Statutory guidance for the pet sales licensing regime | GOV.WALES

Using a transporter to ship fish

Whether you are a commercial business or a private seller, if you use a courier to transport the fish you are legally obliged to use a courier authorised by the Animal and Plant Health Agency (APHA). Find out more here. https://www.gov.uk/guidance/transporting-animals-in-great-britain

Unfortunately we are aware that some people use Royal Mail or other non-licensed carriers. Both Royal Mail and Parcelforce are not licensed to carry live animals and they should **never** be used. You should always check if your chosen courier is authorised to transport live animals – this is particularly important to ensure there is a contingency plan for the animal's welfare if they cannot be delivered.

2.1 The law on online and distance selling

This section aims to help **commercial sellers** to understand their legal responsibilities if you sell anything, including animals, online (e.g., through your website) or through digital TV, by mail order or by phone or text message (known as distance selling).

As these can be subject to change, we have not outlined all the requirements and commercial sellers should use the links below to familiarise themselves with official advice and ensure all listings comply with the law for distance selling and online selling, along with the Consumer Rights Act 2015 and rules around advertising.

The relevant requirements can be found below:

- Distance selling: https://www.gov.uk/online-and-distance-selling-for-businesses
- Online selling: https://www.gov.uk/online-and-distance-selling-for-businesses/online-selling
- Consumer rights act: https://www.gov.uk/government/publications/consumer-rights-act-2015/consumer-rights-act-2015
- Marketing and advertising: https://www.gov.uk/marketing-advertising-law

There is some very specific information you must give to consumers, including:

- your trading address
- pricing
- complaint-handling policy
- cancellation rights

You should also ensure:

- All this is clear, legible and understandable, and appropriate for the way you distance sell.
- This information must be given before you enter into an agreement with the customer. **If you do not give certain parts of this information the consumer does not have to pay.**

- This information must be provided to the consumer in a durable form after the sale has taken place, but not after the goods are delivered.
- Required information could be sent by email immediately after payment is received or it could be in paper form placed in the packaging with the goods.

More information can be found here:
https://www.businesscompanion.info/en/quick-guides/distance-sales

2.2 Best practice guidelines for selling fish and other livestock

In this section we go into more detail for commercial sellers to follow when they sell fish online. Our position is that the sale of live animals requires the highest standards to be met so that owners are properly educated about the fish and other aquatic animals they intend to buy **before they make a purchase**. This enables owners to better understand the commitment they are taking on, **particularly around the lifespan and size of the fish they buy.**

To ensure good animal welfare, this means sellers should go beyond what is expected in law. Our industry has an important role to play in educating people to pick the right pet for their lifestyle and care for the animal for its whole life.

2.3 Pre-sale information

Before selling live animals, we recommend the seller is able to demonstrate they have corresponded with the buyer to satisfy themselves about the set-up into which the animals will be introduced and that it will not compromise the animal's health or welfare when they arrive at their final destination.

You could use Pet Know How as a way to do this by pointing prospective customers to this free website that helps owners research their pet before they buy. Find out more here.
https://www.petknowhow.org/

2.4 What to include on a sales listing

What the law says you must include

If selling commercially, animal activity licencing requirements (see the links listed above for England, Scotland and Wales) state that adverts for animals must:

(a) include the number of the licence holder's licence
(b) specify the local authority that issued the licence
(c) include a recognisable photograph of the animal being advertised
(d) display the age of the animal being advertised (except in the case of fish)
(e) state the country of residence of the animal from which it is being sold
(f) state the country of origin of the animal

What else you should include to ensure good animal welfare

OATA is a member of the Pet Advertising Advisory Group (PAAG) which has produced a set of advertising standards around the online sale of animals and we would urge all sellers – both commercial and private – to check these out https://paag.org.uk/advertising-standards/index.html.

We believe it is essential to include as much information as possible in any sales listing so that people can make informed choices before they buy. Therefore, we suggest the following information is included in **every** listing as standard:

- common name
- scientific name
- current size (cm) and potential adult size **(this is vital information so that people understand the size of aquarium they have and what they may need in the future)**
- lifespan **(this is vital information so that people understand the commitment they are taking on)**
- compatibility (shoaling/community/sociability/incompatibility)
- water parameters: for freshwater: pH, temp, NH3/4, NO2, NO3 & for marine: salinity.
- appropriate aquarium/pond size for the species being sold along with, where relevant, stocking density (eg how many fish per litre)
- diet/feeding advice
- general recommendations
- guarantee information
- price
- a link to relevant care information (a requirement of animal activity licensing)

Retailers can find a wide range of species-specific customer care sheets that are free to use on the OATA website. You could use links to these within any listing to signpost to relevant care information. We have also create QR codes that link to the caresheets which could be included. Find them all here https://ornamentalfish.org/what-we-do/advice-information/care-sheets/) We would also suggest including a link to Pet Know How https://www.petknowhow.org/

2.5 Agreements with the customer

Before payment is taken:

- Advise the customer of the legal implications and responsibility of purchasing live animals.
- Advise the customer of any relevant policies you have around returns, order cancellation etc and provide links.

Once the order is placed:

- provide written confirmation to the customer of receipt of order, delivery date and estimated time of arrival.
- Confirm with the customer they have a suitable environment for the species bought.
- Confirm the customer is 16 years or over.
- Explain that the customer must be in to accept and sign for delivery at the expected time of delivery.

- If you offer a guarantee with live animals, the terms required to make a claim should be explained.

2.6 Packing and shipping

The rules on animal welfare in transport apply to anyone selling live animals, whether a licensed retailer or a private individual.

For guidance on the packaging and shipping of livestock, please see our *Transporting Aquatic Livestock* code. This gives more information on transporter authorisations, contingency planning and packing standards. https://ornamentalfish.org/wp-content/uploads/OATA-Transport-Code-Oct-2022.pdf

Animal licensing requires that all sales of livestock are accompanied by care information so all deliveries should also include either a printed care sheet or a QR code so that customers have access to care information when their fish arrives. Find a wide range of free species specific care sheets (and QR code links) here. https://ornamentalfish.org/what-we-do/advice-information/care-sheets/

Best practice for labelling outer boxes:

- Recipient's address and a contact number
- Sender's address and contact number
- Clear labels saying: "Contains live fish", "Fragile" and "This way up".
- Label saying: "Package must be signed for by an adult aged 16+"
- Packing warning – eg contains heat packs, ice, potential choking hazard
- Time of packing

2.7 Receipt of livestock

As per the agreement made when selling the fish, it should be made clear to customers they will **need to be present to accept and sign for the delivery**. Fish should not be left unattended when delivered.

Clear instructions should also be provided in the delivery box on how customers should introduce their new fish into their aquarium, such as switching off aquarium lighting, a suitable acclimatisation period and regular visual checks within at least the first 24 hours. All this information is included in the OATA care sheets, which should accompany every sale to satisfy animal activity licensing.

2.8 After Sales Service

We recommend that retailers trading live animals online have an after-sales helpline, where customers can seek advice on their recently purchased animals. If this incurs any additional charges it should be made clear. How customers can access this should be made clear in information accompanying the delivery.

3 Selling fish privately

We understand that pet-selling directory websites can play an important part in helping fish-keepers find new homes for their fish when they can no longer look after them. However, if you are selling a lot of fish regularly you may need an animal activity licence.

When does a private seller need a licence?
If you sell occasionally or are selling your livestock because you are breaking down your tank you do not need an animal activities licence. But if you sell regularly and are making money out of those sales you need to check out if you do need a licence. There is a business test that local councils will use to determine when a private seller is selling to a commercial level, at which point you will need to be licenced. Find out more about this by clicking on the links to read about the business test.

England:	Selling animals as pets licensing: statutory guidance for local authorities
Scotland:	The Animal Welfare (Licensing of Activities Involving Animals) (Scotland) Regulations 2021: guidance for pet sellers
Wales:	Statutory guidance for the pet sales licensing regime | GOV.WALES

3.1 Here is our advice on how to sell your fish using these websites.

1. Make sure you use a website affiliated to the Pet Advertising Advisory Group (not all pet selling sites are). These sites sign up to meet a set of standards on how animals can be sold on their sites. Find out more here. https://paag.org.uk/about-paag/engaged-websites/index.html

2. When listing your fish always include as much information as possible, such as a full list of the fish you're selling, how long you have had them, how big they will grown (if not already full size) how long they live, etc. (This is to make sure people understand the commitment they are taking on). You could also include links to care information for the next owner (find links to free care sheets on the OATA website https://ornamentalfish.org/what-we-do/advice-information/care-sheets/).

3. We would advise using Collection Only as the way to pass on your fish. Even as a private seller, if you use a courier to transport the fish you are legally obliged to use a courier authorised by the Animal and Plant Health Agency (APHA). https://www.gov.uk/guidance/transporting-animals-in-great-britain. NEVER use Royal Mail or Parcelforce. They are not licensed to carry live animals.

4. If you use Collection Only the travel time for the fish should hopefully be kept to a minimum because the new owners should aim to unpack the fish into their new home as soon as possible. We would suggest you liaise with the seller on the expected journey times for the fish because you might want to adjust packing density (fish per bag) or fasting the animals before travel to avoid waste build up.

5. You want to minimise movement of the fish as they travel to their new home to avoid stressing them. Aim to transport fish in small containers with a good seal or strong double-bagged plastic bags which are secured tightly so no water can escape. Always

use their tank water. Make sure there is adequate air in the containers. **Fish should not be transported in open buckets.** There will be too much movement and they might tip over. When you load up the new owner's vehicle make sure the containers cannot slide around – again you want to minimise movement as much as possible to avoid stressing the fish. You/your buyer may need to provide heating or cooling depending on the weather. This could be blankets to wrap the containers in with warm hot-water bottles or bags of ice cubes from the freezer. Or you could use insulated containers such as polystyrene boxes which may be available to buy at your local aquatic retailer or even picnic cool bags.

6. Give advice on how to set up the tank and how to introduce the fish into their new home if the owners are new to fish keeping. You should also make sure beforehand that there is a matured tank ready to accept your fish before you sell. OATA has useful care sheets on this on our website, including how to set up freshwater and marine aquariums and ponds, and how to test water. Find them here https://ornamentalfish.org/what-we-do/advice-information/care-sheets/