



ASIA-PACIFIC
LEGAL METROLOGY FORUM

SURVEY REPORT ON
PREPACKED ARTICLES

BEIJING

22 OCTOBER 1995

SURVEY ON HARMONIZATION OF TRADE MEASUREMENT

PREPACKED GOODS REQUIREMENTS

In the past few decades there has been a great expansion in the quantity of goods that are packaged and measured before sale. The basic trade measurement principle is that these goods should meet similar requirements to goods measured at the time of sale. Specific requirements include:

- no short measure; and
- identification of the packer on the packet.

A number of additional provisions may also apply including:

- Standard Sizes, i.e. goods may only be packed in particular sizes.
- Permitted Deficiencies, i.e. an allowance may be permitted for loss of mass after packing due to dehydration of the article.
- Drained Weight, requirements may be made for the measured mass to apply after draining of excess water. This requirement can apply to frozen meat and fish as well as to goods in cans.
- Deceptive Packaging, requirements may exist to prohibit packages that are excessively large for the goods they contain.

All of these requirements may constitute barriers to trade if they are not harmonised. This survey will aim to identify differences in requirements for prepacked articles in the APEC economies.

A survey questionnaire was circulated in June and response has been received from the following member economies: Australia, Canada, Indonesia, Japan, Malaysia, New Zealand, Chinese Taipei, Thailand and United States of America.

The information is given in the following pages with the responses to questions grouped accordingly to facilitate analysis.

SURVEY

1. Name of Economy.

The following economies have responded to the survey:

Australia, Canada, Indonesia, Japan, Malaysia, New Zealand, Chinese Taipei, Thailand and United States of America.

2. Legislation.

What legislation contains the trade measurement requirements for prepacked articles?

AUSTRALIA

Trade measurement requirements for prepacked goods are contained in the Uniform Trade Measurement Legislation (UTML).

CANADA

Consumer Packaging and Labeling Act:

- This legislation, which applies to most prepackaged consumer commodities, is administered by Industry Canada, Consumer Products Branch.

Weights and Measures Act:

- This legislation, which applies to most non-consumer prepackaged commodities and to commodities sold from bulk is administered by Industry Canada, Legal Metrology Branch

Canada Agricultural Products Act:

- This legislation, which applies to agricultural food products, defines quality standards and establishes standard container sizes, is administered by Agriculture and Agri-Food Canada.

INDONESIA

- The Law No. 2, 1981 on Legal Metrology
- The Decree of the Minister of Trade and Cooperative No. 404/Kp/VII/81 Regulation on Prepacked Goods.

- Circular of Director of Metrology No. Met-4005/44-4/1991 of 29 November 1991 Operational Guidance of the Decree of the Minister of Trade and Cooperative No. 404/Kp/VII/81 Regulation on Prepacked Goods.

JAPAN

- Article 10 through 15, Measurement Law;
- Cabinet Order Concerning Measurement for Sales of Specified Commodities; and
- Ministerial Order Concerning Measurement for Sales of Specified Commodities.

MALAYSIA

- No specific legislation for prepacked articles. There is however guidelines on packaging which recommend the sizes of packages that may be followed.
- Information that has to be provided on prepacked articles is governed by the Price Control (Labeling by Manufacturers, Importers, Producers or Wholesalers) Order 1980 under the Price Control Act 1946.

NEW ZEALAND

- Weights and Measures Act 1987
- Weights and Measures Regulations 1987
- Food Regulations 1984

CHINESE TAIPEI

- Commodity Labeling Act
- Sanitary Administration Act for Foods
- Administration Act for Cosmetics
- Commodity Inspection Act
- Feed Administration Act
- Administration Regulation for Fertilizer
- Fair Trade Act

THAILAND

- Weights and Measures Laws BE. 2466 (AD. 1923)
- Ministerial Regulations issued for execution of Weights and Measures Laws BE. 2466 (AD. 1923)
- Ministerial Announcement No. 6 BE. 2532 (AD. 1989)
- Ministerial Announcement No. 7 BE. 2535 (AD. 1992)
- Ministerial Announcement No. 9 BE. 2535 (AD. 1992)

- Ministerial Announcement No. 10 BE. 2536 (AD. 1993)
- Ministerial Announcement No. 11 BE. 2536 (AD. 1993)
- Ministerial Announcement No. 12 BE. 2536 (AD. 1993)

UNITED STATES OF AMERICA

Legislation regarding packaging and labeling and net quantity of contents requirements is contained in several Federal laws. The primary law is the Fair Packaging and Labeling Act which covers most products. Most meat and poultry products are covered by the Federal Meat Inspection Act.

3. Enforcement.

Which organisation is responsible for the enforcement of these requirements?

AUSTRALIA

The prepacked goods requirements are administered and enforced by the State and Territory trade measurement authorities.

CANADA

Consumer Packaging and Labeling Act:

- Regulations related to food and food products are enforced by Agriculture and Agri-Food Canada.
- Regulations related to non-food products are enforced by Industry Canada, Consumer Products Branch.

Weights and Measures Act:

- Regulations under the *Weights and Measures Act* are enforced by Industry Canada, Legal Metrology Branch.

Canada Agricultural Products Act:

- Regulations under the *Canada Agricultural Products Act* are enforced by Agriculture and Agri-Food Canada.

INDONESIA

Directorate of Metrology, the Ministry of Trade.

JAPAN

Ministry of International Trade and Industry (MITI) is responsible for the overall implementation of the legislation. Prefectures and designated municipal governments are responsible for the inspection of seller/packer/importer in each area.

MALAYSIA

Enforcement is undertaken by the Enforcement Division, Ministry of Domestic Trade and Consumer Affairs, Malaysia.

NEW ZEALAND

Trade Measurement Unit, Ministry of Consumer Affairs

CHINESE TAIPEI

- Department of Health
- Council of Agriculture
- Bureau of Commodity Inspection and Quarantine

THAILAND

Weights and Measures Division
Department of Commercial Registration
Ministry of Commerce

UNITED STATES OF AMERICA

The agencies responsible for net quantity of contents regulations are listed in Table 1.

Commodity	Responsible Agency
Meat and Poultry	U.S. Department of Agriculture/Food Safety and Inspection Service State and Local Weights and Measures

<p>Foods, drugs, and cosmetics subject to the Food, Drug and Cosmetic Act including those packaged at the retail store level that have been in interstate commerce (e.g. seafood), or those made with ingredients that have been in interstate commerce</p>	<p>Food and Drug Administration</p> <p>State and Local Weights and Measures</p>
<p>Food products <u>not</u> subject to the Food, Drug, and Cosmetic Act, including meat and poultry products packaged at the retail store level.</p>	<p>State and Local Weights and Measures</p>
<p>Non-Food Products</p>	<p>Federal Trade Commission</p> <p>State and Local Weights and Measures</p>
<p>Alcohol and Tobacco Products</p> <p>Pesticides</p>	<p>Bureau of Alcohol, Tobacco, and Firearms</p> <p>Environmental Protection Agency</p> <p>State and Local Weights and Measures</p>

4. *International Standards.*

Have you adopted the OIML International Recommendations?

- *OIML R79 Information on package labels*
- *OIML R87 Net content in packages*

Note: *OIML R79 is currently being revised and a second committee draft was issued in December 1994.*

AUSTRALIA

Australian requirements are harmonised with OIML International Recommendations IR 79 and IR 87.

CANADA

OIML R79 - Information on Package Labels

- Canada has adopted R79 for consumer packages only, with a few variations, i.e. minimum type height for labeling, net weight at time of sale required.

OIML R87 - Net Contents in Packages

- Canada adopted R87 in 1989 with a few variations:
 - requirements enforced at point of pack and point of sale; and
 - additional requirement specifying that no more than one unit per sample is allowed to have a shortage in excess of two tolerances.

INDONESIA

Not yet.

JAPAN

Japan adopts OIML R 79 and R87.

MALAYSIA

OIML R79 and OIML R87 have not been adopted.

NEW ZEALAND

OIML R79: Adopted in part. At present the word 'net' is required on packages marked with a statement of weight. This matter is being addressed in a review currently being undertaken with the aim of making the word 'net' optional in line with clause 5e of R79. With that exception goods which comply with R79 can be sold in New Zealand.

OIML R87: Not adopted. In practice goods packed to meet the average content provisions of R87 have not been found in breach of New Zealand legislation.

CHINESE TAIPEI

Yes, part of OIML R79 - Information on Package Labels.

THAILAND

In principle our requirements come from OIML Recommendations (R79 and R87) but not all recommendations stated in OIML Recommendations have been accepted. Still there are some details in OIML Recommendations that are different from our regulations such as the permissible error. However we are trying, to follow OIML Recommendation in the future.

UNITED STATES OF AMERICA

4.1 U.S. regulations are generally consistent with OIML R79 except that inch-pound units are also required.

4.2 No.

5. *Language*

What language is allowed for information on package labels?

AUSTRALIA

The UTML requires that the measurement markings be in a form in which units of measurements under the metric system are ordinarily written in the English language.

CANADA

On consumer package labels, the identification of the product (product's name) and quantity statement must be shown in both French and English. The other information can either be in French or English.

INDONESIA

Indonesian language.

JAPAN

Though no language requirements are stated in the above legislation, Japanese is supposed to be used.

MALAYSIA

Labeling must be in Bahasa Malaysia which is the national language of the country.

NEW ZEALAND

No specification under Weights and Measures legislation. Usual practice is for the use of the English language. Under the Food Regulations 1984 (administered in the Department of Health) the common name of food must be in the English language.

CHINESE TAIPEI

The labeling shall appear mainly in Chinese and can be supplemented in foreign language.

THAILAND

Only Thai language.

UNITED STATES OF AMERICA

English is mandatory but other languages may be included.

6. *Print Size and Positioning of Information*

What mandatory requirements are used for print size and positioning of information on package labels, particularly for:

- *identification of packer/importer*
- *quantity statement*

AUSTRALIA

The UTML requires that:

- the measurement markings be in a form in which units of measurements under the metric system are ordinarily written in the English language; and
- the marking of the name and address of the packer must be such as to enable the person named to be identified and located.

CANADA

For consumer packages:

- This information is required to be displayed on the principal display panel of the package (see *Appendix A*).

For non-consumer packages:

- The statement of quantity must be shown in a manner legible to the purchaser and in letters of not less than 3 mm in height.

INDONESIA

We don't have regulation on particular requirements which are used for print size and positioning of information on packaged labels, particularly for identification of packer/importer and quantity statement.

JAPAN

The Ministerial Order states that the print size, positioning and colour must be easily recognizable by consumers.

The required information is as follows:

- Name and address of packer/importer;
- Net weight or net content depending on commodity; and
- Proper legal unit must be chosen so that the digit for the net quantity is smaller or equal to four.

MALAYSIA

No mandatory requirements are used for print size.

NEW ZEALAND

- identification of packer/importer

Under Weights and Measures Act 1987 there are no requirements relating to the identification of packers or importers on packaged goods. In relation to packages containing food the Food Regulations 1984 require the name and address of the manufacturer or seller or packer or the owner of the rights of manufacturer or the principal or agent of any of them to be at least 1.5 mm in height. There is no reference as to where this information should be positioned on the label.

- quantity statement

Under the Weights and Measures Regulations 1987 packaged goods sold by quantity are required to be marked with the quantity represented in:

- a prominent position;
- in close proximity to the name or description of the goods;
- in figures at least 2 mm in height (except for small packages in which case the marking shall be clear and legible).

The Food Regulations 1984 similarly state that the marking of quantity shall be in figures at least 2 mm in height.

CHINESE TAIPEI

None.

THAILAND

Identification of packer/importer

For Weights and Measures Law and ministerial regulations or announcements in connection with Weights and Measures Law, there is no requirement for identifying packer or importer. Our legislation deals only with labeling and net quantity of prepackaged goods. However there are some existing requirements prescribed in other laws, dealing with identification of packer/importer.

Quantity statement

In every case the quantity of such imported or domestic prepackaged goods as specified in Ministerial Announcements, of which there are about 58 items, shall comply with the following requirements:

- The quantity or number of such goods shall be expressed in terms of net content;
- The net content of such goods shall be expressed in units of Metric System. They shall be displayed in either Thai number or Arabic number and Thai character;
- The phrase "Net Content" or other phrases having the same meaning as "Net Content" shall be displayed in Thai character; and
- Expressing any phrase specified in item 1, 2, and 3 shall be displayed clearly and permanently on the label of such goods. Also the height of any character, number or phrase specified in item 1, 2 and 3 shall be not less than 2 mm.
- In every case the quantity of all such goods imported, even though they are not specified in Ministerial Announcement, shall be expressed in Metric System. Any other units shall be converted into metric units.

UNITED STATES OF AMERICA

Identification of packer/importer

Packer or responsible party must be identified but there are no mandatory placement requirements.

Quantity statement

Minimum type size requirements are presented in Table 2.

Table 2: Minimum Height of Numbers and Letters		
Area of principal display panel in square centimetres	Minimum height of numbers and letters in millimetres	Minimum height: label information blown, formed, or moulded on surface on container in millimetres
≤ 32	1.6	3.2
> 32 ≤ 161	3.2	4.8
> 161 ≤ 645	4.8	6.4
> 645 ≤ 2581	6.4	7.9
> 2581	12.7	14.3

7. **Short Measures.**

*How is short measure for prepacked goods defined in the legislation?
What sampling schemes are used for determining short measure?*

AUSTRALIA

The two general requirements for short measure are that no package shall have a deficiency in excess of 5% and the average deficiency of at least 12 packages (or if 12 are not available, at least 6) shall be nil.

This requirement is modified by requirements for some articles for which a permissible deficiency is allowed after the day of packing (due to dehydration).

CANADA

Standard packages are sampled and non-compliance determined based on the criteria set out in section 52 (4) of the *Weights and Measures Regulations* (See *Appendix B*). If a lot fails at least one of the non-compliance criteria, violation is recorded and appropriate enforcement action taken against the whole lot.

INDONESIA

- In the case of short measures, we give limit for permissible errors (see Table A and B).

- Sampling Method (see Table A and B of Sampling Method).

Short Measure (not defined)

Limit of permissible errors for measure, net contents, net weight, net quantity of prepacked goods determined as follows:

Table A and B apply at place of business of the manufacturer/packer.

Table A

Measure, contents or nominal weight in g/mm	Limit of permissible errors	
	in %	in g or ml
25 - 50	9,0	-
50 - 100	-	4,5
100 - 200	4,5	-
200 - 300	-	9,0
300 - 500	3,0	-
500 - 1,000	-	15,0
1,000 - 10,000	1,5	-
10,000 - 15,000	-	30,0
above - 15,000	1,0	-

Table B

Quantity of Nominal Contents (without Unit)	Limit Errors (in Pieces/%)
25 - 50	2 pieces
50 - 100	3 pieces
100 - 200	4 pieces
200 - 300	6 pieces
300 - 500	8 pieces
500 - 1,000	10 pieces
1,000 - 10,000	12 pieces
10,000 - 15,000	15 pieces
above - 15,000	1 %

Sampling Method -Testing

Table A : For unit of packages with production bigger or equal to 100 packages/hour.

Number of packages in unit (calculated in product/hour)	Number of tested sample	Quantity of packages having minus error or plus error between 1 and 2 tolerance	
		accepted	rejected
1. Without destroying package			
100 - 150	20	1	2
151 - 180	32	2	3
181 - 500	50	3	4
151 - 1200	80	5	6
1201 - 3200	125	7	8
and above 3201	200	10	11
2. By destroying package			
≥100	20	1	2

Table B : For unit of packages with production less than 100 packages/hour.

Number of packages in unit (calculated in product/hour)	Number of tested sample	Quantity of packages having minus error or plus error between 1 and 2 tolerance	
		accepted	rejected
1. Destroy or without destroying			
<100	100 %	1	2

JAPAN

The Cabinet Order states two tables of permitted deficiencies as follows:

Table 1 Type 1 Allowance

Indication		Allowance
5 g	≤ Qn	≤ 50 g 4 %
50 g	< Qn	≤ 100 g 2 g
100 g	< Qn	≤ 500 g 2 %
500 g	< Qn	≤ 1 kg 10 g
1 kg	< Qn	≤ 25 kg 1 %

Use mL and L for net content (volume)

Table 2 Type 11 Allowance

Indication	Allowance
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5 g	≤ Qn	≤ 50 g	6 %
50 g	< Qn	≤ 100 g	3 g
100 g	< Qn	≤ 500 g	3 %
500 g	< Qn	≤ 1.5 kg	15 g
1.5 kg	< Qn	≤ 25 kg	1 %

Type 1 allowance, the stricter one, is applied to the commodities which are relatively easier to maintain their weight or content over time or transportation. For example, processed foods, rice, sugar and milk are under type 1 allowance. On the other hand type 11 allowance is applied to commodities with which mass changes are more likely due to dehydration or other reasons.

Unprocessed foods such as vegetables and raw fish are good examples for this category.

There is no legislative requirement for sampling scheme at this moment, but at least three products for each article should be tested for short measure. It is under consideration to adopt the OIML method as Japan's sampling scheme.

MALAYSIA

Any action for short measure is taken under the Trade Descriptions Act 1972. The short measure in question must be to a material degree. To determine this and to determine the sampling size reference is usually made to NIST Handbook 133 - Checking the Net Contents of Packaged Goods.

NEW ZEALAND

Section 16(2) of the Weights and Measures Act 1987 provides for the requirements relating to short measures, on prepacked goods.

One package is allowed to be deficient by no more than 5 percent provided that when 11 other packages of the same kind and stated quantity are checked with it there is no aggregate deficiency. If 12 packages are not available all the packages available must be tested with a minimum of 6 packages.

In regard to goods sold in a bottle of which the contents do not exceed 250 millilitres the percentage allowed for an individual deficiency is increased to 7.5 percent.

No formal sampling scheme is used. Packages are chosen at random using the random sample scheme in Appendix E to National Institute of Standards and Technology (USA) Handbook 133.

CHINESE TAIPEI

There is no definition of short measure and sampling scheme stipulated in the relevant Acts except those stated in Chinese National Standards, such as CNS 12924 - Checking the Net Contents of Packaged Foods.

THAILAND

- The average quantity of the net contents of the samples taken randomly from the stock by sampling scheme shall not be less than the quantity displayed on the label otherwise it shall be considered as short measure.
- Error of each sample shall be within the limit of tolerance otherwise it shall be considered as short measure.

The following sampling schemes are used for determining short measure.

- For the number of prepackaged goods in stock to be inspected less than or equal to 100, the number of samples taken from the stock is equal to 10% of the total number of products in stock.
- For the number of prepackaged goods in stock to be inspected greater than 100, the number of samples taken from the stock is equal to 10 plus 1% of the number of prepackaged goods more than 100.
- The value calculated from 1 and 2 shall be rounded up to the nearest whole number to be considered as the number of samples.
- The total number of samples is at most equal to 20.

UNITED STATES OF AMERICA

Packages must meet the Average and Individual Package Requirements.

7.1 Although net-contents regulations often differ in wording, a uniform operational interpretation has traditionally been applied for the purpose of testing the net contents of packages for compliance with these regulations. The quantity of contents of packaged goods must meet two requirements.

- First, the average quantity of contents of packages in a lot, shipment, or delivery must equal or exceed the quantity printed on the label. A statistical allowance based on 2 standard deviations is permitted.
- The second requirement applies to the individual package: the variation of individual package contents from the labeled quantity must not be "unreasonably large".

7.2 The sampling plans contained in the Third Edition (as modified in the 4th supplement published in October 1994) of National Institute of Standards and Technology Handbook 133 "Checking the Net Contents of Packaged Goods" are used.

8. Standard Sizes

*Are there any requirements for mandatory standard size packs?
If so, for what commodities and what are the allowed sizes?*

AUSTRALIA

Standard package sizes for a wide range of products were introduced into Australia in 1970 when Australia metricated. The standards sizes were seen as protecting customers against deception in the market places, assisting retailers by reducing the range of sizes and assisting manufacturers by stabilizing container sizes and improving stock control.

In 1990, standard sizes were abolished on the grounds of providing consumer with a wider choice and removing unnecessary regulation for manufacturers.

CANADA

Mandatory standards sizes (see *Appendix C*) are included under the *Consumer Packaging and Labeling Act*, but they are presently under review and most of them should be revoked in the near future.

Under the *Canada Agricultural Products Act*, several agricultural products (food) are required to be sold in specific formats. There are extensive lists of products and sizes under the various regulations administered by Agriculture and Agri-Food Canada.

INDONESIA

There is no allowance permitted for mandatory standard size packs.

JAPAN

There is no mandatory requirement for standard size packages.
(Please refer to 'Special containers' on page 43 in the Japan section of the "Directory of Legal Metrology in the Asia-Pacific". Special containers, though not mandatory, is similar to the idea of standard size packages).

MALAYSIA

Recommended packaging sizes are given in the Guidelines mentioned in answer to question 2. These are not mandatory. However for certain essential items like rice, sugar, wheat flour, cooking oil and the like the Guidelines have to be followed.

NEW ZEALAND

There are no requirements in New Zealand for mandatory standard size packs.

CHINESE TAIPEI

None.

THAILAND

Yes there are requirements for mandatory standard size packs prescribed in Ministerial Announcement. The requirements are as shown in the Table below:

Name of Commodities	Standard Sizes
Fish sauce	100, 200, 300, 530, 700 or 750 cc Sizes less than 100 cc or more than 750 cc are permitted.
Bean sauce	100, 200, 250, 300, 500, 530 or 620 cc Sizes less than 100 cc or more than 620 cc are permitted.
Sauce	100, 150, 200, 300, 600 or 700 cc Sizes less than 100 cc or more than 700 cc are permitted.
Acetic acid	100, 200, 300, 530, 700 or 750 cc Sizes less than 100 cc or more than 750 cc are permitted.
Monosodium glutamate	30, 40, 50, 60, 100, 130, 150, 250 or 450 g Sizes less than 30 g or more than 450 g are permitted.
Body powder	20, 50, 100, 150, 200, 300 or 350 g Sizes less than 20 g or more than 350 g are permitted.
Shampoo	50, 100, 150, 200, 300 or 400 cc Sizes less than 50 cc or more than 400 cc are permitted.
Toothpaste	40, 50, 90, 100, 160 or 200 g Sizes less than 40 g or more than 200 g are permitted.

Bar soap	40, 70, 80, 90, 100, 110, 120 or 150 g Sizes less than 40 g or more than 150 g are permitted.
Powdered Detergent	100, 200, 300, 700, 750, 1500, 3000, 4000 or 5000 g Sizes less than 100 g or more than 5000 g are permitted.
Tissue-paper packaging in roll form	20, 21, 22 or 24 meters per roll Sizes less than 20 meters per roll or more than 24 meters per roll are permitted.
Tissue-paper packaging in pack form	7, 12, 60, 100, 150, 170 or 260 papers per pack Sizes less than 7 papers per pack or more than 260 papers per pack are permitted.
Sanitary towel	10, 12, 16, 20, 24 or 48 pieces per pack Sizes less than 10 pieces per pack or more than 48 pieces per pack are permitted.
Formic acid	5, 25 or 35 kg Sizes less than 5 kg or more than 50 kg are permitted.
Lubricant for automobile	0.5, 1, 3, 4, 4.5 or 5 liters Sizes less than 0.5 liter or more than 5 liters are permitted.
Lubricant for motorcycle	0.5, 0.7 or 1.0 litre Sizes less than 0.5 litre or more than 1 litre are permitted.

UNITED STATES OF AMERICA

There are no requirements for mandatory package sizes.

9. *Permitted Deficiencies.*

Is there any allowance permitted for loss of mass after packing due to dehydration of the article? If so, for what commodities and what is the allowance?

AUSTRALIA

Permissible deficiencies for a range of products were introduced after it was recognised that a range of products lost mass after packing due to dehydration.

The products and the permissible deficiencies are:

Column 1 (Description of article)	Column 2 (Permissible actual deficiency - per cent)	Column 3 (Permissible average deficiency - per cent)
Bar soaps	21	16
Cotton wool	7	2
Flax	8	3
Glauber salts	7	2
Jute	9	4
Manila	8	3
Mushrooms (fresh)	18	13
Oven-baked animal biscuits	9	4
Personal deodorant tablets	12	7
Personal soap tablets (medicinal or toilet)	11	6
Sisal	8	3
Soap flakes	10	5
Soap powder (excluding detergent powders)	15	10
Tobacco	10	5
Washing soda	7	2
Whole hams	7	2

CANADA

In general, there is no such allowance. Net quantity statements on packages are required to be exact at the time of sale.

INDONESIA

There are no requirements for loss of mass to apply after dehydration.

JAPAN

Type 11 allowance (please see 7) is applied for the commodities which is subject to loss of mass after packaging due to dehydration.

MALAYSIA

No particular requirements. Manufacturers follow company and international practices. The average weight principle is usually adopted.

NEW ZEALAND

There is no allowance for loss of weight after packing due to dehydration of the goods. Packers are expected to make allowance for this type of loss.

The Weights and Measures Act 1987 recognizes that there are some goods which packers cannot make assessments of possible losses. These are goods which absorb moisture in humid conditions and lose that moisture in dry conditions. These type goods, such as salt and tobacco are classed as hygroscopic. To maintain a defence the goods must meet 3 conditions which are:

- the goods are hygroscopic;
- the package is marked net weight when packed; and
- the deficiency must be caused by climatic influences.

The rationale for the New Zealand legislation is that it is unfair to consumers to give packers a life time exemption from the requirements to state the true net weight of certain goods. The New Zealand legislation provides a fair test which is open to scrutiny in Courts of Law. We believe that to provide in the legislation an arbitrary rule for permitted deficiencies both disadvantages consumers and gives legislative approval for short quantity goods.

CHINESE TAIPEI

None.

THAILAND

No, there is no allowance permitted for loss of mass after packing due to dehydration of the article.

UNITED STATES OF AMERICA

The recommended Moisture Allowances for Foods:

Federal and State laws relating to net quantity of contents requirements for packaged goods include provisions that permit "reasonable" variations in the net quantity of a package if such variations are caused by the loss or gain of moisture that occurs in good packaging and distribution practice. The NIST Office of Weights and Measures (OWM) has continuously consulted with other Federal, State and local weights and measures agencies and affected industries on moisture loss problems and work is underway to recommend specific moisture allowances for several products.

10. Drained Weight.

Are there any requirements for measured mass to apply after draining excess water? This requirement can apply to frozen meat and fish, in addition there can be requirements controlling the amount of liquid in canned products.

AUSTRALIA

There are requirements in the UTML for drained weight of frozen prepacked scallops.

CANADA

Both Agriculture and Agri-Food Canada and Fisheries and Ocean Canada administer legislation prescribing the amount of water that can be added to processed products. Drained weight procedures apply to these commodities.

INDONESIA

There are no requirements for loss of mass to apply after draining excess water.

JAPAN

The basic principle is to measure content or weight removing the excess water at the point of packaging. The Japan Agricultural Standards (JAS) Law and related orders state detailed methods of measurement for such products including frozen processed foods.

MALAYSIA

No particular requirements. Manufacturers follow company and international practices.

NEW ZEALAND

There are no provisions on the Weights and Measures Act 1987 covering drained weight. However two prosecutions were recently successful in relation to packages of frozen shrimps which after being thawed were found to be less than the stated net weight. The prosecutions were taken under conventional short weight offence provisions.

CHINESE TAIPEI

None.

THAILAND

No, there is no requirement for measured mass to apply after draining excess water.

UNITED STATES OF AMERICA

If the product is labeled in terms of "drained weight" test procedures provide a specified draining time and include exact specifications for the sieves used to drain the product.

11. *Deceptive Packaging.*

Are there any requirements to prohibit packages that are excessively large for the amount of goods they contain?

AUSTRALIA

Australia has a Code of Practice for Deceptive Packaging in 1980, but it is not currently enforced.

CANADA

It is illegal to sell a product in a container that is likely to mislead consumers with regard to the quantity of product in the container (see *Appendix D*).

INDONESIA

There are no requirements to prohibit packages that are excessively large for the amount of goods they contain.

JAPAN

There is no metrological requirement for deceptive packaging. From the viewpoint of energy and resource conservation, however, retailers are encouraged to avoid too large or too decorative packaging voluntarily.

MALAYSIA

No particular requirements. However if complaints from consumers or competitors are received, the company concerned is requested not to do deceptive packaging and in most cases there is compliance.

NEW ZEALAND

There are no provisions in the Weights and Measures Act 1987. Unfair conduct is prohibited under the Fair Trading Act 1986 which is administered by the New Zealand Commerce Commission. A code of practice developed in 1987 by the Australian Standing Committee on Trade Measurement has been used by the Commerce Commission as a guide to taking enforcement action.

CHINESE TAIPEI

None.

THAILAND

No, there is no requirement to prohibit packages that are excessively large for the amount of goods they contain.

UNITED STATES OF AMERICA

Yes, but actions in this area are decided on a case by case basis.

12. *Other Requirements.*

Are there any other trade measurement requirements for prepacked goods?

AUSTRALIA

No.

CANADA

The above answers address most, if not all, significant net quantity regulatory requirements in Canada.

INDONESIA

Yes, we have (see details below).

PREPACKED GOODS REQUIREMENT IN INDONESIA

- (1) All prepacked goods to be circulated, sold, or for display, on its wrapper or label shall bear a brief, correct and distinct written matter with respect to:
 - a. The name of the commodity enclosed in the package;
 - b. The measure, contents or net weight of the commodity in the package with unit or symbol unit of measurement of the SI units;
 - c. Whole numbers of the commodity in the package if it is sold by count.
- (2) Written matter stated in the paragraph 1 mentioned above shall be identified by Arabic figures and Latin letters along with other easily legible letter.
- (3) On each wrapper or label shall bear the name and place of business of packer.
- (4) In the case of imported prepacked goods to be sold, offered or displayed in Indonesia which on its original wrapper doesn't bear the statement as stated in No. 1, the importer shall declare the mentioned statement.
- (5) In the case of imported prepacked goods bearing statement of net contents, net weight of non SI unit, the importer shall provide its conversion into SI unit of measurements.
- (6) The regulations on prepacked goods are not applicable to the ones containing food products evidently easily spoiled or it can't last more than 7 (seven) days.
- (7) In the case of the prepacked goods which are sold by measurement of capacity or by weight, on its specification of net contents or net weight shall bear the words "net contents" or "net weight" or "netto".
- (8) The provisions in No. 7 above except the prepacked goods which its net contents or net weight equal to or less than 20 ml or 25 g.

JAPAN

None.

The above answers address most, if not all, significant net quantity regulatory requirements in Canada.

MALAYSIA

Packages bearing the expression "Halal" or any other indication denoting that the contents can be used or consumed by followers of the Islamic faith have to comply with requirements of Trade Descriptions (Use of Expression "Halal") Order 1975 which is an order under the Trade Descriptions Act, 1972.

Apart from the expression, if a "Halal" logo is to be used on the package, it has to be approved by the Islamic Affairs Department of the Prime Minister's Department, Malaysia. This is an administrative requirement and the logo has been accepted as indicating the content is halal and originating from Malaysia.

NEW ZEALAND

- (a) Goods must be marked in metric units however imported goods may be dual marked in terms of other quantity units provided the other quantity units are not marked in larger figures than the metric units.
- (b) All goods must be sold by net weight or measure. That is gross weight is not permitted.

CHINESE TAIPEI

None.

THAILAND

No, there is no other trade measurement requirement for prepackaged goods. However there are some Acts regarding to the quality of food, cosmetic or medical products such as:

- Drug Act BE. 2510 (AD. 1967) and Amendment.
- Food Act BE. 2522 (AD. 1979).
- Consumer Protection Act BE. 2522 (AD. 1979).

UNITED STATES OF AMERICA

Yes, State and local agencies may have additional requirements mainly regarding product identity.