

Weigh in and Measure up

A consumers guide to buying goods by weight or measure



MINISTRY OF CONSUMER AFFAIRS
MANATŪ KAIHOKOHOKO

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Introduction

The Ministry of Consumer Affairs' has prepared this pamphlet to give consumers information about buying goods by weight or measure.

When you buy goods you need to know that you are getting what you pay for. All weighing and measuring equipment used by traders, to sell you products by weight or measure, must be checked regularly to make sure that it weighs or measures accurately. Accurate equipment - used correctly - means you get the right amount of goods you pay for.

Correct weights and measures have been important to consumers and businesses throughout history. They have formed the basis for fair trading, and taxation, for centuries. The oldest known weights are nearly 10,000 years old. The first recorded trade weighing was carried out in the Indus civilisation in about 3,000BC.



In modern society correct weights and measures are just as relevant. Consumers need to know they are getting what they pay for. This can involve large purchases such as firewood, concrete or garden landscaping material. On the other hand many everyday products such as milk, meat and bread must contain the quantity stated on the label.

Getting it Right

Good measurement practices also go much further to help consumers. Getting measurements right, throughout a production chain, contributes to business efficiency and producing goods that can be sold competitively and fairly. Inefficiencies caused by poor measurement in production can lead to higher consumer costs or produce costly business failures.

If you look at a carton of milk or 200 gram block of cheese, a number of measurements have been relied on to get it to the supermarket or dairy shelf. These include the products that the farmer has bought to maintain healthy cows, the bulk milk supply to the dairy factory, the butterfat content, and the final product in the consumer pack.

Buying and Selling Goods by Quantity

Metric Units

Goods are most commonly sold by weight, measure or by number. When goods are sold by weight or measure the sale must be made in metric units, e.g. kilograms, grams, litres, millilitres etc.

Goods imported into New Zealand, or goods that are part of an export line to countries requiring non-metric marking, may be marked in non-metric units. However, these must also be marked in metric units and they must take prominence over non-metric markings.



Net Weight

Weighing goods and their container together is illegal. Goods must be sold by net weight. This means that the weight of the packaging must be excluded from the weight statement. Most modern scales have a tare device which subtracts the packaging weight from the total weight so you are charged only for the weight of the goods.

Customers Right to See Measurements

Goods weighed at the time of sale must be weighed, measured or counted in front of the customer. You must be able to see the whole operation.

Where goods are pre-packed on the premises, the customer can request that they be re-weighed, measured or counted in their presence.



Pre-packed Goods

Generally, pre-packed goods that are marked with their quantity must contain the amount stated on the package.

For pre-packed goods of the same kind and stated quantity, rules known as the 'average quantity system' apply, e.g. 500g packs of butter or 425g tins of baked beans. These rules set out strict specifications which packers must abide by to control the quantity of pre-packaged goods.

Although it is possible to have a few pre-packed goods containing slightly less than the stated amount, on average across a production run the stated quantity must be correct.

This is because the 'average quantity system' is based on statistically representative sampling.

Firm Fined For Light Loaves

A bread company was fined more than \$9,500 in the Auckland District Court for selling underweight loaves. The Ministry of Consumer Affairs prosecuted the company after an inspection of an Auckland supermarket found several of the company's loaves marked 700g and 720g were underweight by between 24g and 85g.

The company could have avoided the offence by increasing the average weight of the loaves by about 5%.

Buying Goods from Markets and Roadside Stalls

Shopping at Saturday and Sunday street markets can be lots of fun and great places to buy fresh produce at competitive prices. But there can be traps for consumers.

If the goods are pre-packed you can ask for them to be re-weighed. If the goods are weighed in front of you it is worth checking that the scales the trader is using are suitable.

The same rules apply about weighing goods if you buy from a market or roadside stall.



Buying Firewood and Garden Supplies

Firewood may be sold either by volume e.g. 3 m³, or by description, such as a truckload, trailer load or sackful. The courts have accepted that firewood is sold as a thrown measure, rather than a stacked one.



When you have firewood delivered the seller must, if the sale is by measure, provide you with a written invoice that shows the quantity delivered.

A Rakaia firewood merchant who delivered less firewood than ordered by three complainants was fined a total of \$2,110 with costs and ordered to pay \$397 reparation.

Garden and Landscape Supplies

Garden and landscape supplies may be sold to you by weight or measure, by number or by description e.g. a scoop or truckload.

What to do if you think you have been sold a short amount?

- Ask the seller to re-weigh or measure the goods in front of you.
- Ask for a written statement of the goods if the quantity is not marked on a package.
- Tell the seller you believe they have sold you short weight or measure.

If the seller won't help, keep your receipt and contact the Ministry as soon as possible. Do not use the goods in question until we have an opportunity to test them.

Other Tips for Consumers

- Always check that the scale or petrol pump is on zero before you are served.
- Check to see whether the scale or petrol pump has a current certificate of accuracy. You can rely on scales and pumps that have a current certificate.
- Where goods are weighed or measured at the time of purchase you are entitled to see the measurement take place and the indication of that measurement.
- Where goods are weighed into containers, the weight of the container must be deducted. If in doubt check with the assistant or store manager.
- If the goods are pre-packed and are prepared in the shop selling them you are entitled to ask for those goods to be weighed, measured or counted in your presence.
- When buying firewood try to use a merchant with a Ministry approved measure. Always establish the name of the merchant and their business address so that if there is a dispute it can be followed up. If you do think the amount ordered is short measure, under the Consumers Guarantees Act you can refuse to accept the delivery or pay for what has been delivered.



Penalties for Selling Short Weight or Measure

Measurement and Product Safety Officers can seize short weight or short measure goods. Infringement Offence Notices for \$500 can be issued for each offence.

The courts may impose fines of up to \$10,000 for serious breaches, plus \$250 a day for each day the breach continues.

A major fast food outlet pleaded guilty to 23 charges of possessing underweight coleslaw, bean salad and potato and gravy for sale between February and April 1997.

In the Wellington District Court the Judge fined the company \$850 on each of the charges plus costs which came to a total amount of \$23,735.

The Judge accepted that the company had not acted fraudulently and said that in some cases pottles contained more than the stated amount. However, the company had no procedures in place to check whether staff were complying with training or if the measures given were accurate by weight.

Measurement and Product Safety Service

The Measurement and Product Safety Service (MAPSS) is part of the Ministry of Consumer Affairs. One of the activities carried out by MAPSS is the administration and enforcement of New Zealand's trade measurement legislation – the Weights and Measures Act 1987 and the regulations made under the Act.

The work of MAPSS contributes to a number of production measurements and directly ensures that consumers get a fair deal.

MAPSS provides advice to government, industry and consumers on matters relating to trade measurement (and consumer safety) in New Zealand. This advice is provided both at the Ministry's head office in Wellington and through regional offices.

MAPSS regional staff provide a number of services to consumers and industry, which include:

- Visiting traders to examine the accuracy of weighing and measuring equipment, and goods sold by weight, measure or number.
- Addressing consumer complaints and inquiries on measurement issues.
- Providing education to traders about compliance and information to consumer groups on consumer rights under the legislation.
- Accrediting companies or individuals (accredited persons) to verify and certify measuring equipment used for trade.
- Conducting surveillance of accredited persons to ensure that measuring equipment is correctly verified or certified.
- Verifying MAPSS and accredited persons' physical measurement standards at our ISO 17025 accredited laboratories.
- Approving new measuring equipment to ensure it will not facilitate fraud.



Weights and Measures Act 1987

The Act provides the laws governing the sale of goods by weight, measure or number. It also maintains a credible legal measurement system.

In summary it provides:

- A traceable hierarchy of physical standards.
- An obligation to use the metric system in New Zealand.
- General principles for selling goods by weight, measure or number.
- General principles for measuring equipment used for trading goods.
- A system for administering the Act (appointment of inspectors and how they should conduct themselves).
- Offences and penalties.
- Regulation making powers to implement the provisions of the Act.

Weighing and Measuring Instruments

As consumers, we generally assume that the weights or measures of our purchases are accurate.

Modern scales are sophisticated and accurate provided they are regularly serviced and verified, and used correctly. They are capable of weighing anything from tiny amounts of precious metals to logging trucks. Digital displays on scales let us see exactly what we are paying for.

Approving New Instruments

All new types of weighing and measuring instruments are examined by the Ministry to ensure they:

- will not facilitate fraud;
- are suitable for trade use; and
- comply with the regulations.



Verifying Instruments

All weighing and measuring instruments used for trading goods must be tested and stamped with a mark of verification before they are used for trade.

Accredited Persons

Private sector organisations can be authorised to carry out verification and certification of weighing and measuring instruments. They have to operate a quality management system and the Ministry or other approved auditing organisations will audit their system and competence.

Certifying Instruments

Traders must keep their weighing and measuring instruments in an accurate condition. They can do this by having the instrument regularly tested and certified for accuracy.

Warning: Kitchen and bathroom type scales are not suitable for trade use and should never be used at any business including markets or stalls. If in doubt check with the Ministry or a scale company (see Yellow pages).

The co-owners of a Wairarapa company were fined a total of \$3,780 including costs for operating a weighbridge that was both unjust and unstamped. This followed an inspection by TSS which found errors varying from +3,090kg to - 2,370kg at an 8 tonne test load.

Ministry Contacts

If you have a query or complaint about weight and measure please contact us at:

Measurement and Product Safety Service

PO Box 1473

Wellington

Tel (Tollfree) 0508 MAPSSInfo (0508 627 774)

Fax 03 962 6196



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