

# Legal Metrology (Packaged Commodities Rules)

# Legal Metrology

## Definition of Legal Metrology:

Means that part of the metrology which treat units of weighment and measurement, methods of weighment and measurement and weighing and measuring instruments, in relation to the mandatory technical and legal requirement which have the object of ensuring public guarantee from the point of view of security and accuracy of the weighments and measurements.

# Legal Metrology

## Applicability

- Applicable to all Packaged Commodities
- Legal Metrology Rules, 2011 are not applicable for :
  - Packaged commodities containing more than 25kg or 25l excluding cement & fertilizer sold in bags up to 50kg
  - Packaged commodities meant for industrial or institutional consumers

# Legal Metrology

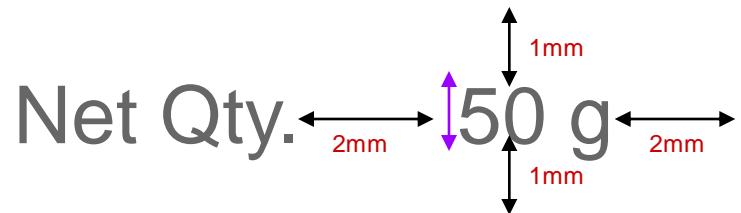
- These legislative measures are designed to establish fair trade practices with respect to packaged commodities.
- Every packaged commodity for sale or distribution in inter-state trade or commerce must bear the following declarations-
  - Identity of the commodity in the package,
  - Net quantity in terms of the standard units of weights and measures and if in nos., the accurate number therein,
  - Maximum Retail the sale price of that particular package of that commodity
  - Name of the manufacturer, and also of the packer, and importer in case of imported products
  - Contact details for consumer complaint-Name, Email, Telephone no and address
  - Date of Manufacturing

# Legal Metrology

- Principle Display Panel means the total surface area of the package where the information to be given :
  - All information could be grouped together in one place;  
OR
  - Pre-printed information could be grouped together and given in one place;
  - Online information can be grouped together in another place
- Wholesale Package
  - Package containing number of retail Packs/Units
  - Where the first mentioned package is intended for sale / distribution or delivery to an intermediately
  - Not intended for sale directly to the consumer or
  - If any package containing 10 or more than 10 retail packs, provided that the retail packages are labeled as required

# Legal Metrology- Important concept

- Spacing requirements for Net Quantity declaration
- The area surrounding the quantity declared has to be free from the printed information above and below by a space equal to the height of the numerals and to the left and right by a space twice the height of the numeral.
- Information declared has to be legible and prominent, conspicuous to size, number and color.



$\longleftrightarrow$  Numeral height 1mm (**h**)

**h = height of the numeral**

# Legal Metrology – Registrations

- **Manufacturer/Packer Registration**
  - Every manufacturer, packer and importer has to obtain registration for packing or importing one or more commodities within 90 days of commencement of business
  - Application has to be made with the Director or Controller for registration in an appropriate format
- **Registration of Shorter Address permissible**
  - Any manufacturer or packer can file for registering the shorter address of his location which if the Director or Controller feels appropriate may be granted

# Legal Metrology

## Stickering –

- Affixing individual stickers to make mandatory declarations is prohibited
- Stickering only permitted in case of MRP reduction for a product  
In such case, a sticker with lower MRP may be affixed, in such a way that it does not cover the original MRP declared by Manufacturer or packer
- Non mandatory declarations can be stickered



Amendments to Legal Metrology  
(Packaged Commodities) Rules  
GSR-629-E

January -2018

# Amendment & Impact

## Rule 2 Definition clause (bc)

### Current Rule

- (bc) Institutional consumer means the institution who hires or avails of the facilities or services in connection with transport, hotel, hospital or other organization which buy packaged commodities directly from manufacturer or from an importer or from wholesale dealer for use by that institution, and package shall have declaration 'not for retail sale'

### Amendment – definition substituted

- (bc) Institutional consumer means the institution who buys packaged commodities directly from manufacturer or from an importer or from wholesale dealer for use by that institution and not for commercial or trade purposes. The package intended for sale to institutional consumers shall have a declaration “not for retail sale”

### Implies

- industries/ institutions buying packages directly from manufacturer or from importer or from wholesale dealer are now considered industrial consumer / institutional consumer and stand exempted from all declarations applicable to “Retail packages”

### Impact -No impact

# Amendment & Impact

## Rule (2) Definitions clause (m)

### Current rule

- “**Retail sale price**” means the maximum price at which the commodity in packaged form may be sold to the ultimate consumer and the price shall be printed on the package in the manner given below **Maximum or Max Rs. (Incl. of all taxes)**

### Amendment – Definition substituted

- **Retail sale price** means the maximum price at which the commodity in packaged form may be sold to the consumer, inclusive of all taxes.

### Implies

- Definition simplification

### Impact

- **NO IMPACT** as the regulations will hold good as in current scenario

# Amendment & Impact

## Rule (2) Definitions clause (q)

### Current rule

- **“Wholesale Dealer”** in relation to any commodity in packaged form means a dealer who does not directly sell such commodity to any consumer but distributes or sells such commodity through one or more intermediaries

### Amendment – Definition substituted

- **“Wholesale Dealer”** in relation to any commodity in packaged form means a dealer who distributes or sell such commodity through one or more intermediaries, subject to the provisions of rules 2(bb) and 2(bc)

### Implies

- Wholesale activity accommodating sale to Industrial and Institutional sale

### Impact

- **NO IMPACT** as the regulations will hold good as in current scenario

# Amendment & Impact

## Rule (3) Applicability of the chapter

### Current rule

- The provision of this chapter shall not apply to
  - a) packages of commodities containing quantity of more than 25kg or 25 litre excluding cement and fertilizers sold in bags up to 50kgs or
  - b) packaged commodities meant for industrial consumers or institutional consumers

### Amendment –

The provision of this chapter shall not apply to

- a) packages of commodities containing quantity of more than 25kg or 25 litre **or**
- b) Cement, fertilizer and agriculture farm produce sold in bags above 50 kgs **or**
- c) packaged commodities meant for industrial consumers or institutional consumers

### Implies

- Exemption simplification for various category's

### Impact

# Amendment & Impact

## Rule 6 Declarations to be made on every package, sub rule (1) (aa)

### Amendment

- Name of the country of origin /manufacture /assembly in case of imported products shall be mentioned on the package
- Explanation III : In respect of packages containing food articles, the provisions of this clause shall not apply, and instead, the requirement of the food Safety and standards act 2006 (34 of 2006) and rules made there under shall apply.”

### Implies

- Imported Products country of origin needful as LM requirements

### Impact

- Currently the requirement is also part of DCA rules and is part of imported product labelling
- **NO IMPACT**

# Amendment & Impact

## Rule 6 Declarations to be made on every package, sub rule (1) (d)

### Amendment-Provision insertion as

Provision that if a package contains a commodity which may become unfit for human consumption after a period of time, 'best before or use by , 'date, month and year' shall be additionally mentioned on the label.'

**Explanation : 1. Date of Minimum Durability ('Best Before') :** means the date which signifies the end of the period under any stated storage conditions during which the product will remain fully marketable and will retain any specific qualities for which tacit or express claims have been made. However, beyond the date the commodity may still be perfectly satisfactory.

**2. Use by Date (Recommended last consumption Date, expiration Date):** means the date which signifies the end of the estimated period under any stated storage conditions, after which the product probably will not have the quality attributes normally expected by the consumers. After this date, the commodity should not be regarded as marketable.

### Implies

- Imported Products clarity for Best before date and Use before Date

### Impact

- Foods and Cosmetics –No impact as we are following FSSR for foods and DCA for cosmetics

# Amendment & Impact

## Rule 6 Sub Rule (e)

Amendment –

- (e) the retail sale price of the package which shall clearly indicate
  - a) that it is the **maximum retail price inclusive of all taxes** and
  - b) price in Rupees and Paise rounded off to the nearest rupees or 50 paise

(a) Maximum or Max. retail price Rs. or ₹ xx.xx (inclusive of all taxes), or  
(b) Maximum or Max. retail price Rs. or ₹ xx.xx inclusive of all taxes, or  
(c) MRP Rs. or ₹ xx.xx incl. of all taxes, or  
(d) MRP Rs. or ₹ xx.xx (incl. of all taxes):”

Implies

- Presentation of the MRP on label clarity

Impact

- **NO IMPACT**, as we are currently implementing on all labels



# Amendment & Impact

## Sub Rule 4 A

Amendment – sub rule inserted

- Nothing shall preclude a manufacturer / packer/importer to declare the following on the package, in addition to the mandatory declarations-
  - a)Barcode/GTIN/QR code
  - b)e-code
  - c) logo's of Government schemes- Swatch Bharat mission

Implies

- Clarity for non-mandatory presentations.
- Presentation of Barcode, e-code and logos as non-mandatory

Impact

- **NO IMPACT**, as additional and voluntary

# Amendment & Impact

## Sub Rule 4 A

Amendment – sub rule inserted

Sub rule 10

E-commerce industry ensure all mandatory as in sub rule 1 except the Month and year of Manufacturing in which commodity is mfg and packed. Information will be displayed on digital and electric network used for e-commerce transactions.

The information and correctness of declaration responsibility lies with Manufacturer/Seller/Dealer/Importer of the product

Implies

- E-commerce product need to comply with LM labelling rules except Mfg date
- Information and other responsibility is with Manufacturer or Importer in case

# Amendment & Impact

## Rule 7. Principal display panel, sub-rule 2 and 3

### Current rule

- The height of any numeral in the declaration required under these rules on the principal display panel shall not be less than-
  - i) As shown in table-I, if the net quantity is declared in terms of weight or volume
  - ii) As shown in table-II, if the net quantity is declared in terms of length, area or number.

### Amendment

- Rule 2: The height of any numeral and letter in the declaration required under these rules shall be as per table-I
- Rule 3: The width of the letter or numerical shall not be less than one third of its height, except in the case on numeral “1” and letters (i), (l), and (I)”.

### Implies

- Declaration of numerical and letters should be in accordance with Table-I requirements for Net Qty, MRP, Consumer details and BBD
- **Not applicable** for Cosmetics and Foods in preview of Rule 7(4)

# Table -1 Minimum Height of Numeral and Letter

Area of Principal display panel in cm <sup>2</sup>	Minimum height of numbers and letters in mm	Minimum height of numbers and letters when blown, formed or moulded on surface of container in mm
$A \leq 50$	1.0	2.0
$50 < A \leq 100$	1.5	3.0
$100 < A \leq 500$	2.5	4.5
$500 < A \leq 2500$	6.0	7.5
$2500 < A$	9.0	12.0

**Impact:** Labelling of Cosmetics and Foods for LM mandatories as Generic Category, Mfg Date, Use before date, Consumer Contact details, Net Qty and MRP

# Amendment & Impact

## **Rule 9. Manner in which declaration shall be made**

Amendment – provision inserted sub rule (3)

- (3) Where package is provided with an outside container or wrapper such container or wrapper shall also contain all the declaration which are required to appear on the package except where such container or wrapper itself is transparent and the declarations on the package itself are easily readable through such outside container or wrapper .

Provision: Provided that no such declarations on the inner package is required, if the outer package contains all declarations required under these rules

Concern: Deleted in GSR 385(e) as it misleading but instated with current proposal

Implies

- Packs with carton will have mandatory information and inside pack is exempted from the mandatory LM requirements

# Amendment & Impact

## Rule 10. Declaration of name and address of the manufacturer, etc.

### Current Rule

- Provided that for package of capacity 5 cm<sup>3</sup> or less, it shall be sufficient compliance of this sub rule, if a mark or inscription which would enable the consumer to identify the manufacturer or packer or the importer , as the case may be, is made on the package

### Amendment

- Provided that for package of capacity **10 cm<sup>3</sup> or less**, it shall be sufficient compliance of this sub rule if a mark or inscription which would enable the consumer to identify the manufacturer or packer or the importer , as the case may be, is made on the package

### Implies

- Applicability increased to package capacity 10cm<sup>3</sup>

# Amendment & Impact

## Rule 10. Declaration of name and address of the manufacturer, etc.

### Current Rule

- In this sub-rule, ' complete address' means, the postal address at which **the company or firm is registered**, and, in any other case, the name of the street, number (if any) assigned to the premises of the manufacturer or packer and either the name of the city and State where the business is carried on by the manufacturer or packer or the Postal Index Number [PIN] Code so that a consumer can identify and locate the manufacturer or packer or importer, as the case may be.
- Explanation : In this sub –rule “complete address means, the postal address at which the factory is situated or company /firm is registered

### Amendment

Omission of term-factory with GSR 385 reinstated with company and registered firm

### Implies

- All packed commodities can have the registered office address of manufacturer with or without factory address on the label

# Amendment & Impact

## Rule 19. Inspection of quantity and error in packages at the premises of the manufacturer or packer

### Current Rule

- (4) if it appears from report referred to in sub rule (3) that-
- (a) the statistical average of the net quantity contained in the packages drawn as samples is lesser than the quantity declared on the packages or on the labels affixed thereto;

### Amendment

- (a) the “corrected average” of the net quantity contained in the packages drawn as samples is lesser than the quantity declared on the packages or on the labels affixed thereto;

### Implies

Term statistical average and corrected average

Impact : **NO IMPACT**, as permissible error limit expanded with consideration of additional sample criteria



# Amendment & Impact

## Rule 19. Inspection of quantity and error in packages at the premises of the manufacturer or packer

### Current Rule

(4) if it appears from report referred to in sub rule (3) that-

(b) Any such package shows an error in deficiency greater than the maximum permissible error, the director , controller or any legal metrology officer shall, if for good and sufficient reason , requested by the manufacturer or packer or his authorized agent , so to do, take out as soon as as may be practicable, fresh samples and carry out fresh tests in accordance with the provision's of these rules and where tests are made , the director, controller or any legal metrology officer , as the case may be, shall collect a fee of Rs.2500 from manufacturer or packer for carrying out the fresh tests.

### Amendment

(a) Any such package shows an error in deficiency exceeding twice the maximum permissible error, the director , controller or any legal metrology officer shall require the manufacturer or packer to make a cent percent check of the packages contained in the lot and authorise sale distribution or delivery of any such packages with error in deficiency in the net quantity less than the maximum permissible error. The remaining packages shall be allowed to be sold distributed or delivery by the manufacturer /packer after it has been repacked or relabeled , as the case may be, so as to comply with provision of the act and these rules.”

### Implies

• Term statistical and corrected average

## **Rule 19. Inspection of quantity and error in packages at the premises of the manufacturer or packer**

- Implies :

**With error in net quantity –Twice the maximum permissible error, check for other packs in lot. If found less than maximum permissible error**

Post verification remaining packs with MPE error will be permitted for sale/distribution or delivery after repackaging/ relabelling

# Amendment & Impact

## **Rule 19. Inspection of quantity and error in packages at the premises of the manufacturer or packer**

### Current Rule

(5) (a) where, as a result of any test carried out under this rule, it is found that any package contained in the lot does not confirm to all or any of the provisions of the act or of these rules, the manufacturer or the packer shall make a cent per cent check of the packages contained in the lot from the lot packages which confirm to all provisions of the act and of these rules

(b) When the director, Controller or any Legal Metrology Officer is satisfied that the package picked out by the manufacturer or packer conforms to all the provisions of the act and of these rules , he shall authorise the sale, distribution or delivery of such packages.

(c) Where , as a result of such cent per cent check by the manufacturer or packer, any packer any package is found to be not conforming to all or any or of the provisions of the act or of these rules , such packages shall not be sold , distributed or delivered until it has been re-packed, re-processed , or re-labelled, as the case may be, in accordance with the provisions of the act and of the rules

Amendment- Rule deleted

### Implies

- Rule absorbed into sub rule 4

# Amendment & Impact

## Schedule –II Commodities to be packed in Specified Quantities

Current Schedule : Inclusion additional pack size with existing pack sizes.

Sr. No	Commodities	Quantities in which to be packed
10	Edible Oils, Vanaspati, Ghee, Butter oil	Inclusion of 550 g, 600 g, 650 g
		Inclusion of 550 ml, 600 ml, 650 ml

### Implies

- Product packed in quantity of 550 g/ml, 600 g/ml and 650 g/ml will be considered as standard quantity alongwith the existing sku size as 50 g/ml, 100 g/ml, 175 g/ml, 200 g/ml, 250 g/ml, 300 g/ml, 500 g/ml, 750 g/ml, 1 kg/litre, 2 kg/litre, 3 kg/ litre, 5 kg/ litre

# Amendment & Impact

## Schedule –V Manner of Selection of Sample Packages

Current Schedule :

<b>Lot Size</b>	<b>Sample Size</b>
Less Than 4000	32 (Left, right, top, bottom, rear, front and centre)
More than 4000	80 (Left, right, top, bottom, rear, front and centre)

Amendment Proposed

<b>Inspection Lot size</b>	<b>Sample Size (n)</b>	<b>Correction Factor</b>	<b>Number of package showing an error more than max permissible error but less than twice the max permissible error</b>
100 to 500	50	0.379	3
501 to 3200	80	0.295	5
More than 3200	125	0.234	7

## **Schedule –V Manner of Selection of Sample Packages**

Implies

- Sample size more representative of the Lot
- Correction factor specified, simplification for interpretation
- Provision for packages out of max permissible error but within /less than twice the max permissible error.