

Government Notice No. 233 of 2006

THE LEGAL METROLOGY ACT

Regulations made by the Minister under section 14 of the Legal Metrology Act

1. These regulations may be cited as the Legal Metrology (Pre-packed Commodities) Regulations 2006.

2. In these regulations –

“Act” means the Legal Metrology Act;

“batch”, in relation to a package in which a commodity is pre-packed, means –

(a) in the case of packages from a packing line, the number of similar packages produced during one hour;

(b) in the case of packages stored, the number of packages, not exceeding 10,000, of the same type taken from the same production run; or

(c) in the case of a commodity pre-packed outside Mauritius, the number of packages, not exceeding 10,000, of the same type taken from the same consignment;

“combination package” means a package intended for retail sale, consisting of 2 or more individual packages of dissimilar commodities;

“consumer package” means a package that is commonly produced and distributed for sale to end consumers through retail sale, wholesale or other means of trade;

“country of origin”, in relation to a commodity pre-packed outside Mauritius, means the country in which the commodity is pre-packed;

“drained weight”, in relation to a solid commodity contained in a free – flowing liquid, means the net weight of the solid commodity after the liquid has been drained for a period of 2 minutes;

“free sample” means a sample of pre-packed commodity distributed free of charge by an importer, manufacturer, packer, supplier or distributor for purposes of trade promotion, either in connection with the sale of the pre-packed commodity or otherwise;

“negative error” means the quantity by which the actual net quantity of a pre-packed commodity is less than the nominal quantity;

“net quantity” means the quantity of the pre-packed commodity contained in the package, exclusive of the package or any other material packed with such package;

“nominal quantity” means the net quantity of a pre-packed commodity declared on the package;

“non-consumer package” means any package intended solely for industrial or institutional use, or packed for a specified customer;

“OIML” means the International Organisation of Legal Metrology;

“OIML Recommendation” means such technical prescriptions as may be specified by the International Organisation of Legal Metrology;

“pre-packed commodity” means any commodity which -

- (a) is made of an entity or unit and of which the quantity has been determined in advance and indicated on its label, prior to its being exposed for sale; and

(b) is made up securely in a package in such a way that the contents cannot be altered without the package being opened or perceptibly modified;

“principal display panel” means the part of a label which is most likely to be displayed, presented, shown or examined under normal and customary conditions of display for sale;

“random sampling” means the taking of a specified number of packages from a batch in such a way that all possible combinations of numbers of packages selected have the same probability of being chosen;

“tolerable negative error”, in relation to a particular nominal quantity expressed in –

- (a) terms of weight or volume, means the limit of negative error specified in the second or third column of Part A of the First Schedule;
- (b) terms of length, area or count, means the limit of negative error specified in the second column of Part B of the First Schedule;

“wholesale”, in relation to a pre-packed commodity, means the delivery, or distribution, through intermediaries, of the pre-packed commodity for consumption.

3. (1) For the purposes of section 11 of the Act, every label on a package of a pre-packed commodity –

- (a) shall be affixed to, attached to or printed on the package;
- (b) shall be prominent and shall satisfy the requirements specified in this regulation.

- (2) The letters and numbers contained in a label shall be –
- (a) legible, indelible and of such size and style as to be clear and conspicuous;
 - (b) presented in a colour that contrasts conspicuously with the colour of the background, except where the letters and numbers are blown, embossed or moulded on a glass or plastic surface.

(3) No label indicating the quantity of the product shall be made so as to require it to be read through any liquid commodity or other medium contained in the package.

(4) Where a package, or a group of such packages, in which a commodity is pre-packed is provided with an outside container or wrapper, the outside container or wrapper shall bear a label similar to the one appearing on the package, unless the container or wrapper is itself transparent and the label on the package can be read easily through the container or wrapper.

(5) Each individual package in a combination package shall bear its own label.

(6) The language used on the label shall be English or French.

(7) (a) The label of a commodity which is pre-packed outside Mauritius shall mention the name and address of the importer or distributor, preceded by the words “Manufactured for”, “Distributed by”, “Marketed by” or “Imported by”, as the case may be.

(b) Where the label of a commodity pre-packed outside Mauritius makes no mention of the name and address of the importer and distributor, the retailer shall keep a record relating to the name and address of that importer and distributor for the period for which the commodity is sold or offered for sale.

4. (1) The declaration of quantity shall appear on the principal display panel, and shall be so positioned that it can be read easily by any person when the package is exposed for sale.

(2) The declaration of quantity may be blown, embossed or moulded on a glass or plastic surface where all label information is blown, embossed or moulded on the surface.

(3) (a) The letters and numbers used for the declaration and which are contained in a label shall not, in any way, be hidden, obscured or interrupted by any other written or pictorial matter.

(b) The height of the letters and numbers shall be not less than that specified in the second or third column of the Second Schedule, as the case may be.

(4) Subject to paragraph (5), the label shall, in relation to the declaration of weight, bear the words "net weight" or "Net" which may either precede or follow the declaration of weight.

(5) Where a solid commodity is contained in a liquid to be sold as such, the declaration of quantity shall be deemed to be in terms of the drained weight of the commodity, and the label shall bear the words "drained weight" instead of the words "net weight" or "net".

(6) The declaration of quantity shall –

(a) in terms of weight, be in kilograms or grams;

(b) in terms of volume, be in litres, centilitres or millilitres;

(c) in terms of linear measure, be in metres, centimetres or millimetres;

(d) in terms of area measure, be in square metres or square centimetres;

(e) in terms of count, be in whole number.

(7) The units of weight or measure in a declaration of quantity shall be as specified in the Third Schedule.

(8) (a) The units of measurement specified in the first column of the Fourth Schedule may be indicated on a label by the corresponding symbols specified in the second column of that Schedule.

(b) Every symbol referred to in paragraph (a) shall be written in singular form and shall not be followed by a full stop.

(9) (a) Except in the case of commodities specified in the first column of the Fifth Schedule, the declaration of quantity shall be expressed in terms of the unit of –

(i) weight, where the commodity is solid, semi-solid or viscous, or a mixture of solid and liquid;

(ii) volume, where the commodity is liquid;

(iii) length, where the commodity is sold by linear measure;

(iv) area, where a commodity is sold by area measure;
or

(v) count, where the commodity is sold by number.

(b) The declaration of quantity, in the case of commodities specified in the first column of the Fifth Schedule, shall be expressed in terms of the unit specified in the second column of that Schedule.

5. (1) The label of a commodity specified in the Sixth Schedule, which is pre-packed for sale in a package other than a hermetically-sealed container, shall bear the words “when packed” with the declaration of quantity.

(2) No label of a commodity, other than a commodity specified in the Sixth Schedule, shall bear the words "when packed" or words to the like effect.

6. Where commodities specified in the first column of the Seventh Schedule are meant for sale to the general public through retail outlets, they shall be pre-packed according to the corresponding standard quantities specified in the second column of that Schedule.

7. No container or package of any commodity shall have a false bottom, false sidewalls, false lids or covering or be otherwise so constructed or filled, wholly or partially, in such a way as to deceive the purchaser unless such characteristics are essential for the proper conservation of the commodity, taking into consideration any recognised and accepted production practices that may be necessary for the manufacturer or packer.

8. (1) Any authorised officer may, in the discharge of his powers under section 15(d) of the Act, make a random sampling of a specified number of pre-packed commodities to be used as samples.

(2) The packages drawn as samples from a batch size specified in the first column of the appropriate table of the Eighth Schedule shall be of the corresponding sample size specified in the second column of that Schedule and shall –

- (a) have a net quantity, the average of which shall be not less than the nominal quantity minus the figure specified in the third column of the Eighth Schedule;
- (b) where the net quantity is less than the nominal quantity minus the tolerable negative error, be not more than the number specified in the fourth column of the Eighth Schedule; and
- (c) not have a net quantity less than the nominal quantity minus twice the tolerable negative error.

- (3) (a) For pre-packages of variable net quantities, the pre-packed commodities shall be weighed individually after de-freezing, if necessary.
- (b) The sampling procedures referred to in paragraph (2) shall be carried out and Table A or B of the Eighth Schedule, as the case may be, shall be applicable in deciding the compliance of a batch with the requirements of these regulations.
- (4) (a) Subject to subparagraph (b), in deciding the compliance of a batch of pre-packed commodities with the requirement of these regulations, the sampling plan referred to in Table A of the Eighth Schedule shall be applicable for all pre-packed commodities.
- (b) Where the pre-packed commodities are to be destroyed in deciding compliance of the batch of commodities with the requirements of these regulations, a smaller sample size as specified in Table B of the Eighth Schedule may be used.
- (5) The extent of deficiency in the net quantity of any pre-packed commodity stocked for sale or offered or exposed for sale shall not be more than twice the tolerable negative error.

9. Every packer of pre-packed commodities shall –

- (a) verify, or cause to be verified, by a duly assized instrument the net quantity of pre-packed commodities on the packing line at regular intervals everyday;
- (b) maintain, or cause to be maintained, a record of verifications made under paragraph (a) in a record-book; and
- (c) on request, present the record-book to an authorised officer and provide him with such assistance as he may require.

10. Every importer, distributor or supplier of pre-packed commodities shall –

- (a) take such steps as may be required to ensure the correctness of the declaration of the net quantity of pre-packed commodities in respect of each consignment;
- (b) maintain, or cause to be maintained, a record of verifications made under paragraph (a) in a record-book; and
- (c) on request, present the record-book to an authorised officer and provide him with such assistance as he may require.

11. Unless otherwise provided in these regulations, the manner of determining –

- (a) the net quantity of pre-packed frozen commodities;
- (b) tare values;
- (c) moisture allowances; and
- (d) drained weight,

shall be in accordance with the methods prescribed in OIML Recommendation 87.

12. These regulations shall not apply to –

- (a) free samples;
- (b) non-consumer packages.

13. The Legal Metrology (Prepacked Commodities) Regulations 1994 are revoked.

14. These regulations shall come into operation on 1 January 2007.

Made by the Minister on 16th November 2006.

FIRST SCHEDULE*(regulation 2)***PART A****Tolerable negative error on nominal quantity expressed
in terms of weight or volume**

Nominal quantity in weight (grams) or volume (millilitres)	Tolerable negative error	
	As a percentage of nominal quantity	In grams or millilitres
0 to 50	9	-
50 to 100	-	4.5
100 to 200	4.5	-
200 to 300	-	9
300 to 500	3	-
500 to 1000	-	15
1000 to 10,000	1.5	-
10,000 to 15,000	-	150
15,000 to 50,000	1.0	-

For pre-packages of variable net quantities, the tolerable negative error shall be one half the listed value.

Note : The value of the tolerable negative error specified as percentage shall be rounded to the next tenth of a gram or millilitre for nominal quantity less than or equal to 1000 grams or millilitres and to the next whole gram or millilitre for nominal quantity higher than 1000 grams or millilitres.

PART B**Tolerable negative error on nominal quantity expressed
in terms of length, area or count**

Nominal quantity	Tolerable negative error as a percentage of nominal quantity
In units of length –	
Up to 5 metres	0
Over 5 metres	2
In units of area	3
By number –	
Up to 50	0
Over 50	1

Note: The value computed for the tolerable negative error for nominal quantity by number shall be rounded to next whole number, if it is not a whole number. The value may be larger than one per cent, due to the rounding but this is accepted because the products are whole items and cannot be divided.

SECOND SCHEDULE*(regulation 4(3))*

Table showing minimum height of letters and numbers

Maximum dimension of package (in millimetres)	Minimum height of letter or number, if printed (in millimetres)	Minimum height of letter or number if blown, embossed or moulded on a glass or plastic surface (in millimetres)
Not exceeding 100	2	4
Exceeding 100 but not exceeding 300	3	6
Exceeding 300	5	10

THIRD SCHEDULE*(regulation 4(7))***Units of weight or measure in the declaration of quantity**

Quantity	Unit
One kilogram or more	Kilogram and its decimal fraction to not more than 2 places
Less than one kilogram	Gram
One litre or more	Litre and its decimal fraction to not more than 2 places
Less than one litre	Centilitre or millilitre
One metre or more	Metre and its decimal fraction to not more than 2 places
Less than one metre	Centimetre or millimetre
One square metre or more	Square metre and its decimal fraction to not more than 2 places
Less than one square metre	Square centimetre and its decimal fraction

FOURTH SCHEDULE*(regulation 4(8))***Symbols of units of measurement**

Unit of measurement	Symbol
Kilogram	kg
Gram	g
Litre	l or L
Centilitre	cl or cL
Millilitre	ml or mL
Metre	m
Centimetre	cm
Millimetre	mm
Square metre	m ²
Square centimetre	cm ²

FIFTH SCHEDULE*(regulation 4(9))***Exceptions**

Commodities	Whether declaration to be expressed in terms of weight, volume, length or number, or any combination of them
Cosmetic creams	Volume
Curd / Yoghurt (without fruit)	Volume
Curd/Yoghurt (with fruit)	Weight
Edible oil	Volume if the quantity is not more than 5 litres; weight or volume of the quantity is more than 5 litres
Electric cables	Length
Fencing wire	Length
Hair care products in liquid & paste form	Volume
Honey	Weight
Ice cream	Volume
Liquid adhesive	Volume
Liquified petroleum gas	Weight
Lubricating oil	Volume
Nails, screws and pins	Number or weight
Ready-to-use paints & varnishes	Volume
Sauces of all kinds	Volume
Tea bags	Total weight and number of bags
Tooth paste	Volume
Viscous liquor	Volume
Yarn	Weight or length

SIXTH SCHEDULE*(regulation 5)*

Commodities in relation to which the label shall bear the words
“when packed” with the declaration of quantity

Alcoholic liquors

Bread

Cake

Camphor

Detergents

Fruits

Knitting yarn

Soap cakes/bars of all kinds

Soap powder

Spirituous product

Tobacco

SEVENTH SCHEDULE

(regulation 6)

Ranges of standard quantities in relation to certain commodities

Commodities	Standard quantities in which to be packed
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A. FOODSTUFFS

Cereals, rice, pulses, cereal flours and pulse flours (excluding breakfast cereals and cornflour)	125 g, 250 g, 500 g, 750 g, 1 kg, 1.5 kg, 2 kg, 2.5 kg, 5 kg and thereafter in integral multiples of 5 kg
Edible oils	250 ml, 500 ml, 750 ml, 1 litre, 2 litre, no restriction thereafter
Milk liquid (excluding flavoured, condensed, cream or concentrated milk)	125 ml, 250 ml, 500 ml, 750 ml, 1 litre, 1.5 litre, 2 litre, 3 litre, 4 litre, 5 litre and no restriction thereafter
Milk powder (for uncanned packages only)	250 g, 300 g, 500 g, 750 g, 1 kg, 2 kg, 5 kg and thereafter in integral multiples of 5 kg
Sugar	125g, 250 g, 500 g, 1 kg, 2 kg, 5 kg, and thereafter in integral multiples of 5 kg
Table or cooking salt	125 g, 250 g, 500 g, 1 kg, 2 kg, 5 kg, 10 kg and thereafter in integral multiples of 5 kg
Tea (excluding herbal tea and packages of tea bags)	50 g, 75g, 100 g, 125 g, 250 g, 500 g, 1 kg, 2 kg, 5 kg, no restriction thereafter

B. NON-FOODSTUFFS

Cement	5 kg, 10 kg, 20 kg, 25 kg, 50 kg
Liquefied petroleum gas (excluding disposable cartridges for camping gas)	500 g, 1 kg, 2 kg, 3 kg, 4 kg, 5 kg, 6kg, 12kg, 15 kg, 20 kg, 40 kg, 50 kg

EIGHTH SCHEDULE*(regulation 8)***Table A: Sampling Plan for non-destructive testing**

Batch size	Sample size	Figure to be deducted from Q	Number of packages having net quantity less than (Q-T)
Less than 100	same as batch size	Nil	Nil
100 to 500	50	$0.379 \times S$	3
501 to 3200	80	$0.295 \times S$	5
More than 3200	125	$0.234 \times S$	7

Table B: Sampling Plan for destructive testing

Batch size	Sample Size	Figure to be deducted from Q	Number of packages having net quantity less than (Q-T)
100 and above	20	$0.640 \times S$	1

In the above Tables –

Q = nominal quantity

T = tolerable negative error

S = standard deviation of the actual values of the net quantity contained in the packages drawn as samples