


**HB** 

# An Introduction to Prepackages

Howard Burnett

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**HB** **Introductions** 

- ▶ Howard Burnett
- ▶ 29 years experience in prepackages
- ▶ Chief Inspector of Weights & Measures & Group Manager Trading Standards
- ▶ Chairman LACORS metrology group
- ▶ Convenor WELMEC WG6 – Prepackages

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**HB** **Introductions** 

- ▶ Name
- ▶ Employer
- ▶ Responsibilities
- ▶ Experience with Prepackages
- ▶ What you would like from the course
- ▶ Specific areas of interest

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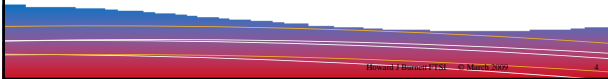


## Product Definitions



Types of prepacked product

- ▶ Prepacked
  - Without purchaser being present
  - Quantity cannot be altered without opening
- ▶ Catchweight
  - Made up in variable quantities, e.g. joints of meat, or blocks of cheese
- ▶ Prepackage
  - Combination of product & packaging
  - Constant quantity




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## Scope of Course



- ▶ Prepacked Product sold by quantity
- ▶ In fixed quantities
  
- ▶ Not product sold loose while customers present
- ▶ Not product in open containers
- ▶ Not prepacked product in variable weights




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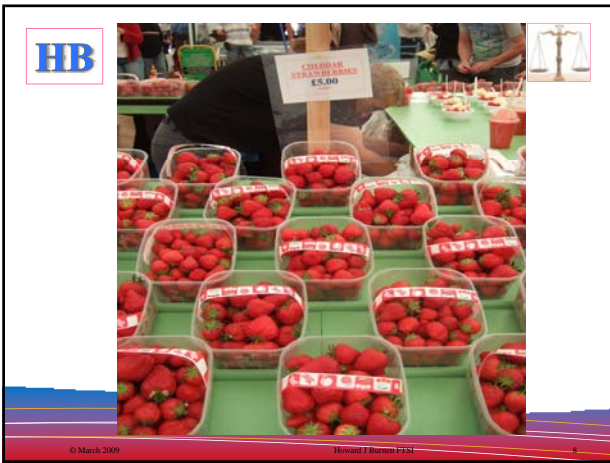
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**HB** Scope for 'e' marked prepackages 

- ▶ Intended for sale
  - So 'free' samples are not covered
  - Correctly informs 'consumers'
- ▶ Predetermined unit nominal quantity
  - Nominal quantity is the marked quantity
- ▶ Nominal quantity ranges from 5 g or 5 ml to 10 kg or 10 L
  - Any product

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**HB** Scope of OIML R87 

For goods sold in predetermined constant quantities

- ▶ 0 - 50 kg
- ▶ 0 - 50 L
- ▶ Length
- ▶ Area
- ▶ Number

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**HB** Legislation 

- ▶ ~~Directive 75/106/EEC, liquids~~
- ▶ Directive 75/107/EEC, container bottles
- ▶ Directive 75/324/EEC, aerosol containers
- ▶ Directive 76/211/EEC, solids & liquids
- ▶ ~~Directive 80/232/EEC, pack sizes etc~~
- ▶ Directive 2007/45/EC, to be implemented by 11 April 2009
- ▶ Regulation (EEC) 1538/91, frozen poultrymeat & portions

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**HB** **Scope for Frozen Poultrymeat** 

- ▶ Poultry carcasses
  - Domestic fowl, Turkeys, Ducks, Geese, Guinea fowl
- ▶ Poultry cuts
  - For example half carcase, breast, wing, leg, thigh, drumstick portions
- ▶ No restriction on weight

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**HB** **Other Legislation** 

- ▶ Directive 76/768/EEC   Cosmetics
- ▶ Directive 76/116/EEC   Fertilisers
- ▶ Directive 2000/13/EC   Food Labelling
- ▶ Directive 2005/29/EC   Unfair Commercial Practices
- ▶ Directive 94/62/EC     Packaging and Packaging Waste
- ▶ Directive 98/6/EC      Unit Pricing

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**HB** **Packaging** 

- ▶ Everything that is meant to be left over after the use of the product, except that which is naturally present in the product. 'Use' includes consumption or subjecting to a treatment.
- ▶ Packaging includes individual sweet wrappers, lollipop sticks, wax on cheese, inedible sausage skin.
- ▶ Product includes, coffee grouts, banana skin, natural crust on cheese.

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**HB** European Requirements 

- ▶ Quantity (net content)
  - Systems
  - Records
  - Documentation
- ▶ Pack in specific sizes
- ▶ Labelling requirements

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**HB** Quantity Requirements 

- ▶ 'e' marked prepackages
  - The 'e' mark indicating that the prepackages meet all the requirements in Directive 76/211/EEC
- ▶ Frozen poultrymeat
  - EEC Regulation has similar quantity requirements, but larger tolerances Regulation (EEC) 1538/91

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**HB** Specified Nominal Quantities 

Directive 2007/45/EC to be implemented by 11 April 2009.

- ▶ Specified (defined) wines and spirit drinks **MUST** be in the specified nominal quantities
- ▶ Existing domestic specified nominal quantities can **ONLY** continue for a limited time for milk, butter, dried pasta, coffee, white sugar.

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Still wine	ml: 100 – 187 – 250 – 375 – 500 – 750 – 1 000 – 1 500
Yellow wine	ml: 620 On the interval 100 ml to 1 500 ml
Sparkling wine	ml: 125 – 200 – 375 – 750 – 1 500
Liqueur wine	ml: 100 – 200 – 375 – 500 – 750 – 1 000 – 1 500
Aromatised wine	100 – 200 – 375 – 500 – 750 – 1 000 – 1 500
Spirit drinks	ml: 100 – 200 – 350 – 500 – 700 – 1 000 – 1 500 – 1 750 – 2 000

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**HB** **Scope of Specified Nominal Quantities** 

- ▶ Exemption
  - Specified wine, & spirit drinks products sold in duty free shops for consumption outside the European Union.
- ▶ Application
  - Applies to both 'e' marked prepackages AND non-'e'-marked prepackages of wine and spirit drinks

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**HB** **Domestic Specified Nominal Quantities** 

- ▶ Existing nominal quantities for mild, butter, dried pasta and coffee can continue until 11 October 2012
- ▶ Existing nominal quantities for white sugar can continue until 11 October 2013
- ▶ Cannot prohibit other sizes from other European (EEA) countries.

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**HB** Domestic Requirements Apply 

- ▶ Non 'e' marked prepackages
- ▶ <5 g or 5 ml and > 10 kg or 10 L
- ▶ Product sold by length, area and number
- ▶ Catchweight product
- ▶ Open packs
- ▶ Products sold loose

▶ (OIML R87 applies to prepackages)

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**HB** **Free movement of goods** 

- ▶ All product circulating within EEA & enlargement countries that have implemented requirements.
- ▶ 'e' marked goods
- ▶ Generally, all other goods legally produced (or imported) and marketed in one Member State must be accepted in other country.
- ▶ Case 120/78 'Cassis de Dijon'
- ▶ Case C-3/99 'Cidrerie Ruwet'

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**HB** **Other European Requirements** 

- ▶ Aerosols
  - '3' marked, needs capacity of container & volume of contents, may state weight
- ▶ Drained weight
  - Required for foods sold in liquid medium
- ▶ Unfair Commercial Practices
  - Directive 2005/29/EC protect consumer's economic interests, e.g. from misleading or false quantity

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## What controls apply?

Honey 200 g e	Cat litter 2 kg	Eye liner 4 ml e
Vegetable Oil 160 ml Aerosol	Chicken 1.1 kg	Matches average 35
String Approx 5m	Potting compost 20L When packed	Butter 500 g

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**HB** Definitions – Quantity 

- ▶ Actual contents
  - Quantity of product in a prepackage
- ▶ Nominal quantity ( $Q_n$ )
  - Quantity indicated on prepackage
- ▶ Average
  - Arithmetic mean – not median or mode
- ▶ Tolerable negative error
  - Specified in table

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Nominal quantity ( $Q_n$ )	TNE g or ml	TNE % $Q_n$
5 - 50	-	9%
50 - 100	4.5	-
100 - 200	-	4.5%
200 - 300	9	-
300 - 500	-	3%
500 - 1 000	15	-
1 000 - 10 000	-	1.5%

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**HB** TNE Rounding Rule 

- ▶ When using the table, the values of the tolerable negative errors shown as percentages in the table, calculated in units of weight or volume, shall be rounded up to the nearest one-tenth of a gram or millilitre.
- ▶ Example  $Q_n = 125$  ml
  - TNE = 4.5%  $Q_n = 5.625$  ml → 5.7 ml

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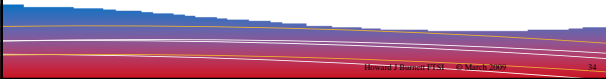
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## HB Quantity Requirements



3 Packers' Rules that apply to any portion of a batch.

- ▶ Actual contents shall not be less, on average, than the nominal quantity
- ▶ Proportion of prepackages containing less than the minimum acceptable contents shall be sufficiently small
- ▶ No prepackage with a deficiency more than 2 TNE may bear the 'e' mark



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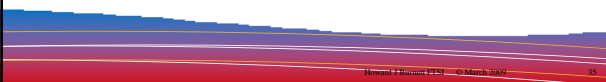
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## HB Example of 3 Packers' Rules



Example  $Q_n = 125$  ml, TNE = 5.7 ml

- ▶ Average content shall be at least 125 ml
- ▶ Not more than 2.5% (2%) of prepackages to have a content less than 119.3 ml
- ▶ No prepackage to have a content less than 113.6 ml



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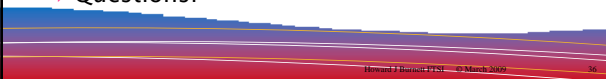
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## HB Other considerations



- ▶ Desiccating product
  - Fresh fruit and vegetable, cosmetics such as soap, bread
- ▶ Domestic legislation will determine whether the 3 Packers' Rules have to be met:
  - Either at time of packing, or
  - At time of purchase by the consumer, and
  - Whether quantities below T2 are permitted.
- ▶ Questions?



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