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Legal Metrology

Labelling and Advertising

Under Legal Metrology Law in India

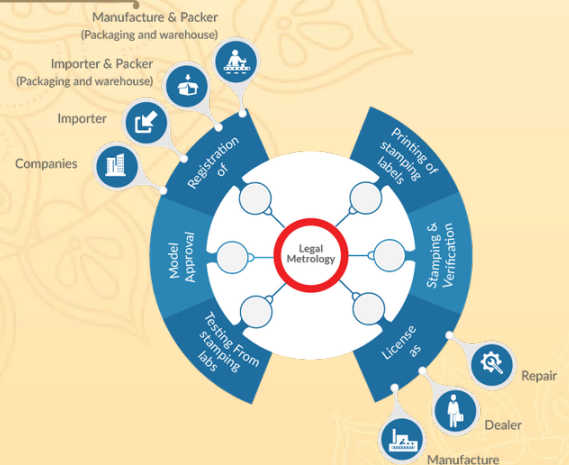


Frequently Asked Questions (FAQs) on **THE LEGAL METROLOGY** (PACKAGED COMMODITIES) RULES, 2011



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Under Legal Metrology Law in India



Ministry of Consumer Affairs,
Food and Public Distribution
Department of Consumer Affairs

New Delhi, 9th May 2022



Frequently Asked Questions

1. What is Legal Metrology?

Legal Metrology treats units of weight and measurement, methods of weighing and measuring instruments, in relation to the mandatory technical and legal requirements which have the object of ensuring public guarantee from the point of view of security and accuracy of the weighments and measurements.

2. Whether the offences committed under the packaged commodities Rules are compoundable?

Yes, the offences committed under the packaged commodities Rules are compoundable.

3. What is Pre-packaged commodity?

“Pre-packaged commodity” means a commodity which without the purchaser being present is placed in a package of whatever nature, whether sealed or not, so that the product contained therein has a pre-determined quantity.

4. What do you mean by sale?

Sale means transfer of Property in any weight, measure or other goods by one person to another for cash or for deferred payment or for any other valuable consideration and includes a transfer of any weight, measure or other goods on the hire-purchase system or any other system of payment by installments, but does not include a mortgage or hypothecation of, or a charge or pledge on, such weight, measure or other goods.

5. How the transaction has been defined in the Legal Metrology Act?

Any contract, whether for sale, purchase, exchange or any other purpose, or

Any assessment of royalty, toll, duty or other dues, or

The assessment of any work done, wages due or services rendered.

6. What do you mean by protection in Legal Metrology?

“Protection” means the utilization of reading obtained from any weight or measure, for the purpose of determining any step which is required to be taken to safeguard the well-being of any human being or animal, or to protect any commodity, vegetation or thing, whether individually or collectively.

7. What do you mean by label?

“Label” means any written, marked, stamped, printed or graphic matter affixed to, or appearing upon any pre-packaged commodity.

8. What is net quantity?

Net quantity in relation to commodity contained in a package, means the quantity by weight, measure or number of such commodity contained in that package, excluding the packaging or wrappers.

9. What is Principal display panel?

In relation to a package means the total surface area of package where the information required under these rules are to be given in the following manner:

- (i) All the information could be grouped together and given at one place; or
- (ii) The pre-printed information could be grouped together and given in one place and on line information grouped together in other place.

10. What is retail dealer?

“retail dealer” in relation to any commodity in packaged form means a dealer who directly sells such packages to the consumer and includes, in relation to packages as



are sold directly to the consumer, a wholesale dealer who makes such direct sale to the consumer.

11. What do you mean by an Institutional consumer?

“Institutional consumer” means the institution which buys packaged commodities bearing a declaration ‘not for retail sale’, directly from the manufacturer or from an importer or from wholesale dealer for use by that institution and not for commercial or trade purposes.

12. What do you mean by an industrial consumer?

“Industrial consumer” means the consumer who buys packaged commodities directly from the manufacturer or from an importer or from wholesale dealer for use by that industry and the package shall have declaration ‘not for retail sale’.

13. What is retail sale price?

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 form of Maximum Retail Price.

14. What are the commodities where “when packed” declaration is allowed?

All kinds of soaps, lotions, Cream and Camphor

15. What is the size of numerals etc.

In case of a package having a capacity of five cubic centimeters or less, the principal display panel may be a card or tape affixed firmly to the package. If the area of a package is more than ten cubic centimeter the principal display panel should comply the provisions of Rules (Table-I).

Table-I

Serial Number	Area of Principal display panel in square centimeters (A)	Minimum height of numerals and letters in millimeters	Minimum height of numerals and letters when blown, formed or molded on surface of container in millimeters
	(1)	(2)	(3)
1	$A \leq 50$	1.0	2.0
2	$50 < A \leq 100$	1.5	3.0
3	$100 < A \leq 500$	2.5	4.0
4	$500 < A \leq 2500$	4.0	6.0
5	$2500 < A$	6.0	6.0

16. I have inadvertently missed the declarations and realized the mistake. Is there any remedy for me against prosecution?

Applicant may apply for relaxation under rule 33 of the Legal Metrology (Packaged Commodities) Rules, 2011.

17. I have wrapped the article for safety/ transportation, intend to sell in number separately. Am I covered under the Legal Metrology (Packaged Commodities) Rules, 2011?

No.

18. Whether the Rules are applicable to imported packages?

Yes, the Rules are applicable both to imported packages as well as the indigenous packages.



19. Whether additional sticker can be affixed on the package to provide information required under the Rules?

The Rules provide that all the information required under the Rules either printed on the package itself or on a label affixed thereto. Therefore, given all the information on a single label affixed on the package is not prohibited. However, giving individual information likes date of manufacture or retail sale price etc. by affixing individual sticker is prohibited under Rule 6(2). However affixing individual sticker is not prohibited for declaring reduced MRP provided that the MRP declaration made by the manufacture shall not covered.

20. Whether giving additional information is considered violation under the Packaged Commodities Rules?

Giving any information in addition to the mandatory information required under the Rules is not considered violation.

21. Who is responsible in case of imported packaged?

Registered Importer, in India, is responsible in case of imported packaged.

22. Whether loose commodities are covered under the PC Rules?

No, Rules covered only pre-packaged commodities.

23. Whether there is provision to sell a commodity at a price lower than MRP?

Yes, under sub-rule (3) of rule 6 of the Legal Metrology (Packaged Commodities) Rules, 2011 a commodity may be sold at a price lower than MRP.

24. The price declared on a pre-packaged commodity can be changed in due course?

No, under sub-rule (5) and (6) of Rule 18 of the Legal Metrology (Packaged Commodities) Rules, 2011 no one can alter the price once printed.



25. Whether the packaged commodities can be sold at a price higher than MRP?

No, under Rule 18(2) of the Rules 'No retail dealer or other person including manufacturer, packer, importer and wholesale dealer shall make any sale of any commodity in packed form at a price exceeding the retail sale price thereof'.

26. What are the commodities covered under the Rules?

All pre-packaged commodities except otherwise exempted from the rules are covered under the Rules. The exemption is given for Drugs, fast food items and packaged commodities sold in the packages upto 10g or 10ml.

27. What are main declarations required under the Rules?

The following declarations are required to be given on all pre-packaged commodities meant for retail sale:

- i. Name and address of manufacturer/ packer & manufacturer (if manufacturer is not packer)/ importer,
- ii. Country of origin if imported
- iii. Common, generic name of the commodity
- iv. Net qty. in std. unit of W or M or no. of commodity in the package
- v. MRP incl. of all taxes
- vi. Unit sale price (w.e.f. 01.10.2022)
- vii. Month and year of manufacture *(or pre-packing or import) (except food articles, Seeds and cosmetics) (*Omit w.e.f. 01.10.2022)
- viii. "Best before or use by date, month and year" in case of commodity becoming unfit for human consumption with time
- ix. Consumer Care details

28. Whether e-mail address is mandatory?

Yes, e-mail address is mandatory.



29. What is the area prescribed for Principal Display panel for declaration?

The area not including the top, bottom, flange at top and bottom of cans, and shoulders and neck of bottle and jar shall be determined as follows:

- a. In the case of a rectangular package, where one entire side can properly be considered to be the principal display panel side, the product of the height multiplies by the width of that side.
- b. In the case of a cylindrical or nearly cylindrical package, 40 percent of the product of the height of the package multiplied by the circumference.
- c. In the case of any other shaped package, 40 percent of the total surface of the package, or an area considered to be a principle display panel of the package.

30. Whether it is mandatory that a label should be affixed covering the entire 40% of the total surface area earmarked for the Principal Display Panel (PDP).

No. There is no requirement that there shall be a label pasted on the package covering the entire PDP area. The Principal Display Panel denotes the area, which is 40% of the total surface area in case of cylindrical surfaces excluding top, bottom and flanges, where all the mandatory declarations have to be made. All the information (a) can be grouped together and given at one place or (b) the pre-printed information of declaration can be grouped together at one place and online information can be grouped together at a different place. Both sets of information however, should be printed in a font size as prescribed in the rules.

31. Whether the left over space of the Principal Display Panel may be used for other declarations?

Yes, Principal Display Panel prescribes where the mandatory declaration is to be given and does not restrict the right of the manufacturer / packer / importer to utilize the left over space for other declarations / promotions.



32. What is unit sale price?

Unit sale price means the sale price (inclusive of all taxes) per specified unit of weight, measure or number.

33. Where the unit sale price should be declared?

The unit sale price shall be declared on the principal display panel of the pre-packaged commodity.

34. What is the number of decimal places which need to be indicated in the declaration of unit sale price?

As per Rule 6, sub-rule 11, the unit sale price shall be rounded off to the nearest two decimal places.

In case where the unit sale price is a whole number, it may be declared without decimal places.

35. Is unit sale price required to be declared on wholesale packages?

Unit sale price is not required to be declared on a 'Wholesale Package', defined under Rule 2(r) of the Legal Metrology (Packaged Commodities) Rules, 2011.

36. Is the unit sale price required to be declared in advertisements?

The requirement of declaring the unit sale price is limited to product itself. As per Rule 31(1), in an advertisement with the MRP, net quantity needs to be declared.

37. Is unit sale price required to be displayed on e-commerce website?

As per Rule 6 sub-rule 10 of the Legal Metrology (Packaged Commodities) Rules, 2011, the e-commerce entity is required to ensure mandatory declaration



as specified in Rule 6 sub-rule 1. Accordingly, the unit sale price is not required to be displayed on e-commerce websites.

38. Is Unit sale price required to be declared if it is equal to the MRP?

As per the second proviso to Rule 6 sub-rule (11) declaration of unit sale price is not required for the pre-packaged commodities in which retail sale price or MRP is equal to the unit sale price.

39. Is unit sale price required to be declared on the inner package, if the outer package contains such declaration required under this rule?

As per the proviso of Rule 9(3), no declarations on the inner package is required, the outer package contains all declarations required under these rules.

40. Is unit sale price required to be declared on packs offering additional volume/quantity/units for FREE inside the primary pack?

The Unit Sale Price is required to be declared, however, the Unit Sale Price computation shall exclude the additional volume/ quantity/ units being provided for FREE.

41. Is Unit sale price required to be declared on packs offering additional volume/quantity/units of the same commodity for FREE separately?

The Unit Sale Price is required to be declared on pack intended for sale, however, the Unit Sale Price computation shall exclude the value of pack being provided for FREE. There is no requirement of declaring Unit Sale Price on Free pack.

42. Is Unit sale price required to be declared on packs offering some other product for FREE?

The Unit Sale Price is required to be declared on pack intended for sale, however, the Unit Sale Price computation shall exclude the value of pack being provided for FREE. There is no requirement of declaring Unit Sale Price on Free product.



43. Is there an exemption for packs with net weight or measure of the retail pack is 10 ml/10g or less?

Yes, retail packs with net weight or measure of 10 ml/10g or less are exempted from Unit Sale Price declaration in alignment with exemption presently mentioned under Rule 26 of the Legal Metrology (Packaged Commodities) Rules, 2011.

44. Is the letter case for MRP prefix 'inclusive of all taxes' required to be small or can it be in upper case/sentence case as well?

Ans: The letter case for MRP prefix 'inclusive of all taxes' may be in small or upper case.

45. Whether the numeral size requirements is applicable only for MRP printed or the same is applicable to the prefixes 'MRP Rs.' and 'inclusive of all taxes' also?

Ans: The numeral size requirement is applicable only for MRP value printed and not for the prefixes 'MRP Rs.' and suffix 'inclusive of all taxes'.

46. For food products which are governed by FSSAI Rules & Regulations, what are the elements governed by Legal Metrology?

Ans: For food products which are governed by FSSAI Rules & Regulations, the 3 declarations viz. MRP, Net Weight and Consumer Care Details will be made as per the provisions of Legal Metrology (Packaged Commodities) Rules, 2011.

47. In the Consumer Care Address can only the telephone number and email address be considered for the height and width requirements?

Ans: All the letters and numerals of the consumer care details should be as per the provisions of the Legal Metrology (Packaged Commodities) Rules, 2011.



48. In the Consumer Care information, whether the address can be referred to address information provided elsewhere in the label?

Ans: Yes.

49. What will be timeline for registration under Rule 27 of the LM(PC) Rules, 2011 as manufacturer/ packer/ importer?

Ans: As per Rule 27 of the Legal Metrology (Packaged Commodities) Rules, 2011 time line for registration as manufacturer/ packer/ importer is within ninety days from the date on which he or it commences such pre-packing

50. What declarations have to be made by the E-commerce Industries?

Ans: An E-Commerce entity shall ensure that the mandatory declarations as specified in sub-rule (1) of rule 6, except the month and year in which the commodity is manufactured or packed, shall be displayed on the digital and electronic network used for e-commerce transactions.

