

QUANTITY MARKING ON
PACKAGED FOOD

PROPOSED AMENDMENTS
TO THE WEIGHTS AND
MEASURES REGULATIONS
1999

June 2002

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33 Bowen Street, PO Box 1473
Wellington, New Zealand
Phone: 64 (4) 474-2750
Fax: 64 (4) 473-9400
Email: mcainfo@mca.govt.nz

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QUANTITY MARKING ON PACKAGED FOODS

Proposed amendments to the Weights and Measures Regulations 1999.

FOREWORD

I am pleased to introduce the Ministry's consultation paper on the proposed regulations for quantity marking of packaged foods.

Before these regulations can be introduced the Ministry wishes to obtain comments from interested parties. These will be collated and where relevant included in the report to the Minister of Consumer Affairs on the final recommendation for gazetting the proposed regulations.

Please send any comment you may have by Monday 5 August 2002 to:

Terry Collins
Acting Senior Advisor, Trade Measurement
Ministry of Consumer Affairs
PO Box 1473
Wellington

Fax: 04 473 9400
Email: terry.collins@mca.govt.nz

Tony Leverton
Acting General Manager
Ministry of Consumer Affairs



INTRODUCTION

Purpose of this paper

This paper sets out the Ministry's proposals to provide for quantity marking for packaged foods to be included within the Weights and Measures Regulations 1999. Currently, the requirement to quantity mark packaged food is contained within the Food Regulations 1984. It is proposed that the changes to the Weights and Measures Regulations will come into force in December 2002 when the Joint Australia New Zealand Food Standards Code also comes into force.

The purpose of this paper is to provide the reader with information about the current issues surrounding the quantity marking of packaged foods, and to set out an option on how packaged food marking would be best dealt with in the Weights and Measures Regulations 1999.

Your comments are sought on whether we should adopt the proposed option, or consider any issues you raise with us.

Why are new regulations needed?

New Zealand will soon fully adopt the Joint Australia New Zealand Food Standards Code, expected to be 20 December 2002. When this happens the New Zealand Food Regulations will, in the main, be revoked. Regulations relating to quantity marking food will be amongst those that are revoked. The Government agreed that it was desirable that mandatory quantity marking for packaged foods be retained, but sited within the Weights and Measures Regulations.

Making new legislation

In September 2001 the Weights and Measures Act 1987 was amended to allow for a requirement to quantity mark packaged foods.

The amendments to the Act inserted a definition of 'food' in Section 2 and a new paragraph within Section 41 which allows the Governor General to make regulations for various purposes. The amendment allows for 'regulating the marking and labelling of quantity on any food, and on any package containing food, that is for sale'.

The proposed amendments will impose requirements to quantity mark food items only. This can be done by virtue of Section 41 (v), which allows the Governor General to make regulations for 'prescribing the method of marking on goods their weight or measure'. Regulation 79 applies to quantity markings on all goods. The proposal in this paper does not amend any existing provisions to the current Weights and Measures Regulations 79. It does, however, add provisions applicable to food.



What will the regulations do?

The regulations the Ministry is proposing will have the following effects.

1. Bring the technical requirements for quantity marking of packaged foods within the Weights and Measures Regulations. This is in line with Australia and many overseas trading partners.
2. Retain the main thrust of the current NZ Food regulations, in particular not being prescriptive about the category of quantity measurement (mass, volume or number) that should be used for particular products.
3. Retain the main exemptions to quantity marking in the current NZ Food regulations – compliance cost to industry will not increase.
4. Extend the exemption to quantity marking for non-retail foods to all food types.
5. Maintain consistency with Australian legislation and other international guidelines by including reference to a ‘main display panel’.
6. Maintain the current manner of marking requirements in the Weights and Measures Regulations 1999 – again not imposing any further compliance costs on industry.
7. Ensure consumers receive adequate and clear information about the quantity of packaged food they buy.



BACKGROUND

Weights and measures

The Weights and Measures Act 1987 does not require that any goods be sold by reference to quantity (with one exception for solid fuel), but where they are, that quantity must be correct. It does not require packaged goods to be labelled with a statement of quantity, but for solid fuel in open sacks, the purchaser must receive a written statement of the quantity sold. The Food Regulations 1984 require that packaged foods must bear a statement of quantity. It is important to note that the proposed amendment will apply only to foods and not to non-foods.

The proposed amendment to the Weights and Measures Regulations 1999 will not require that all food must be sold by reference to quantity. It will require that packaged foods be marked with their quantity. Essentially there will be no change to current requirements in this regard, rather a change to where the requirement is sited in legislation.

Food legislation

Food legislation in New Zealand has been going through a period of general change. In December 1995, the Governments of Australia and New Zealand signed an agreement (The Treaty) to establish a joint food standards setting system, entitled 'the Agreement between the Government of New Zealand and the Government of Australia establishing a system for the development of Joint Food Standards'. The Treaty formally commenced in July 1996.

The underlying aim of the joint system is to consider the needs of both New Zealand and Australia, to protect the public health of both countries, and reduce unnecessary barriers to trade. The outcome of The Treaty is a joint Australia New Zealand Food Standards Code (the Joint Code) based on a review of the Australia Food Standards Code (AFSC) undertaken by the Australia New Zealand Food Authority.

The philosophy behind the Joint Australia/New Zealand Food Standards Code is that it should in the first instance address health and safety issues. Consumer information is also an important aspect. However, it was considered that because Australia has quantity marking for packaged foods contained within trade measurement legislation, in line with international practice, it would be duplication of legislation to include it in the Joint Code.

Under the Trans Tasman Mutual Recognition Arrangement (TTMRA), goods produced in New Zealand and labelled in accordance with New Zealand law must be accepted onto the Australian market and vice versa.



ISSUES FOR CONSIDERATION

Consumer Information

In considering the proposed regulations, we need to consider what the labelling is trying to address. In this case it is a fairly basic piece of consumer information; an indication of the quantity of goods in a package. Does this require complex rules and prescriptive legislation, or would it be more appropriate to take a more general approach that allows some flexibility for producers while still ensuring consumers are adequately informed? It must be remembered that this is only one piece of information that will, or is required to, appear on the label of a packaged food.

As many packaged foods may also be exported, it is important that any proposed regulations comply with the requirements of the World Trade Organisation's 'Agreement on Technical Barriers to Trade'. This requires that general technical regulations, including marking and labelling requirements, must not create unnecessary barriers to trade and must not restrict trade more than is necessary to fulfil legitimate objectives.

Therefore, it is useful to outline the current provisions relating to quantity marking both in New Zealand and Australia, as well as considering international guidelines and other labelling regimes.

New Zealand

The Food Regulations 1984

These regulations provide general labelling requirements for food, and specify how that labelling should be done. In relation to quantity marking, Regulation 4 requires that every package containing food shall, unless otherwise provided in these regulations, bear a label stating

'(b) The net weight or volume or number of the contents of the package, whichever measure is appropriate for the sale of the article concerned;'

There are a number of exemptions to the general requirement to label that have relevance for quantity marking. These are found within Regulations 7, 17, and 20.

Whether or not these exemptions should continue is an issue for readers of this document to consider and comment on.

Food Regulations 5 and 6 concern the form and manner of labelling and size of letters for all food labelling.

Extracts of the relevant sections of the Food Regulations 1984 are in Appendix A.



The Weights and Measures Regulations 1999

These regulations currently prescribe the method for marking the net weight or measure of goods. Producers should already be complying with these requirements in addition to those contained in Regulations 5, and 6 of the Food Regulations. When the Food Regulations are revoked Regulations 5 and 6 will be lost, and producers will only need to comply with the weights and measures method for marking requirements.

Australia

In Australia all packaged goods, not just foods, must be labelled with a statement of quantity under uniform trade measurement legislation. In this respect, Australian quantity marking legislation differs from the New Zealand situation.

It also differs by prescribing the type of measurement marking that must be applied to certain goods. For example, it specifies that liquids must be marked by volume, and that solid, semi solid or partly solid / partly liquid products must be marked by mass (weight), whereas New Zealand legislation allows for a more flexible approach.

Australian legislation has a number of special provisions for a range of products that requires the price and unit price (eg \$ per kilogram) to be marked on packaged foods. There are also a number of prohibited and restricted expressions in relation to quantity marking. For example, a specified range of products may be marked 'mass when packed' if they are not packed in hermetically sealed packaging. New Zealand has never followed this approach, believing that consumers should expect to get what is marked on the package at the time they buy them. Producers are therefore expected to make allowances for moisture loss. This approach has been re-confirmed in New Zealand under the Average Quantity System (AQS), which was introduced by the Weights and Measures Amendment Regulations 2000 in November 2001. In Australia introduction of a compatible AQS is under consideration.

The Joint Code

The Joint Code includes both general and commodity labelling requirements. The requirements are more comprehensive, however the Joint Code is not prescriptive about the method of marking, with the exception of warning statements. It will not include a requirement to quantity mark, but will include requirements to show the name of the food, the name and address (in Australia or New Zealand) of the supplier, and lot identification.



Global

OIML R79

New Zealand is a corresponding member of the International Organisation for Legal Metrology (OIML) – Australia is a full member – and is committed to following recommendations issued by OIML in the area of legal metrology. These recommendations are essentially international standards for trade measurement in the same way that the International Standards Organisation (ISO) produces standards, for example, for the safety of goods.

R79 is one OIML standard and relates to ‘Labelling requirements for prepackaged products’. It specifies what must be said on packaged goods in terms of identifying the product and producer and the net quantity. It sets out the units of measurement to be used (and their permitted abbreviations) and the type and size of letters and numerals.

‘Main or principal display panel’

R79, the Australian Trade Measurement (Pre- packed Articles) Regulations 1990 and the New Zealand Food Regulations 1984 all refer to a main or ‘principal display panel’. A similar concept, ‘single field of vision’, is also referred to in proposals for the New World Wine Producers wine labelling agreement.

R79 defines it as ‘the part of a package that is most likely to be displayed, presented, shown or examined under normal and customary conditions of display’.

New World Wine Producers labelling agreement

The New World Wine Producers are seeking to harmonise wine labelling and have produced a set of principles which they want to see embodied in the proposed New World Wine Producers agreement on mandatory wine labelling requirements and practices.

Principle 2 specifies the ‘Universal Mandatory Information’ required. This includes content volume. The requirement is that this information should ‘appear in a single field of vision i.e. they should be legible at the same time without having to turn the container’.



OPTIONS

1. Status Quo

Perhaps the first option to consider is to simply 'lift' the requirements as they are set out in the Food regulations and place them within the Weights and Measures regulations, including all the exemptions.

The benefits of this option are that businesses would not need to make any changes to their current compliance practices and would not incur any added costs. Consumers would receive the same level of information and protection that they currently do.

This option would also maintain the current exemptions to quantity marking as they are. Industry and consumers need to consider whether this is acceptable or whether any change to these exemptions is desirable.

One effect of this would be that trans Tasman quantity marking requirements would continue to be different in many respects.

2. Adopt Australian requirements

Another option is to follow the Australian requirements, thus bringing us into line with New Zealand's nearest trading partner. Trans Tasman businesses would benefit from labelling requirements being the same in both countries. The disadvantage to New Zealand producers is that the Australian approach is more prescriptive and they would have to amend their labelling accordingly, increasing compliance costs.

3. Follow international guidelines

A third option is to adopt OIML R79 guidelines. Some aspects of R79 are already covered in the Joint Code, such as name and address of supplier, but the new regulations could pick up the relevant quantity marking points.

As it is currently written, R 79 does not unduly conflict with the current Australian or New Zealand regulations. An advantage of adopting its main points is that we would be taking an international approach, which could aid global trading.

4. A mixed approach

A further option is an attempt to reconcile our current requirements with the global approach of both R79 and the elimination of technical barriers to trade. Where possible, this option should seek to harmonise with the



Australian regulations but without taking on the more prescriptive requirements.

The advantages of this approach are that it would not impose further compliance costs on industry, and would provide a basis from which producers can obtain global acceptance with their quantity marking. It allows for some flexibility for producers, while still providing consumers with adequate and meaningful information.

This option proposes the following regulations be drafted.



PROPOSED REGULATIONS FOR QUANTITY MARKING PACKAGED FOOD

Weights and Measures Amendment Regulations 2002

Proposed Regulations	Proposed Regulation Rationale
<p>Part 1 Interpretation</p>	<p>Part 1 Interpretation</p>
<p>Regulation 2 of the principal regulations is amended by inserting, in its appropriate alphabetical order, the following definition: Label means any written, printed or graphic matter affixed to, applied to, attached to, blown into, formed, or moulded into, embossed on or appearing upon a package’.</p>	<p>Includes the definition of label from the OIML International Recommendation R 79</p>
<p>Part 5 79A General requirement to mark quantity on packaged food</p> <p>(1) This regulation requires that every package of food shall, unless otherwise provided in these regulations, bear a label stating the net weight or volume or number of the contents of the package, whichever is the most appropriate for the sale of the item concerned.</p>	<p>Part 5 79A General requirements to mark quantity on packaged food</p> <p>These are existing provisions currently in Regulation 4 of the Food Regulations 1984.</p>
<p>79B Marking on outer packaging</p> <p>(1) This regulation applies to 2 or more packaged food goods: (a) each of which is separately packed in its own package (an ‘inner package’); and</p>	<p>79B Marking on outer packaging</p> <p>This aligns with provisions contained in the Australian Trade Measurement (Pre-packed Articles) Regulations.</p>



Proposed Regulations	Proposed Regulation Rationale
<p>(b) all of which are also packed together in another package (the ‘outer package’).</p> <p>(2) The quantity marking on the outer package may:</p> <p>(a) state the total quantity of all the articles in the outer package; or</p> <p>(b) state the number of the packages in the outer package and the quantity of each of them.</p>	
<p>79C Main or principal display panel</p> <p>(1) In this regulation ‘main or principal display panel’ means the part of a food package that is most likely to be displayed, presented, shown or examined under normal and customary conditions of display.</p> <p>(2) The net weight or measure or number of the contents of a food package shall be included in the main or principal display panel.</p> <p>(3) The net weight or measure or number of the contents of a food package may also be shown elsewhere on the package.</p>	<p>79C Main or principal display panel</p> <p>The definition of the main or principal display panel is as described in OIML R79 and replaces wording from the Food Regulations 1984. This will then apply to all packaged foods, not just those on display for retail sale.</p>



Proposed Regulations	Proposed Regulation Rationale
<p>79D Exemptions Nothing in Regulations 79A, 79B and 79C apply to:</p> <ul style="list-style-type: none"> (a) food packages not intended for retail sale. (b) items of confectionery or chocolate of a quantity less than 15 g or 15 ml, or single novelty items or single Easter eggs. (c) packages containing food goods of not more than 8 single items contained in transparent wrapping where the contents are able to be clearly seen and counted by a prospective purchaser. (d) raw fruit that, immediately after it has been picked, is packed directly in a package intended for retail sale in units of not more than 500g and that bears the name and address of the packer or grower. (e) Packaged sandwiches, filled rolls, hamburgers, takeaways and similar packaged foods that are intended for immediate consumption. (f) any package of food if the food is of a nature, quality, quantity, origin, or brand requested by the purchaser and is weighed, counted, or measured by the seller personally in the presence of the purchaser. 	<p>79D Exemptions These existing exemptions, with minor wording changes, are currently contained in the Food Regulations 1984.</p> <p>Part (b) is added to reflect the sale of small pieces of confectionery and chocolate. Part (c) is added to reflect that food goods can be sold by number as the principal measurement when number can be easily determined.</p>



Proposed Regulations	Proposed Regulation Rationale
<p>80 Offence Regulation 80 of the principal regulations is hereby amended by inserting, after subclause (1), the following subclause: (1a) A person commits an offence if the person sells or offers for sale or exposes for sale any packaged food not marked in accordance with the requirements set out in Regulations 79A, 79B, 79C, and 79D.</p> <p>Regulation 80 (2) of the principal regulations is amended by repealing subclause (2), and substituting the following subclause: (2a) A person who commits an offence against subclause (1) or (1a) is liable on summary conviction to a fine not exceeding \$2,000.</p>	<p>80 Offence Existing provisions of the Food Regulations create an offence for contravention of marking regulations. The penalty is \$500. This amendment increases the penalty to \$2000 in line with other penalties contained in the Weights and Measures Regulations. However, contravention of Regulation 80 is an offence that can be dealt with by an Infringement Offence Notice, the fee for which is \$200.</p>



RECOMMENDATION

The Ministry recommends the adoption of Option 4, the mixed approach.

SUGGESTED ISSUES FOR COMMENT

1. Is the proposed option acceptable?
2. Do you have any suggested amendments to that option?
3. If you find the proposed option unacceptable, give your reasons why, and suggestions as to a suitable alternative.
4. Should the current exemptions in the Food Labelling Regulations in relation to quantity marking issues be retained? In summary, these are:
 - Reg. 7 – Food not sold in suitable packages. This generally relates to small packages, and requires a written notice to accompany the package, stating the required information. There is a specific exemption here for confectionery and chocolate weighing not more than 120g where the foil bears no information. The proposed regulations do not keep this specific exemption, but do include exemptions for chocolate and confectionery items.
 - Reg. 17 – Exemptions to requirement for packages to be properly labelled. Note: the recommended option does include a new rule relating to the marking of outer wrapping or packages. These are less restrictive than the Australian regulation that applies only to articles of the same kind and size.
 - Reg. 20 – Exemptions to the general requirements for labelling, including quantity marking. Part of this relates to an exemption to quantity marking for confectionery or chocolate weighing or measuring less than 15g or 15ml. This has been retained and extended.



APPENDIX A

EXTRACT FROM THE FOOD REGULATIONS 1984

3 FOOD NOT TO BE SOLD UNLESS PROPERLY LABELLED--

Subject to Regulation 17 of these regulations, no person shall sell any package containing any food, or any food contained in a package, if the package--

- (a) Does not bear a label that includes all the particulars required by these regulations to be borne on a label relating to such package; or
- (a) Bears a label that includes anything that is prohibited by these regulations from appearing on a label relating to such package; or
- (c) Bears a label that includes any particulars that are not in the position, manner, and style required by these regulations in respect of a label relating to such package.

4 GENERAL REQUIREMENTS FOR LABELLING OF FOOD--

- (1) Every package containing food shall, unless otherwise provided in these regulations, bear a label stating--
 - (a) The common name of the food, or a description (other than the name of the food) sufficient to indicate the true nature of the food, or a description of the food including the common names of its principal ingredients; and
 - (b) The net weight or volume or number of the contents of the package, whichever measure is appropriate for sale of the article concerned; and
 - (c) The trading name and business address of the manufacturer or seller or packer of the article, or of the owner of the rights of manufacture, or of the principal or the agent of any of them.

- (1) Subclause (1)(a) of this regulation shall not apply to any package of food that contains only raw fruit, or raw vegetables, that are intended for retail sale and that are packaged in such a manner that the contents are visible and identifiable in the package.

[(3) For the purpose of subclause (1)(c) of this regulation,--

- (a) A business address shall include--
 - (i) The road number or street number (if any) of the premises; and
 - (ii) The road or street, the suburb (if any), and the city, town, or other locality; and
 - (iii) If the address given is outside New Zealand, the name (or a recognised abbreviation) of the state, territory, province, or other regional designation and the country; and
- (b) If the food is manufactured or packed in New Zealand, the trading name and business address of the manufacturer, seller, or packer of the article, or of the owner of the rights of manufacture, or of the



- principal or the agent of any of them, who is ordinarily resident in New Zealand shall be given; and
- (c) In the case where the trading name is of a body corporate (whether registered inside or outside New Zealand), either the address of the registered office of the body corporate or the address of the premises where the food is actually manufactured or packed by the body corporate shall be given as the address.]
- (4) No label on a package of food shall state that the contents provide a number of servings unless the quantity of each serving, by weight or volume when ready for consumption, is included with equal prominence to the other words in the statement.
- (5) No person who has in his possession any package of food intended for sale shall--
- (a) Remove any label required by these regulations to be borne on the package; or
- (b) Alter, erase, obliterate, or obscure any word or statement borne on such a label in accordance with any of the requirements of these regulations.
- (6) Every package of canned food shall be labelled or embossed or otherwise marked, either in code or in clear, to identify the lot of which it forms part, and the factory or other premises in which the package was packed.
- (7) Every person who sells a food otherwise than by retail shall, on request by the purchaser, supply to the purchaser at the time of sale written information on the composition of the food, sufficient to enable the purchaser to [manufacture and] label in compliance with these regulations any food he intends to sell that is composed wholly or partially of the food so sold to him.
- [(8) No label on a package of a food shall bear, as part of the name of the food or in association with the name of the food, the word 'health' or any variation of that word.
- (9) Except where otherwise provided by these regulations, no label on a package of a food shall bear any pictorial representations or designs for the purpose of illustrating recipes involving the use of the food or suggestions on how to serve the food unless--
- (a) The representations or designs are not misleading; and
- (b) The label bears, in close proximity to the representation or illustration, words such as 'serving suggestion' or 'recipe'.]
- 5 FORM AND MANNER OF LABELLING--
- (1) Every word or statement that is required by these regulations to be borne on a label shall [be in English and shall]--



- (a) Be conspicuously printed and, for each word or statement separately required, be in uniform colour contrasting strongly with a uniform background; and
 - (b) Be clearly, legibly, and durably marked either on the material of the package or on material firmly and securely attached to the package; and
 - (b) Be presented with continuity.
- (2) Notwithstanding subclause (1)(b) of this regulation, confectionery sealed in transparent, flexible material may bear a clearly visible label, of not less than 25 cm² in area, inserted inside the package.
- (3) The lettering of every word or statement required by these regulations shall be clear, distinct, and legible with no decoration, embellishment, or distortion that could interfere with the legibility of the words.

6 SIZE OF LETTERS--

- (1) Where the height of letters to be used in labels or notices is prescribed in these regulations by reference to a minimum number of mm or parts of a mm, the reference shall be deemed to be a reference to the x-height of the lower case letter of the type face or, if the wording is all in capital letters, the height of the capital letters in type face, irrespective of the height of the type body.
- (2) The lettering of every word or statement required by these regulations to appear on labels shall be--
- (a) All capital letters; or
 - (b) All lower case letters; or
 - (c) Lower case letters with an initial capital letter.
- (3) In every case to which paragraph (a) or paragraph (b) of subclause (2) of this regulation applies, the height of the lettering shall be uniform in every word or statement that is separately required.
- (4) In every case to which paragraph (c) of subclause (2) of this regulation applies, the height of the lower case lettering shall be uniform in every word or statement that is separately required.
- (5) A requirement in these regulations as to the height of lettering shall be sufficiently complied with if the letters used are of a greater height than the height prescribed.
- [(6) Where--
- (a) Any word or statement is required by these regulations to appear on labels in letters of a specific height and the package is so small as to prevent the use of letters of that height; and
 - (b) The label contains no word, statement, or pictorial matter other than the statements required by these regulations,--



Letters of a lesser height may be used if they are of the greatest height practicable in the circumstances and are in any event no less than 1.5 mm in height.]

- (7) Except as otherwise provided in these regulations, the lettering of any word or statement that is required by these regulations to appear on labels shall be 1.5 mm in height.
- (8) The lettering of the following shall be 2 mm in height:
 - (a) The statement of the net weight or volume or number of the contents of a package that contains food, required by Regulation 4(1)(b) of these regulations:
 - (b) Revoked.
 - (c) Revoked.
- [(9) The lettering of the following shall be 3 mm in height:
 - (a) The common name or description, required by Regulation 4(1)(a) of these regulations:
 - (b) The date mark, required by Regulation 12 of these regulations.]
- (10) Revoked.

7 LABELLING OF FOOD NOT SOLD IN SUITABLE PACKAGES--

- (1) Where any food is displayed for sale otherwise than in a package capable of bearing a label in accordance with these regulations, the person displaying the food for sale shall keep posted conspicuously, as close to the food as practicable, a notice that complies with subclause (2), and does not contravene subclause (3), of this regulation.
- (2) The notice shall contain, in 4 mm lettering, the particulars that would be required by these regulations to be borne on each package of such food if that food were displayed for sale in a package that is capable of bearing a label in accordance with these regulations.
- (3) The notice shall not contain any word or statement that, if the food were sold in such a package, would be prohibited by these regulations from appearing on the package.
- (4) Where subclause (1) of this regulation is complied with in respect of any food to which that subclause applies, the requirements of these regulations as to the labelling of packages of such food shall be deemed to have been complied with.
- (5) Where an article of confectionery or chocolate weighing not more than 120 g is wrapped in metallic foil for individual sale, the requirements of these regulations as to the labelling of packages of such confectionery or chocolate shall be deemed to have been complied with if--



- (a) The foil bears no information; and
- (b) The article is displayed for sale either with a notice that complies with subclause (1) of this regulation, or with the principal display panel of an outer container suitable for the sale of such an article.

[8 PRINCIPAL DISPLAY PANEL--

- (1) Statements required by these regulations to appear in the principal display panel on a label shall appear--
 - (a) On that part of the label usually intended to be first presented to the consumer when the product is displayed for sale; or
 - (b) In a prominent position on the label so that it is likely to be readily seen by the consumer when purchasing the product,-- that part or that position being for the purpose of these regulations the principal display panel.
- (2) All statements required to appear in the principal display panel shall be--
 - (a) In the same field of vision; and
 - (b) In lines that are generally orientated so as to be clearly readable within that field of vision.
- (3) Subject to subclause (4) of this regulation, the particulars required by paragraphs (a) and (b) of Regulation 4(1) of these regulations shall appear in the principal display panel.
- (4) The statement of the volume of the contents of a bottle containing a product that complies with any of Regulations 219 to 232 of these regulations may appear on a label affixed to the neck of the bottle.]

17 EXEMPTIONS FROM REGULATION 3--

Regulation 3 of these regulations shall not apply to the following:

- (a) Any bulk container
- (b) Any extra wrapper
- (c) Any package not intended for retail sale that bears the name and address of the packer or grower and that contains only 1 of the following foods, and no other food:
 - (i) Beer
 - (ii) Flour
 - (iii) Meat
 - (iv) Milk
 - (v) Raw fruit
 - (vi) Raw vegetables
 - (vii) Sugar
 - (viii) Sugar syrup
 - (ix) Wine
- (d) Raw fruit that, immediately after it has been picked, is packed directly in a package intended for retail sale in units of not more than 500g and that bears the name and address of the packer or grower.



- (e) Packaged sandwiches, packaged filled rolls, and similar prepackaged foods, that are intended for consumption on the day of their preparation.

20 FURTHER EXEMPTIONS FROM CERTAIN PROVISIONS OF THESE REGULATIONS—

- (1) Nothing in Regulations 4, 9, 11, 12, 18(3), and 19(1)(f)(iii) of these regulations, and no labelling statement required by the standard prescribed for a food by any of the provisions of Part II or Part III of these regulations, shall apply to any package of food if the food is of the nature, quality, quantity, origin, or brand requested by the purchaser and is weighed, counted, or measured by the seller personally in the presence of the purchaser.
- [(2) Regulation 4(1)(b) of these regulations shall not apply to any package containing only confectionery or chocolate of an amount less than 15 g or 15 ml.]