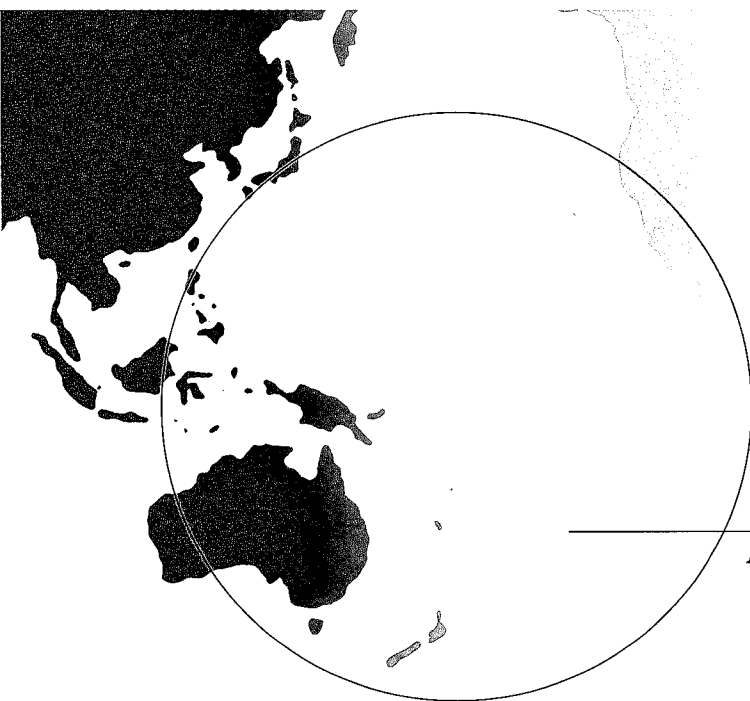


Survey of the Current Legislation for Goods Packed by Measure in APLMF Economies



APLMF

Asia-Pacific Legal Metrology Forum

2003

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Survey of the current legislation for Goods Packed by Measure in APLMF Economies

A total of 15 responses have been received (14 from full members of APLMF and 1 from a corresponding member). The responses did highlight that a large amount of modernisation of members' legislation on Goods Packed by Measure is being carried out. This is occurring across a range of economies and it is particularly encouraging to see member economies looking at adopting OIML recommendations.

Key issues resulting from the survey are:

- R79 is not consistently implemented
- Codex General Standard for the Labelling of Prepackaged Foods and R79 are not harmonised
- drive to implement R87
- difficulty in understanding R87.

Labelling requirements for pre-packaged products (R79)

R79 is fully understood in 12 of the 15 economies, those that responded negatively are in the process of developing their legal metrology systems in line with the OIML. Most of the individual provisions in R79 are either fully or partially implemented. In some cases a different organisation within the economy is responsible for some of the provisions of R79 or for implementing them in regard to certain products (i.e. food). The misleading packaging provisions of R79 are the least adopted, possible because they have more of a fair-trading aspect rather than a legal metrology aspect.

A number of economies mentioned issues relating to the requirements on food labelling. International standards on food labelling also come under the jurisdiction of the Codex Alimentarius Commission¹ *General Standard for the Labelling of Prepackaged Foods*. The Codex standard and OIML R79 have some different provisions (e.g. R 79 requires the quantity to be stated on the front display panel whereas Codex requires the quantity to be in a prominent position). Member economies that belong to both international organisations have responsibilities to implement both standards.

I suggest that APLMF ask OIML to work with Codex to update both standards to ensure that the requirements are fully harmonised.

¹ Set up under the umbrella of the Food and Agriculture Organization of the United Nations and the World Health Organization

R79 includes an informative annex (Annex B) relating to the type size of letters and numerals for statements of net quantity on consumer packages. Due to OIML being unable to reach a consensus on minimum type sizes the Annex sets out the requirements in the USA and in the EU. The results of this APLMF survey indicates that member economies have mostly adopted either their own type size requirements or variations of either the USA or EU approach.

Clearly, this is an area requiring greater standardisation.

Net Quantity of Product in Prepackages (R87)

I should indicate that R87 has been re-drafted and is being submitted to the forthcoming CIML meeting for approval. While the survey used many of the issues in the OIML 3rd Committee Draft as a basis, some of the responses are clearly based on the 1989 version.

A total of 11 economies said they fully understood R87 while 4 did not. R87, both the 1989 version and the proposed re-draft are both complex technical documents that also require knowledge of statistics to apply them correctly. Five economies are either considering implementing R87 or have started to draft legislation. It was encouraging that a regional group that contains a substantial number of corresponding members of OIML are aware of the redraft of R87 and from that shown an interest in its development.

In regards to the 1989 version only one economy had fully implemented it but a further 7 had done so with some local variation. These variations included: limits of error above 15, 000g/ml, different errors for count, length and area, other limits of error for individually measured commodities, solid volume objects and precious metals, different lot and sample sizes, different sample weighting, variation in sample plans.

There was a more negative response to the issues set out in the annexes of the 3rd CD. These relate to provisions on drained mass, prohibition on the sale of frozen fruits and seafoods at less than 100% net drained mass, requirements for selling products at reference temperatures (all informative issues), prohibition of misleading packages (mandatory issue) and procedures for testing for some of these issues. The ratio of those having implemented some or all of these provisions to those who have not is 1:2.

Only one economy stated that they had allowances for moisture loss in pre-packaged products. In this economy it was only in certain circumstances. Typical products mentioned in their documentation included flour, dry pet food, fresh poultry, frankfurters and hotdogs, bacon, fresh sausage and luncheon meats (but only where the product contains free-flowing liquid or absorbent materials are in contact with the product).

The conclusion from the survey and the knowledge about the redraft of R87 is that a seminar on implementation of R87 into legislation and specific training for enforcement personnel on its application will be useful. It will assist regional harmonisation and contribute to the

acceptance of R87 and the acceptance at an operational level of goods traded across national borders. The training should also promote the advantages of implementing some of the proposed informative provisions of the new R87.

Other issues relating to Goods Packed by Measure

Prescribed sizes for pre-packaged products: Only one economy stated that they have such requirements (in various Acts and Regulations) and one other economy said that they were discussing such requirements.

Unit pricing: Two economies have some provisions. In one economy unit pricing is for random size packs of certain specified products. In the other, random weight packages must all bear the unit price. In the later case, a comment was made that most consumers consider it an essential feature for shopping and is one of the top services they look for in a retail store. In States within that economy where it is not mandatory it is achieved on a voluntary basis. A further economy noted that local governments did have a unit-pricing system.

Conclusions

1. There is a growing commitment to adopt OIML recommendations 79 and 87.
2. There is considerable variation in the implementation of R79.
3. In part, this is caused by the lack of standardisation between the Codex General Standard for the Labelling of Prepackaged Foods and R79.
4. The level of understanding of R87 could be improved and it would be advisable to be proactive and provide some training on the new version of R87.
5. Any training planned on R87 should also promote a better understanding of the informative provisions of the proposed new R87.
6. Within the APLMF region there is negligible adoption of requirements on prescribed sizes for prepackages or for unit pricing.

Recommendations

The working group recommends that:

1. APLMF agree the survey on implementation of R79 and R87 is useful and member economies should be asked to update it before each annual meeting as part of their report on activities.
2. APLMF asks OIML to discuss with Codex Alimentarius Commission and work with them on standardising the requirements for labelling quantity in both R79 and the Codex General Standard for the Labelling of Prepackaged Foods.
3. APLMF programme training in the implementation and operation of the new R87 once the international recommendation is agreed by OIML.
4. The working group continues to work with member economies for the harmonisation to both R79 and R87.



John Barker
Chair
Working Group on Goods Packed by Measure
APLMF

**SUMMARY OF ADHERENCE TO OIML R79 AND R87
WITHIN APLMF ECONOMIES**

PART 1 (R79 LABELLING REQUIREMENTS FOR PRE-PACKAGED PRODUCTS)

Economy	Understood	Implemented	Identity of Product	Name and Address	Declaration of Net Quantity	Misleading Practices	Annex A	Size of Characters	Comments
Australia	Y	P (a)	F	F	F	P (b)	F	O (c)	<p>(a) Significant intent/content is reflected in State and Territory Trade Measurement Legislation.</p> <p>(b) Partly addressed in State and Territory Trade Measurement legislation. Also addressed by Trade Practices/Fair Trading legislation.</p> <p>(c) Size of print requirements relate to the dimensions of the package rather than the area of the label or quantity contained.</p>

Code:

Y = Yes O = Others
N = No U = US
P = Partly E = EU
F = Fully

Economy	Understood	Implemented	Identity of Product	Name and Address	Declaration of Net Quantity	Misleading Practices	Annex A	Size of Characters	Comments
Canada	Y	P (a)	F	F	P (b)	F	P (c)	O (d)	<p>(a) Labelling requirements are contained in the Consumer Packaging and Labelling Act and the Weights and Measures Act and are generally based on the principles of R79. Canada doesn't use R79 terminology and does not follow Annex B. There are additional requirements in each document. For example, legislation also applies to variable net quantity and the W&M legislation also applies to unpackaged and clerk served commodities sold by measure.</p> <p>(b) Net contents requirements are contained in the Consumer Packaging and Labelling Act and the Weights and Measures Act and are generally based on the principles of R79 (including aerosols). Greater scope is allowed in the units of measure used for declaring net quantity.</p> <p>(c) Canada also allows the use of the lowercase l in italics as a symbol for the litre. The gram (g) is recognised but not legislated. Canada allows more flexibility in the use of units than is prescribed in Table B.</p> <p>(d) The Consumer Packaging and Labelling Act; up to and including 32cm² - 1.6mm from 32cm² up to and including 258cm² - 3.2mm from 258cm² up to and including 654cm² - 6.4mm from 654cm² up to and including 28.5 square decimetres - 9.5mm greater than 28.5 square decimetres - 12.7mm The Weights and Measures Act calls for letter height of not less than 3mm when printed by hand and not less than 2mm if written or printed by any other means. Other legislation may contain specific letter size requirements.</p>

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Economy	Understood	Implemented	Identity of Product	Name and Address	Declaration of Net Quantity	Misleading Practices	Annex A	Size of Characters	Comments
People's Republic of China	Y	P (a)	P (b)	P (c)	P (d)	N (e)	F	E	<p>(a) The Act of Metrological Supervision for Pre-packaged Products only includes the requirements of net quantity. It doesn't include other requirements of labelling.</p> <p>(b) These requirements are included in the national standards.</p> <p>(c) These requirements are included in the national standards.</p> <p>(d) We accept some part of these requirements in the Act of Metrological Supervision for Pre-Packaged Products and the Rules of Metrological Inspection.</p> <p>(e) We will consider these requirements when we re-drafted the Act of Metrological Supervision for Pre-Packaged Products.</p>

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Economy	Understood	Implemented	Identity of Product	Name and Address	Declaration of Net Quantity	Misleading Practices	Annex A	Size of Characters	Comments
Hong Kong China	N	P	F	F (a)	F (b)	F (c)	F (d)	O (e)	<p>(a) In respect of pre-packaged food.</p> <p>(b) No one shall supply any pre-packed goods in weight or measure unless the net weight or measure of the goods is legibly marked upon the outside of the container, or upon a label firmly attached thereto.</p> <p>(c) No details of R79 on "misleading practices" are available for our reference. It is presumed that it refers to information on label shall not falsely describe or mislead or calculate to mislead consumer. If so, it is being implemented in our economy.</p> <p>(d) We accept any unit of measurement, any symbol or abbreviation of a unit of measurement in Metric Units, Imperial Units or Chinese Units.</p> <p>(e) No restrictions on the type size of letters and numerals, which are acceptable as long as such are legibly marked or labelled.</p>

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Economy	Understood	Implemented	Identity of Product	Name and Address	Declaration of Net Quantity	Misleading Practices	Annex A	Size of Characters	Comments
Japan	Y	F	F	F	F	F	F	O (a)	(a) It is specified in the Article 1 of <i>the Cabinet Order for Measurement concerning Sale of Specified Commodities</i> . c.f. Specified commodities are certain commodities specified in <i>the Measurement Law of Japan</i> .

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Economy	Understood	Implemented	Identity of Product	Name and Address	Declaration of Net Quantity	Misleading Practices	Annex A	Size of Characters	Comments
Republic of Korea	Y	P	P	P	P	N	F	-	

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Lao People's Democratic Republic	N (a)	P (b)	P (c)	N (d)	N (e)	N (f)	N (g)	N (h)	<p>(a) Just only in the past DISM has sent some staff to join ASEAN Seminar or Workshop but the understanding is not fully guaranteed.</p> <p>(b) For time being, we are in the process of drafting regulation, which is being prepared by Metrology Division under DISM.</p> <p>(c) Due to our discussion in beginning, the requirements of RS79 on Identity of Product shall be partly implemented and fully when our condition is favourable.</p> <p>(d) Awaiting the regulation concerned.</p> <p>(e) Awaiting the regulation concerned.</p> <p>(f) Awaiting the regulation concerned.</p> <p>(g) Awaiting the regulation concerned.</p> <p>(h) Awaiting the regulation concerned.</p>

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Malaysia	Y	F (a)	F	F	F	N (b)	F	O (c)	<p>(a) Identity of product, name and place of business of manufacturer, importers or wholesalers, declared net quantity must be printed on the label under the Price Control (Labelling by Manufacturers, Importers or Wholesalers) Order 1980 which came into force on 1.9.80.</p> <p>(b) Our labelling regulation does not mention anything on misleading practices such as sizes of packages, filled quantity and locations of labels on the package. However, it is an offence under the Trade Description Act if any statement on the label of the package is found to be false.</p> <p>(c) Our regulations on labelling of pre-packaged products requires the sizes of letters and numerals for statement of quantity to be legible and in clear words or such size and colour to be sufficiently conspicuous to any person intending to purchase the product.</p>

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New Zealand	Y	P (a)	P (b)	P (c)	P (d)	F (e)	F	O (f)	<p>(a) Although R79 is fully understood some variations to the Standard are included in the New Zealand Weights and Measures Legislation. The Regulations exclude the "Principal display panel" and have a requirement to mark food in a prominent place instead. Other requirements to label food are included in the joint Australia New Zealand Food Code.</p> <p>(b) The requirements to mark the identity of food are included in the Food Code. The requirements to identify other non-food products may be covered in other legislation. The Weights and Measures Regulations 1999 are silent on identifying the product.</p> <p>(c) Food is covered by the Food Code.</p> <p>(d) Food packages are required to be marked with a statement of quantity. Non food packages are not required to be marked with a statement of quantity.</p> <ul style="list-style-type: none"> – The quantity if marked must comply with Annex A. – Legibility requirements apply. – Statement of net quantity is in a minimum type size, regardless of the area of the display panel. <p>(e) The provisions regarding misleading packages are covered by the Fair Trading Act 1986.</p> <p>(f) At least 2mm in height and in colour contrasting distinctly with the background. Be in a prominent position and, where the goods are marked with their name or description, in close proximity to that marking.</p>

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Economy	Understood	Implemented	Identity of Product	Name and Address	Declaration of Net Quantity	Misleading Practices	Annex A	Size of Characters	Comments
Russian Federation	Y	P	F	P	F	P	F	O (a)	(a) The size of letters and numerals is not regulated.

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Singapore	N	P (a)	P (b)	F (c)	P (d)	P (e)	P	O (f)	<p>(a) Under the Singapore Food Regulations.</p> <p>(b) Under the Singapore Food Regulations.</p> <p>(c) Under the Singapore Food Regulations.</p> <p>(d) Under the Singapore Food Regulations.</p> <p>(e) Under the Singapore Food Regulations.</p> <p>(f) Under the Singapore Food Regulations, information required under Regulation 5 (4) (a), (b), (c) and (d) shall be in printed letters not less than 1.5 mm in height.</p>

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Chinese Taipei	Y ^(a)	P ^(b)	F	F	P ^(c)	N	F	O ^(d)	<p>(a) Weights and Measures Law were promulgated on 2 January 2003 by President. It harmonised with OIML R79 and R87 partly.</p> <p>(b) It included the identity of product, name and place of business, declared net quantity.</p> <p>(c) It included the net quantity of the pre-packaged product except the requirements on labelling aerosols.</p> <p>(d) No.</p>

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Economy	Understood	Implemented	Identity of Product	Name and Address	Declaration of Net Quantity	Misleading Practices	Annex A	Size of Characters	Comments
Thailand	Y	P (a)	N (b)	N (c)	P (d)	P (e)	F	E	<p>(a) The CWBM requirement prescribes only how to declare the net content of the pre-packaged goods.</p> <p>(b) This requirement is prescribed by other laws, eg Food and Drug Law.</p> <p>(c) This requirement is prescribed by other laws, eg Food and Drug Law.</p> <p>(d) Declarations of the net content of the pre-packaged is goods not including the requirements on labelling aerosols. We are to process to declare in notification.</p> <p>(e) If the statement of the net content is labelled on more than one location, it shall be equivalent and in accordance with our requirement.</p>

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USA	Y (a)	F (b)	F	F	F	F	F	U	<p>(a) The US is the Secretariat for OIML TC6</p> <p>(b) The only major exception is that packages subject to the Federal Fair Packaging and Labelling Act must have both inch-pound and SI units. There is a complete report on a forum on permissible metric only labelling at: http://www.nist.gov/metric</p> <p>The primary control over misleading containers relates to foods only. Here is the Federal Regulation.</p> <p>[Code of Federal Regulations] [Title 21, Volume 2] [Revised as of April 1, 2002] [CITE: 21CFR100.100]</p> <p>[Page 9] Title 21 – Food and Drugs</p> <p>Chapter 1 – Food and Drug Administration, Department of Health and Human Services</p> <p>Part 100 – General – Table of Contents – Subpart F – Misbranding for Reasons Other Than Labelling</p> <p>Sec 100.100 Misleading containers</p> <p>In accordance with Section 403(d) of the Act, a food shall be deemed to be misbranded if its container is so made, formed, or filled as to be misleading.</p>

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Economy	Understood	Implemented	Identity of Product	Name and Address	Declaration of Net Quantity	Misleading Practices	Annex A	Size of Characters	Comments
									<p>(a) A container that does not allow the consumer to fully view its contents shall be considered to be filled as to be misleading if it contains non-functional slack-fill. Slack-fill is the difference between the actual capacity of a container and the volume of product contained therein. Non-functional slack-fill is the empty space in a package that is filled to less than its capacity for reasons other than:</p> <ol style="list-style-type: none"> (1) Protection of the contents of the package; (2) The requirements of the machines used for enclosing the contents in such package; (3) Unavoidable product settling during shipping and handling; (4) The need for the package to perform a specific function (e.g. where packaging plays a role in the preparation or consumption of a food), where such function is inherent to the nature of the food and is clearly communicated to consumers; (5) The fact that the product consists of a food packaged in a reusable container where the container is part of the presentation of the food and has value which is both significant in proportion to the value of the product and independent of its function to hold the food, e.g. a gift product consisting of a food or foods combined with a container that is intended for further use after the food is consumed; or durable commemorative or promotional packages; or

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									<p>(6) Inability to increase level of fill or to further reduce the size of the package (e.g. where some minimum package size is necessary to accommodate required food labelling ((excluding any vignettes or other non mandatory designs or label information)), discourage pilfering, facilitate handling, or accommodate tamper-resistant devices)</p> <p>[59 FR 537, Jan 5, 1994]</p>

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Economy	Understood	Implemented	Identity of Product	Name and Address	Declaration of Net Quantity	Misleading Practices	Annex A	Size of Characters	Comments
Vietnam	Y	P (a)	F	F	N	N	F	EU	(a) Identity of product, name and place of business, declared net quantity.

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SUMMARY OF ADHERENCE TO OIML R79 AND R87 WITHIN APLMF ECONOMIES

PART 2 (R87 NET QUANTITY IN PRE-PACKAGES)

Economy	Understood	Aware of re-draft	Implemented	Drained net mass implemented	Procedures for determining drained net mass	Prohibition of frozen product less than 100%	Technical procedures for determining net mass of frozen fruits and seafood	Moisture Allowance	Products sold at reference temperatures	Misleading packages	Comments
Australia	Y	Y	N (a)	N (b)	N	Y (c)	Y (d)	- (e)	Y (f)	Y (g)	(a) Note there is agreement to introduce an 'Average Quantity System' (b) Net mass – yes Drained mass – no (c) Only for frozen scallops – subject to normal allowances for packaged goods (d) State and Territory Trade Measurement Legislation for scallops only. Export control orders for fish generally (e) Uniform health regulations maybe (f) LPG and petroleum fuels only (g) Trade Practices and Fair Trading legislation

Code:

Y = Yes

N = No

W = With local variation

F = Fully

Economy	Understood	Aware of re-draft	Implemented	Drained net mass implemented	Procedures for determining drained net mass	Prohibition of frozen product less than 100%	Technical procedures for determining net mass of frozen fruits and seafood	Moisture Allowance	Products sold at reference temperatures	Misleading packages	Comments
Canada	Y (a)	Y (b)	W (c)	Y (d)	Y (e)	Y	Y (f)	N	Y (g)	Y (h)	<p>(a) Net contents requirements are contained in the Consumer Packaging and Labelling Act and the Weights and Measures Act and are generally based on the principles of R87</p> <p>(b) Canada is a participating member of the Committee.</p> <p>(c) Some parts are implemented such as the limits of error for mass and volume with an additional category >15,000 grams or millilitres. Canada has different limits of error for count, length and area and other limits of error for individually measured commodities, solid volume objects and precious metals. Canada uses different lot sizes and sample sizes. Type I and II sample risks are the same.</p> <p>(d) The Consumer Packaging and Labelling Act, Fish Inspection Act. Depending on the product, it must be declared either by net weight or drained weight.</p> <p>(e) The procedures used are described in Inspection Procedure Manuals of the departments responsible for the legislation. For example, the Weights and Measures Commodity Inspection Manual.</p>

Code:

Y = Yes

N = No

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Economy	Understood	Aware of re-draft	Implemented	Drained net mass implemented	Procedures for determining drained net mass	Prohibition of frozen product less than 100%	Technical procedures for determining net mass of frozen fruits and seafood	Moisture Allowance	Products sold at reference temperatures	Misleading packages	Comments
											<p>(f) The procedures used are described in Inspection Procedure Manuals of the departments responsible for the legislation. For example, the Weights and Measures Commodity Inspection Manual.</p> <p>(g) Variable quantity commodities that are liquid and declared in terms of volume are tested at ambient temperature. Variable quantity commodities that are liquid and measured at 15°C are tested at 15°C. Standard quantity commodities that are liquid at 20°C and declared in terms of volume are tested at 20°C. A standard quantity commodity that is frozen and declared in terms of volume is tested at the temperature at which it is normally sold.</p> <p>(h) The Consumer Packaging and Labelling Act</p>

Code:

Y = Yes

N = No

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Economy	Understood	Aware of re-draft	Implemented	Drained net mass implemented	Procedures for determining drained net mass	Prohibition of frozen product less than 100%	Technical procedures for determining net mass of frozen fruits and seafood	Moisture Allowance	Products sold at reference temperatures	Misleading packages	Comments
People's Republic of China	Y	Y	F	Y (a)	Y (b)	Y	Y (c)	N (d)	N	N (e)	<p>(a) No. 7 in the Act of Metrological supervision for Pre-packaged Products. Besides use the mass (g/kg) to mark the net content of the solid products packed in a liquid medium, use the mass (g/kg) or the percentage to mark the content of the solid.</p> <p>(b) No. 6.1.3 the Rules of Metrological Inspection (neglect)</p> <p>(c) No. 6.1.2 the Rules of Metrological Inspection (neglect)</p> <p>(d) We will consider these requirements when we re-draft the Act of Metrological Supervision for Pre-packaged Products</p> <p>(e) We will consider these requirements when we re-draft the Act of Metrological Supervision for Pre-packaged Products</p>

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Economy	Understood	Aware of re-draft	Implemented	Drained net mass implemented	Procedures for determining drained net mass	Prohibition of frozen product less than 100%	Technical procedures for determining net mass of frozen fruits and seafood	Moisture Allowance	Products sold at reference temperatures	Misleading packages	Comments
Hong Kong China	N	Y	N	Y (a)	N	N (b)	N	N	Y (c)	N	<p>(a) No one shall supply any pre-packed goods in weight or measure unless the net weight or measure of the goods is legibly marked upon the outside of the container, or upon a label firmly attached thereto.</p> <p>(b) No such legislative requirements.</p> <p>(c) Legislative requirements including:</p> <ul style="list-style-type: none"> - milk to be kept below 10° C - frozen confection other than soft ice cream to be kept below -2° C

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Economy	Understood	Aware of re-draft	Implemented	Drained net mass implemented	Procedures for determining drained net mass	Prohibition of frozen product less than 100%	Technical procedures for determining net mass of frozen fruits and seafood	Moisture Allowance	Products sold at reference temperatures	Misleading packages	Comments
Japan	Y	Y	W ^(a)	N ^(b)	N	N	N ^(c)	N ^(d)	N ^(e)	N	<p>(a) It is implemented by local measurement-related governments, based on the guidelines issued by the Measurement Administration Council.</p> <p>(b) It is not mandatory according to <i>the Measurement Law of Japan</i>. It is complemented with other statutes such as the Standardised Quality Labelling System in <i>the Law concerning Standardization and labelling Agricultural and Forest products*</i>. c.f. *The so-called "Japanese Agricultural Standards (JAS) Law."</p> <p>(c) It is not specified in the <i>Measurement Law of Japan</i>. However, instead of the <i>Measurement Law</i>, so-called "Industrial Standards", which are established by industries such as Japan Frozen Food Association or Japan Frozen Foods Inspection Corporation, are used.</p> <p>(d) It is not specified in the <i>Measurement Law of Japan</i>. However, for products of high moisture loss value, local measurement-related governments are giving a handling-instruction at the time of on-site inspection.</p> <p>(e) It is not specified in the <i>Measurement Law of Japan</i>. In other laws, such as Food Sanitation Law of Japan, there are regulations concerning the preservation temperature etc.</p>

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Economy	Understood	Aware of re-draft	Implemented	Drained net mass implemented	Procedures for determining drained net mass	Prohibition of frozen product less than 100%	Technical procedures for determining net mass of frozen fruits and seafood	Moisture Allowance	Products sold at reference temperatures	Misleading packages	Comments
Republic of Korea	Y	Y	N (a)	N	N	Y	N	N	N	N	(a) The regulation regarding net content in packages has been stipulated in national law, partly Law on Metrology in Korea.

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Economy	Understood	Aware of re-draft	Implemented	Drained net mass implemented	Procedures for determining drained net mass	Prohibition of frozen product less than 100%	Technical procedures for determining net mass of frozen fruits and seafood	Moisture Allowance	Products sold at reference temperatures	Misleading packages	Comments
Lao People's Democratic Republic	N (a)	Y (b)	N (c)	N (d)	N (e)	Y (f)	Y (g)	N (h)	Y (i)	Y (j)	<p>(a) The same situation as mentioned for the requirements of RS 79, with regard to the requirements of RS 87 DISM has sent some staff to join ASEAN Seminar on Workshop but the understanding is not fully guaranteed.</p> <p>(b) For time-being, we are in the process of drafting for new legislation.</p> <p>(c) Awaiting the regulation concerned.</p> <p>(d) Awaiting the regulation concerned.</p> <p>(e) Awaiting the regulation concerned.</p> <p>(f) Reference with the regulation of Food and Drug Administration Commission (FDAC) under the Ministry of Health.</p> <p>(g) Reference with the regulation of FDAC.</p> <p>(h) Awaiting the regulation concerned.</p> <p>(i) Just only for drugs</p> <p>(j) Reference with the regulation of FDAC</p>

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Malaysia	Y	Y	N (a)	N	N	Y (b)	N	N	N	Y (c)	<p>(a) We are proposing to draft a regulation under the Weights and Measures Act for determining the net contents, method of sampling and maximum allowable error for pre-packaged products. We are also proposing to establish a Malaysia Standard for Net Contents of Pre-packaged products based on OIML R 87.</p> <p>(b) It is an offence under the Trade Description Act for any person selling or offering for sale any pre-packaged product if the actual quantity is less than the quantity declared on the label. Therefore, the manufacturer must declare the correct quantity – either the net weight or drained weight or both.</p> <p>(c) It is an offence under the Trade Description Act.</p>

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New Zealand	Y	Y	W (a)	N	Y (b)	Y	Y (c)	N (d)	Y (e)	Y (f)	<p>(a) New Zealand has a slightly different sample weighing calculation and sample sizes. However, in the main it complies with R87.</p> <p>(b) Codex recommendations are used as a guide to deceptive packaging arguments.</p> <p>(c) Codex Alimentarius Standards are used for determining the net weight of frozen seafood.</p> <p>(d) Desiccating goods are treated as meeting the requirements if they comply up to seven days after packing.</p> <p>(e) Regulations controlling the storage temperature of chilled or frozen products are implemented as part of the food safety regime. Industry codes also use a reference temperature (usually allowed storage temperature) when determining the density of liquids. This is used when the formula <u>mass</u> is used to determine the volume. density</p> <p>For the purposes of calculating excise petroleum products are referenced to 15°C.</p> <p>(f) The Fair Trading Act 1986 includes general requirements regarding deceptive packaging.</p>

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Russian Federation	Y	Y	W ^(a)	N	N	N	N	N	N	N	(a) According to GOST R8.579-2001 "Requirements established for the quantity of prepackaged goods in packages of any kind during their manufacturing, packaging selling or importing".

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Singapore	N	N	W (a)	N	N	- (b)	N	N	Y (c)	N	<p>(a) Specified under regulation 5 of the Singapore Food Regulations.</p> <p>(b) There is no legislative requirement for this prohibition.</p> <p>(c) Under regulation 10 and the Third Schedule of the Food Regulations, certain food products are required to have their expiry dates declared on the product labels. Where the validities of the date marks of these products are dependent on their storage, the storage directions shall also be stated on their labels.</p>

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Chinese Taipei	Y	Y	N (a)	N	N	N	N	N	N	N	(a) Weights and Measures Laws were promulgated on 2 January 2003 by President. It harmonised with OIML R79 and R87 partly.

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Thailand	Y	Y	N (a)	Y (b)	Y (c)	N (d)	- *	- *	- *	- *	(a) Under drafting. (b) Under drafting. (c) Test procedure of drained weight. (d) We have no legislative requirements for this item.

* no response supplied

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USA	Y (a)	Y	W (b)	Y (c)	Y (d)	Y	Y (e)	Y (f)	Y (g)	Y (h)	<p>(a) The US is the Secretariat for OIML TC6.</p> <p>(b) See NIST Handbook 133 "Checking the Net Contents of Packaged Goods" 2003 4th Edition at http://ts.nist.gov/ts/htdocs/230/235/h1334-03.htm</p> <p>(c) Yes, but only for some products. Typically the products where the liquid medium is not consumed as a food are labelled by drained weight. Many products, like olives, are labelled by drained weight.</p> <p>(d) See Section 2.5 of NIST Handbook "Checking the Net Contents of Packaged Goods" 2003 4th Edition at http://ts.nist.gov/ts/htdocs/230/235/h1334-03.htm</p> <p>(e) It is based on AOACI so you should look at Section 2.6 of NIST Handbook 133 "Checking the Net Contents of Packaged Goods" 2003 4th Edition at http://ts.nist.gov/ts/htdocs/230/235/h1334-03.htm</p>

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											<p>(f) Yes, reasonable moisture loss must be allowed under certain circumstances. See Section 2.3 (page 17) in NIST Handbook 133 "Checking the Net Contents of Packaged Goods" 2003 4th Edition at http://ts.nist.gov/ts/htdocs/230/235/h1334-03.htm</p> <p>(g) This table excerpted from NIST Handbook 133:</p> <p>If the liquid commodity is Then the reference temperature is</p> <p>Frozen food labelled by volume (e.g. fruit juice) -18° C (0° F) Beer 3.9° C (39.1° F) Food that must be kept refrigerated (eg milk and other dairy products. Usually labelled "Keep Refrigerated") 4.4° C (40° F) Distilled spirits or petroleum 15° C (60° F) Unrefrigerated products (e.g. includes liquids sold unchilled, such as soft drinks and wine) 20° C (68° F)</p>

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											<p>(h) See Q 2.2 (2.2 repeated here as follows). The only major exception is that packages subject to the Federal Fair Packaging and Labelling Act must have both inch-pound and SI units. There is a complete report on a forum on permissible metric only labelling at: http://www.nist.gov/metric</p> <p>The primary control over misleading containers relates to foods only. Here is the Federal Regulation.</p> <p>[Code of Federal Regulations] [Title 21, Volume 2] [Revised as of April 1, 2002] [CITE: 21CFR100.100]</p> <p>[Page 9] Title 21 – Food and Drugs</p> <p>Chapter 1 – Food and Drug Administration, Department of Health and Human Services</p> <p>Part 100 – General – Table of Contents – Subpart F – Misbranding for Reasons Other Than Labelling</p> <p>Sec 100.100 Misleading containers</p>

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											<p>(a) A container that does not allow the consumer to fully view its contents shall be considered to be filled as to be misleading if it contains non-functional slack-fill. Slack-fill is the difference between the actual capacity of a container and the volume of product contained therein. Non-functional slack-fill is the empty space in a package that is filled to less than its capacity for reasons other than:</p> <ol style="list-style-type: none"> (1) Protection of the contents of the package; (2) The requirements of the machines used for enclosing the contents in such package; (3) Unavoidable product settling during shipping and handling; (4) The need for the package to perform a specific function (e.g. where packaging plays a role in the preparation or consumption of a food), where such function is inherent to the nature of the food and is clearly communicated to consumers;

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											<p>(5) The fact that the product consists of a food packaged in a reusable container where the container is part of the presentation of the food and has value which is both significant in proportion to the value of the product and independent of its function to hold the food, e.g. a gift product consisting of a food or foods combined with a container that is intended for further use after the food is consumed; or durable commemorative or promotional packages; or</p> <p>(6) Inability to increase level of fill or to further reduce the size of the package (e.g. where some minimum package size is necessary to accommodate required food labelling ((excluding any vignettes or other non mandatory designs or label information))), discourage pilfering, facilitate handling, or accommodate tamper-resistant devices)</p> <p>[59 FR 537, Jan 5, 1994]</p>

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Vietnam	N	Y	W (a)	N	N	- (b)	N	N	N	N	(a) With sampling plans according to EU directives. (b) These are not legislative requirements.

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SUMMARY OF ADHERENCE TO OIML R79 AND R87 WITHIN APLMF ECONOMIES

PART 3 OTHER ISSUES RELATING TO GOODS PACKED BY MEASURE

Economy	Pre-packaging – quantity sizes prescribed by regulations	Unit pricing – legislative requirements	Comments
Australia	N	Y (a)	(a) For random size packs of certain categories of product only.
Canada	Y (a)	N	(a) Canada has legislation contained in various Acts and Regulations that specify package sizes. For example the Consumer Packaging and Labelling Act, the Feeds Act.
Peoples Republic of China	N (a)	N	(a) We will consider these requirements when we redraft the Act of Metrological Supervision for Pre-packaged Products.
Hong Kong China	N	N	
Japan	N (a)	N (b)	(a) See comments for 3.6 (<i>3.6 repeated here as follows</i>). It is not specified in the <i>Measurement Law of Japan</i> . However, for products of high moisture loss value, local measurement-related governments are giving a handling-instruction at the time of on-site inspection. (b) It is not specified in the <i>Measurement Law of Japan</i> . However, local governments specify it as the Unit-Pricing System.
Korea	N	N	
Lao People's Democratic Republic	Y (a)	N	(a) These requirements are still being discussed.

Economy	Pre-packaging – quantity sizes prescribed by regulations	Unit pricing – legislative requirements	Comments
Malaysia	N (a)	N	(a) We only have guidelines to encourage manufacturers to use common sizes and to round up to the nearest whole number such as 350g, 500g, 300ml, 500ml and to avoid odd sizes such as 387g instead of 400g, 291ml instead of 300ml etc.
New Zealand	N	N	
Russia	N	N	
Singapore	N	N	
Chinese Taipei	N	N	
Thailand	*	*	
USA	N (a)	Y (b)	<p>(a) Package size restrictions (rational sizes) have been eliminated for the most part in US regulations. This trend began in 1994 and is, for the most part, complete.</p> <p>(b) For random weight (catchweight) packages all must bear the unit price. Unit pricing is mandatory in a number of states but is done primarily on a voluntary basis by most food retailers as it is considered an essential feature for shopping by most consumers. Industry studies of consumers indicate that it is one of the top services they look for in a retail store.</p>
Vietnam	N	N	

* No response supplied

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