

Kenya Gazette Supplement No. 11 19th February, 1999

(Legislative Supplement No. 10)

LEGAL NOTICE No. 24

THE WEIGHTS AND MEASURES ACT (*Cap. 513*)

IN EXERCISE of the powers conferred by section 34 of the Weights and Measures Act, the Minister for Trade makes the following Regulations:-

THE WEIGHTS AND MEASURES (SALE AND LABELLING OF GOODS) RULES, 1999

1.. These Rules may be cited as the Weights and Measures (Sale and Labelling of Goods) Rules, 1999.

2. (1) In these Rules, unless the context otherwise requires- "batch" in relation to pre-packed goods means-

(a) in the case of prepacked goods which have been stored, where the total number of packages does not exceed 100, all such packages, and where the total number exceeds 100 but does not exceed 10, 000, all the packages of the same production run;

(b) in the case of pre-packed goods which are on or at the end of the packing line, the maximum hourly output of packages from the line;

"combination package" means a package containing two or more individual packages or items of dissimilar goods;

"drained weight", in relation to a solid product contained in a free-flowing liquid means the weight of such solid product after the liquid has been drained for a period of two minutes;

"group package" means a package containing two or more individual items of similar but not identical (whether in quantity or size) goods;

"human food" means any article used as food or drink for human consumption, and includes any substance or preparation of food, and any flavouring, sweetening matter or condiment, and any colouring matter intended for use in food; and an article shall not be deemed not to be food by reason only that it is capable of being used as a medicine;

"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 containing any goods for the purpose of branding, identifying, or giving any information with respect to the goods or to the contents of the package;

"manufacturer" in relation to any pre-packed goods, means a person who produces, makes or manufactures such goods and includes a person who puts, or causes to be put, any mark on any pre-packed goods not produced, made or manufactured by him and the mark purports the goods in the package to have been produced, made or manufactured by such person;

Citation

Interpretation

"multi-unit package" in relation to pre-packed goods means a package containing two or more individually packed or labelled items of the same product and of identical quantity intended for sale either as individual items or as a whole package;

"net quantity" means the quantity of goods contained in any package exclusive of wrappers and any other material packed with such goods;

"packer" means a person who pre-packs any goods whether in a bottle, tin, wrapper or otherwise for sale.

"pre-packed" means packed or made up in advance ready for the purpose of sale whether packed in a wrapper or container, or wound on a reel or spool, or made up in a roll or bundle, and the expression "package", whenever it occurs, shall be construed as a package containing pre-packed goods;

"principal display panel" in relation to a package, means that part of the package on which the name or brand of the goods contained therein is shown and which is most likely to be displayed under normal and customary conditions of display;

"quantity" in relation to goods in a package, includes length, width, height, area, size, volume, capacity, weight and number;

"sale" includes sale by wholesale;

Sale by quantity

3. (1) No person shall sell, or offer or expose for sale, any of the goods specified-

(a) in the First Schedule to these Rules except by reference to weight;

(b) in the Second Schedule to these Rules except by reference to weight or number;

(c) in the Third Schedule to these Rules except by reference to measure of capacity;

(d) in the Fourth Schedule to these Rules except by reference to weight or measure of capacity or in the case of sand and other ballast except by weight or volume;

(e) in the Fifth Schedule to these Rules except by reference to weight or linear measure.

(2) The goods specified in the Schedules mentioned in paragraph (1.) shall, except where sold by number, be marked in metric units only and shall comply with rules 7, 8, 9 and 10.

(3) Any person who contravenes any of the provisions of this Rules commits an offence,

Sale by net quantity

4. (1) All goods sold, or offered or exposed for sale, or in any quantity. manner advertised for sale by quantity, shall be sold, or offered or exposed or advertised for sale, as the case may be, by reference to net quantity.

(2) Any person who contravenes any of the provision of this Rule commits an offence.

Prepacked goods

5. (1) No person shall import, offer, expose or have in his possession for sale, or sell, any pre-packed goods of a description specified in the second column of the Sixth Schedule to these Rules unless such goods have been pre-packed in the quantity and form of container specified in the third or fourth column of the Schedule.

bears a trade mark or such other mark or inscription as would enable the purchaser to identify the manufacturer or packer of such goods;

(2) For the purpose of paragraph (1), where any imported goods are found in the possession or control of any person or are found in the premises of any person carrying on trade, that person shall be deemed to have the goods for sale and the onus of proving the contrary shall be upon him.

(3) Any person who contravenes any of the provisions of these Rules commits an offence.

6. (1) No person shall sell, or offer for sale, or have in his possession for sale, or transport for sale-

(a) any quantity of eggs with reference to grade unless each egg has been graded according to its weight in the manner specified in the Seventh Schedule to these Rules and such grade is clearly marked thereon or on the container in which they are confined, and each such container contains eggs of one and the same grade.

(b) any soap in the form of a tablet or bar, unless such tablet or bar is of a weight specified for pre-packed soap in the fourth column of the Sixth Schedule.

(2) For the purposes of this rule "egg" means a hen's egg in its shell.

(3) Any person who contravenes any of the provisions of this rule commits an offence.

7. (1) No person shall sell, or offer or expose for sale, or in any Declarations manner advertise for sale, or have in his possession for sale, or transport for sale, any pre-packed goods unless the package in which the goods are pre-packed bears thereon, or on a label securely attached thereto, plain and conspicuous declarations as to-

(a) the name and address of the manufacturer of such goods, and where the goods are not pre-packed by the manufacturer, the like particulars of the person responsible for such packing.

(b) the common or generic name of the goods contained in the package;

(c) the net quantity of the goods contained in the package;

(d) in the case of human food other than coffee and tea, the expiry date of such goods;

(e) such other matters as are specified in these Rules; Provided that-

(i) where any goods are pre-packed and sold by retail on the same premises, no statement as to the name and address of the manufacturer or packer of the goods shall be required to be made on the package;

(ii) where, by reason of the smallness of the package, it is not reasonably practicable to indicate the name and address of the manufacturer or packer of any goods on the package, it shall be sufficient compliance with paragraph (a) of this rule if the package

Eggs and soap

Declarations to be on every package

(iii) where any goods manufactured or packed outside Kenya are imported into Kenya, the package containing such goods shall, in addition to the name and address of the manufacturer or packer of the goods, bear the name and address of the importer of such goods.

(2) Every declaration required to be made on a package under this rule shall-

(a) appear on the principal display panel of the package and shall be parallel to the base on which the package is intended by the manufacturer to rest;

(b) be written in prominent characters upon a contrasting back-ground and shall be so placed as to be conspicuous and clearly legible:

Provided that where a declaration is blown or moulded on a glass or plastic surface, or where it is embossed or perforated on a package, such declaration shall not be required to be presented in a contrasting colour.

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

(4) The minimum height of any letter or number in the declaration shall be 2mm. .

(5) Any person who contravenes any of the provisions of these Rules commits an offence.

Declaration of quantity

8. (1) Every declaration of quantity on a package shall specify the quantity of goods to which it relates without any reference to words, figures or any other marks implying an approximation, or any expression which tends to create an exaggerated or misleading impression as to the quantity of the goods contained in the package:

Provided that-

(i) in the case of thread or any other material whose length is likely to vary if subjected to tension. the quantity declaration shall also include the tension under which the length of such thread of material was determined.

(ii) in the case of soap in the form of a bar. cake or tablet. the quantity declaration shall specify the minimum net weight guaranteed at the time of manufacture and either the total fatty matter in the soap expressed as a percentage of the declared weight. or the grade of the soap.

(2) Except in the case of goods specified in the First, Second, Third, Fourth, Fifth and Sixth Schedules, the declaration of quantity of goods contained in a package shall be in terms of-

(a) weight, if the goods are solid, semi-solid or viscous. or a mixture of solid and liquid, or

(b) measure of capacity, if the goods are liquid:

Provided that in the case of a solid product contained in a free-flowing liquid which is sold as such, the declaration of quantity shall be in terms of the drained weight of the solid product.

(3) In the case of a product packed in a container designed to deliver the product under pressure, the declaration of quantity shall state the net quantity in weight that will be expelled when the instructions for use are followed and the propellant therein shall be included in the net quantity statement.

(4) In declaring the net weight of goods contained in a package, the weight of wrappers and other materials used to pre-pack the goods shall be excluded:

Provided that where a package contains a number of small confectionery items, each of which is separately wrapped and it is not reasonably practical to exclude the weight of such immediate wrappers from the net weight of the goods, the net weight declared on the package of such confectionery or on the label thereof may include the weight of the immediate wrappers, if the total weight of such wrappers does not exceed-

(a) eight per cent, where the immediate wrapper is a waxed paper or any other paper with wax or aluminum foil under strip; or

(b) six per cent, where the immediate wrapper is any other type of paper, of the total net weight of all the items of confectionery contained in the package minus the weight of the immediate wrapper.

9. (1) The declaration of quantity of goods on any package shall be specified in full or by means of an appropriate abbreviation of the kind specified in the Eighth Schedule.

(2) When expressing a quantity less than-

(a) one kilogramme, the unit of weight shall be the gram;

(b) one metre, the unit of length shall be the centimetre or the millimetre;

(c) one square metre, the unit of area shall be the square centimetre;

(d) one cubic metre, the unit of volume shall be the cubic decimetre;

(e) one cubic decimetre, the unit of volume shall be the cubic centimetre

(f) one litre, the unit of capacity shall be the millilitre.

(3) When expressing a quantity equal to or more than-

(a) (i) one kilogramme but less than one tonne, the unit of weight shall be the kilogramme, and any fraction of a kilogramme shall be expressed in terms of decimal sub-multiple of the kilogramme;

(ii) one tonne, the unit of weight shall be the tonne, and any fraction of a tonne shall be expressed in terms of decimal sub-multiple of the tonne;

(b) one metre, the unit of length shall be the metre, and any fraction of a metre shall be expressed in terms of decimal sub-multiple of the metre;

Units to be used in quantity declaration

**Additional
declarations
required on
certain packages**

(c) one square metre and any fraction of a square metre shall be expressed in terms of decimal sub-multiple of the square metre;

(d) one cubic metre, the unit of volume shall be the cubic metre and any fraction of a cubic metre shall be expressed in terms of decimal sub-multiple of the cubic metre;

(e) one litre. the unit of capacity shall be the litre and any fraction of a litre shall be expressed in terms of decimal sub-multiple of the litre:

Provided that where the quantity to be expressed is equal to one kilogramme, one metre, one square metre, one cubic metre, or one litre as the case may be, such quantity may be expressed in terms of the gram, centimetre, square centimetre, cubic centimetre or millilitre as the case may be.

(4) When expressing a quantity less than-

(a) one gram, the unit of weight shall be the milligramme;

(b) one centimetre, the unit of length shall be millimetre;

(c) one square decimetre, the unit of area shall be the square centimetre;

(d) one cubic decimetre, the unit of volume shall be cubic centimetre.

(5) Where any goods are packed by number, such number shall be expressed on the package in words and/or arabic numerals.

10. (1) A **combination package** shall contain, in addition to the declarations required to be made under any other provisions of these

Rules, an indication of the net weight, measure or number, as the case may be, in respect of each Item contained In the package:

Provided that where individual items in a combination package are packed or labelled separately and are capable of being sold separately, each item shall bear thereon a declaration as to its quantity.

(2) A **group package** shall contain, in addition to the declarations required to be made under any other provisions of these Rules, an indication of—

(a) the number of packages or items contained in the group package followed by the net weight. measure or number of the individual packages or items as the case may be; and

(b) the total number of packages or items contained in the group package:

Provided that where individual packages or items in a group package are either packed or labelled separately and are capable of being sold as individual packages or items, each such package or item shall bear thereon a declaration as to its quantity.

(3) Every multi-unit package shall bear thereon, in addition to the declaration required to be made under any other provisions of these Rules, a declaration of the number of individual items contained therein:

Provided that where individual items in a multi-unit package are packed or labelled separately, and are capable of being sold separately, each item shall bear thereon a declaration as to its quantity.

(4) Where a package contains goods like bedsheets, napkins, pillow cases, towels, shawls or other similar goods, the number and dimensions of the finished size of such goods shall also be declared on the package or on a label attached thereto:

Provided that where the package contains two or more items of different dimensions, the packages shall also bear a declaration as to the dimensions of each item and such items shall each bear a declaration of their dimensions.

11. Any person who, with intent to deceive or mislead any" prospective purchaser removes, adds to, alters, defaces or renders illegible any declaration required to be made on a package under these (. Rules, or has in his possession, or offers or exposes for sale, or sells, any goods in respect of which any declaration has been removed, added to, altered, defaced or rendered illegible commits an offence and shall be liable to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding three years or to both.

**Alteration,
removal, etc. of
declaration**

12. Subject to rule 14, any person who sells, offers or exposes for sale, or has in his possession for sale, or transports for sale, any pre-packed goods which bear or are accompanied by a declaration of « quantity which is incorrect commits an offence and shall be liable to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding three years or to both.

**Penalty for false
declaration of
quantity**

13. (1) For the purpose of ascertaining the net quantity of goods in any package, the inspector may carry out tests on a sample of such goods (and the sample shall be drawn from a batch of the packages in the manner (specified in the Ninth Schedule. I

**Procedure for
determination of
quantity in
packages**

(2) The tests mentioned in paragraph (1) of this rule shall be carried out in accordance with the method specified in the Tenth Schedule and the inspector shall enter the detailed results of the tests in the form set out in the Eleventh Schedule.

14. The declaration of quantity on a package of pre-packed goods shall be deemed to be correct if, as a result of the tests carried out under rule 13 of these Rules, it is found that-

**Deficiency in
quantity of pre-
packages**

(a) any deficiency thereof is not more than-

(i) in the case of a bottle whose net contents do not exceed 250 millilitres or 250 grams, 10 per cent; or

(ii) in any other case, 3 per cent of the net quantity marked on the package; and

(b) the average quantity of the goods in a sample of-

(i) all packages, in the case of a batch containing less than thirty packages; or

(ii) thirty packages, in the case of a batch containing thirty but not more than five hundred packages; or

(iii) 1.0 per cent of the total number of packages in a batch, in the case of a batch containing more than five hundred packages and the test is not destructive; or

(iv) twenty packages in the batch. in the case of a batch containing more than five hundred packages. and the test is destructive,

is equal to or more than the net quantity marked on the package.

Penalties

15. Any person who commits an offence under these Rules for which no penalty is specifically provided shall be liable to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding six months or to both, or. in the case of a second or subsequent offence, to a fine not exceeding ten thousand shillings or to imprisonment. for a term not exceeding one year or to both.

Exceptions and exemptions

16. (1) Nothing in these Rules shall apply to-

(a) the sale of food for consumption on or at the premises of the vendor; or

(h) the sale of goods of a quantity not exceeding fifty grammes or fifty millilitres, as the case may be, and for a sum not exceeding fifty shillings.

(2) The Minister may, by notice in the Gazette, exempt any particular goods, or any particular consignment of goods, or goods of any particular weight or measure. from all or any of the provisions of these Rules.

17. The Weights and Measures (Sale and Labelling of Goods) Rules and the Weights and Measures (Sale and Labelling of Goods) (Amendment) Rules, are revoked.

FIRST SCHEDULE (r. 3 (I) (a)) GOODS TO BE SOLD BY WEIGHT

1. Aerosal products.
2. Air freshners in solid form.
3. Animal and pet food.
4. Barley.
5. Biscuits.
6. Breakfast cereals.
7. Cashew kernels.
8. Cashewnuts in shell.
9. Cassava flour.
10. Castor seed.
11. Cement.
12. Cereals preparation for feeding babies.
13. Chocolate bars.
14. Cleaning and scouring powder, soap flakes and soap powders; detergents (other than liquid detergents not exceeding 5 Litres).
15. Cocoa powder, etc.
16. Coffeemates, etc.
17. Glucose and dextrose.
18. Groundnuts, peanuts, etc;
19. Liquid petroleum gas.
20. Lubricating greases.
21. Maize bran.
22. Marcoroni, vermicelli, sphaghetti.
23. Milk formula.
24. Milk powder.
25. Mushrooms.
26. Nails.
27. Paste polish (other than shoe polish).
28. Potato and banana crisps.
29. Rice paddy.
30. Sisal.
31. Solid fertilizers, etc.
32. Solid fuel (except charcoal).
33. Solid insecticides and solid fungicides.
34. Solid polishes and dressings analogous to solid polishes (except shoe polish).
35. Sunflower seed.
36. Sweets (sugar confectionery).
37. Tobacco, including snuff.
38. Wheat bran.
39. Wheat pollard.

SECOND SCHEDULE (r. 3 (I) (b)) GOODS TO BE SOLD BY WEIGHT OR NUMBER

1. Cassava root.
2. Cigars.
3. Cigarettes.
4. Eggs in shell.
5. Fresh fruits.

6. Maize on cob.
7. Nuts and bolts.
8. Shaving blades.
9. Stationery and envelopes.
10. Sweetening tablets and soft drinks tablets.

THIRD SCHEDULE (4. 3 (1) (c)) GOODS TO BE SOLD BY MEASURE OF CAPACITY

1. Beer and stout.
2. Castor oil.
- 3.. Cleaning and sanitary fluids.
4. Cream (not exceeding 1. litre).
5. Edible oils (not exceeding 1 litre).
6. Hair oils.
7. Intoxicating liquor.
8. Liquid fuel excluding liquid petroleum gas, lubricating oil (not exceeding 20 litres); and mixture of liquid fuel and lubricating oil.
9. Liquid fungicides and liquid insecticides.
10. Liquid polishes and liquid dressing analogous to polishes.
11. Liquid soap and liquid detergents (not exceeding 5 litres).
12. Lotions.
13. Lubricating oil.
14. Mineral waters.
15. Milk (not exceeding 5 litres).
16. Perfumes and toilet waters.
- 1.7. Shoe polish. 18. Soft drinks.
19. Squashes and fruits juices.
20. Thinners.
21. Vinegar.

FOURTH SCHEDULE (r. 3 (I) (d))

GOODS TO BE SOLD BY WEIGHT OR MEASURE OF CAPACITY

1. Body and hair care cream.
2. Charcoal.
3. Condensed milk.
4. Custard powder.
5. Dentifrices.
6. Distemper.
7. Ice-cream (in bricks).
8. Ice-cream in cups.
9. Jam, marmalade, honey and jellies.
10. Lubricating oil (exceeding 20 litres).
11. Maize grain.
12. Milk (exceeding 5 litres).
13. Molasses, treacle, etc.
14. Paint, varnish, lacquer, distemper and remover.
15. Sand and other ballast (by weight or volume).
16. Sauces and ketchup, etc.

17. Shaving and hair removing .lotions.
18. Shoe polish.
19. Spices and condiments.
20. Stainers.
21. Toilet preparations.

**FIFTH SCHEDULE (r. 3 (1) (e)) GOODS TO BE SOLD BY WEIGHT OR
LINEAR MEASURE**

1. Bias binding.
2. Elastic.
3. Fencing wire.
4. Knitting and sewing thread.
5. Ribbon.
6. Rope.
7. Sisal twine.
8. String.
9. Tape.

SIXTH SCHEDULE

(r. 5) STANDARD QUANTITIES FOR PRE-PACKED *GOODS*

<i>Item No.</i>	<i>Description of Goods</i>	<i>Quantity when packed in rigid containers glass, plastic or metal</i>	<i>Quantity when packed in rigid containers other than those specified in the third column</i>
1.	Bacon and sausages	100g., 200g., 300g., 400g., 100g., 200g., 300g., 400g., 500g., 1 kg., thereafter by steps of 1kg.	100g., 200g., 300g., 400g., 500g., 1 kg., thereafter by steps of 1 kg.
2.	Butter, margarine and mixture of butter and margarine	50g., then by steps of 50g to 500g., thereafter by steps of 500g	10g., 15g., 50g., then by steps 50g. to 500g. thereafter by steps of 500g
3.	Cement		1kg., 2kg., 5kg., .10kg., 20kg., 50kg.
4.	Coffee, tea, (other than tea In chests)	50g., then by steps of 10g to 100g., then by steps of 20g. to 500g., then by steps of 100g. to 1kg., thereafter by steps of 500g.	As in third column
5.	Cooking fat and ghee including lard and suet	50g., then by steps 10g. to 100g., then by steps of 50g. to 1kg., thereafter by steps by steps of 500g.	As in third column
6.	Edible oils	50ml., ,then by steps of 25ml. 50ml. then by steps of 50ml. to 500ml., then by 50ml. to 1litre, thereafter by steps of 1 litre of or 1kg. thereafter by steps of 1kg.	50ml, then by steps of 25ml to 500ml., then by steps of 1 litre of 3 litres.
7.	Flour of oats, rice, beans, soya beans, rye, suji, self- raising flour	100g., 250g., 500g., 1kg., thereafter by steps of 1kg	100g, 250g, 500g, 1kg, thereafter by step of 1kg.

8. Liquid soap and liquid detergents	10ml. then by steps of 10ml. to 100ml., then by steps of 50ml to 1litre thereafter by steps of 1litr.	As in 3rd column.
9. Maize flour, maize grains		1 kg, then by steps of 1kg to 10kg, 20kg, 50kg, 90kg.
10. Match sticks		10,20,40,60,100 thereafter by steps of 5
11. Milk (not exceeding 5litres)	100ml., then by steps of 25ml to 500ml then by steps of 50ml. to 1 litre, thereafter by steps of 1 litre; except tinned milk in 100ml., 200ml., 300ml., 400ml., 500ml.	62.5ml, 100ml, then by steps of 50ml to 1litre.
12. Millet, wimbi, and sorghum		250g., 500g., 1 kg., thereafter by steps of 1kg
13. Pulses (beans, dengu, peas, etc.)		250g., 500g., 1kg., thereafter by steps of 1kg. to 10kg., 90kg.
14. Rice grains		250g., 500g., 1kg., 2kg., 3kg., 4kg., 5kg., 10kg., 20kg., 50kg., 100kg.
15. Salt	50g., 100g., 200g., 250g., 300g., 350g., 500g., 750g., 1kg., then by steps of 1kg., to 10kg., 25kg., 50kg., 100kg.	As in third column
16. Soap (Cake, tablet or bar)		5g. then by steps of 5g. to 150g., then by steps of 25g to 300g. thereafter by steps of 100g.
17. Soap in powder or flake form	5g. then by steps of 5g to 100g, then by steps of 50g to 300g, then by steps of 100g to 1kg, 1.25, 1.5kg, 2kg, thereafter by steps of 500g. to 1kg., 1.25kg., 1.5kg., 2kg., thereafter by steps of 500g.	As in third column

18. Sugar	50g., 75g. 100g., 250g., 500g, 1kg.	50g., 75g. 100g., 250g., 500g., 1kg, thereafter by steps of 1kg, 5kg, 10kg, 50kg, 90kg.
19. Wheat flour Wheat grain		250g., 500g.. 1kg., thereafter Wheat grain by steps of 1kg., 5kg., 10kg., 20kg., 50kg.. 90kg.
20. Toilet paper		230 or 350 sheets per roll with a minimum area of 125cm per sheet or 100, 200 or 300 sheets per roll with an area of 140 cm square

SEVENTH SCHEDULE

Grade 1	Weight 2
Extra large	Less than 65 grams
Large	Less than 65 grams but not less than 55 grams
Standard	Less than 55 grams but not less than 50 grams
Small	Less than 50 grams but not less than 45 grams
Sub-grade	Less than 45 grams

EIGHTH SCHEDULE

PERMISSIBLE ABBREVIATIONS

Quantity (1)	Unit (2)	Abbreviation (3)
Length	Metre Decimetre Centimetre Millimetre	m dm cm mm
Mass(weight)	Tonne Kilogram Gram Milligram	t kg g mg
Capacity	Litre Centilitre millilitre	L or l cL or cl mL or ml
Area	Square metre Square centimeter Square millimetre	m² mm² mm²
Volume	Cubic metre Cubic decimeter Cubic centimetre	m³ dm³ cm³

NINTH SCHEDULE (r. 13 (1))

MANNER OF SELECTION OF SAMPLES

I. In this Schedule the following expressions shall have the following meanings-

"destructive test" means a test where it is necessary to open a package and take out the goods contained therein for the purpose of determining their net quantity, and

(a) it is not practicable to so re-fill or re-pack the goods after the test as to make the package a saleable one, or

(b) the goods are such that they are likely to become unfit for consumption or use after they have been taken out of the package.

"non-destructive test" means a test which is not destructive.

"sample size" means the number of packages to be selected as samples.

2. For the purpose of any test to determine the net quantity of goods contained in any package, the Inspector shall select a sample from a batch of such packages and the sample size shall be as specified in Table 1.

T A B L E 1

Sample size

<i>Number of package</i>	<i>Sample size</i>	
	<i>Destructive test</i>	<i>Non-destructive test</i>
Less than 30	8 packages	All packages in batch
30 but not more than 500	13 packages	30 packages
More than 500	20 packages	10 percent of number of packages in the batch

3. The Samples referred to in paragraph 2 shall be selected at random in the manner specified in paragraph 4 and 5.

4. Where it is necessary to take a sample of packages stored in warehouse, godown or any other place, such a sample shall be selected at random from every batch of such

packages and shall be picked out from the top, bottom, centre, right, left, front and rear of the stocks so that the sample may adequately represent the package in the batch.

5. Where it is necessary to take samples from the place where the package is being filled-

(a) such sample shall be selected from among the packages which have already been filled. or

(b) the requisite number of empty containers may be taken and each of them marked for proper identification. The tare weight of each marked container shall then be accurately noted and thereafter the containers shall be introduced at random in the packing process. After the containers are filled they shall then be tested to ascertain whether they do contain the net quantity of the goods as declared on the container.

TENTH SCHEDULE (r. 13 (2))

PROCEDURE FOR DETERMINATION OF QUANTITY

1. Determination of the net weight-

(a) where empty containers are available, ten such containers shall be weighed and the arithmetic mean of their total weight shall be taken to represent the tare weight of every package in the sample. The net weight of the goods contained in each package in the sample shall then be obtained by subtracting the tare weight from the gross weight of the package.

(b) where empty containers are not available, three packages from the sample shall be opened and the weight of the contents of each package as well as the weight of each empty container determined. The average weight of the three empty containers shall be taken to represent the tare weight of each of the remaining packages in the sample, and the net weight of each of the remaining packages in the sample, and the net weight of goods contained in each of these packages, shall be obtained by subtracting the tare weight so determined from the gross weight of the package.

(c) where it is necessary to take samples from the place where the packages are being filled, the following procedure shall be used-

(i) the number of empty packages, depending on the size of the sample in accordance with Table 1 of the Ninth Schedule, shall be selected and suitably marked to distinguish them from the other packages being filled;

(ii) the weight of each package shall then be determined and recorded on the empty package and also on the form specified in the Eleventh Schedule;

(iii) the empty packages shall then be filled by introducing them in a random manner in the packing process, and such introduction shall be adequately spread over the duration of one hour's production.

(iv) the marked packages shall then be taken out after completion of the filling and sealing operations and each filled package shall be re-weighed;

(v) the net weight shall be obtained by deducting the tare weight determined in accordance with paragraph (c) (ii) from the gross weight.

(d) The Inspector shall enter the results of his tests in Form A specified in the Eleventh Schedule. Along with such other observations as he may wish to make on the basis of his tests.

2. Determination of liquid contents by volume-

(a) if the specific gravity of the liquid in the package is known and can be determined accurately, the method of determination of net contents by weight described in paragraph (1) may be used;

(b) if the method described in paragraph 2 (1) is not feasible, the containers shall be opened and the contents of each package poured out carefully into the appropriate volume measure;

(c) The reading of the actual net volume of the goods in every package shall be noted carefully and recorded in Form B specified in the Eleventh Schedule.

3. Determination of length-

(a) if it is not possible to measure the dimensions without opening the package, the package shall be opened;

(b) the length of the item in the package shall be measured by means of a standard steel tape of suitable length;

(c) if the length of the item is so great that it is not possible to measure it with the tape measure and a suitable length instrument is available on the premises, that instrument shall be used after duly verifying it with the steel tape serving as a working standard of length;

(d) the measured length of the goods in every package shall be noted carefully and recorded in Form B specified in the Eleventh Schedule.

4.. Determination of quantity of goods packed by number-

(a) The Inspector shall take packages from the sample with him in the manner specified in the Ninth Schedule and shall determine the error by actual counting of the goods in each such package and may, for that purpose open all packages.

ELEVENTH SCHEDULE (r. 13 (2))

FORM A-WEIGHT CHECKING DATA SHEET

A. PARTICULARS OF PACKAGE

- 1. Name of manufacturer/packer.....
- 2. Postal address
- 3. Common or generic name of the goods.....

B. DETAIL OF TEST

- 1. Sample size
- 2. Weighing results:

Sample Item	Gross weight	Tare weight	Net weight	Error	Remarks

Average weight.....
Declared weight.....

C. GENERAL COMMENTS

D. Name of Inspector.....Signature

Date

Time.....

FORM B-WEIGHT CHECKING DATA SHEET

A. PARTICULARS OF PACKAGE

- 1. Name of manufacturer/packer.....
- 2. Postal address
- 3. Common or generic name of the goods.....

B. DETAIL..5 OF TEST

- 1. Sample size
- 2. Weighing results:

Sample Item	Gross weight	Tare weight	Net weight	Error	Remarks

Average Volume/Length.....

Declared Volume/length.....

C. GENERAL COMMENTS

D. Name of Inspector.....Signature

Date

Time.....