



GUIDANCE FOR BUSINESSES

INFORMATION FOR IMPORTERS AND PACKERS

THE AVERAGE SYSTEM OF WEIGHTS AND MEASURES

Introduction

Most packages sold in the UK must comply with the “average system” of weights and measures. Controls are applied principally at the point of production or importation, with strict tolerances to ensure that the average contents of a group of packages is at least the quantity stated on the label.

What is the Average System?

The average system controls the weight or measure of most pre-packaged goods. Packages must be marked with the weight or volume of the contents. Packers and importers must comply with **three important rules**:

1. The contents of packages must not on average be less than the amount marked on the label. This amount is known as the Nominal Quantity.
2. Not more than one package in forty may contain less than the nominal quantity by more than a specified amount called the **Tolerable Negative Error (TNE)** (see table below). This varies according to the nominal quantity, e.g., 9g on a 250g pack. Such packages are called **non-standard**.
3. No packages may contain less than the nominal quantity by more than twice the TNE e.g. 18g on a 250g pack. These are called **inadequate packages**.

The packer or importer must keep quantity control records and must produce these to a local authority Trading Standards Officer on request. A retailer only commits an offence when knowingly possessing for sale or selling an inadequate package. The permitted TNEs are stated in the Regulations and are described in the table below.

Tolerable negative errors

Nominal quantity (Qn) g or ml			Tolerable negative error (TNE) as % of Qn g or ml	
5	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	10000	1.5	-
10000	to	15000	-	150
above		15000	1	-

(TNEs shown as percentage should be rounded up to the nearest 1/10 g or ml above when calculated in units of weight or volume.)

Does the System Cover all Packages?

No. It applies to all goods listed in the **Weights and Measures (Packaged Goods) Regulations 1986** in packages made up to a pre-determined constant quantity. For example, packages of Cheddar Cheese made up to a nominal quantity of 250g are included, but packs of the same cheese marked with whatever weights they happen to contain (i.e., catchweights) are outside the average system. Catchweight packs must contain at least the quantity stated.

The goods caught include paint, soap, solid fuel and most types of food. Certain items such as ice cream, cakes and fresh fruit and vegetables are excluded, as are goods used in processing and very small and very large packages. Packages not included in the system may be voluntarily brought into it if they are within the range 5g/5ml to 10kg/10l and are “e” marked (see below).

Who is the Packer?

A packer is a person who places goods into packages.

What are the Packer's Duties?

A packer's main duty is to ensure that packages will pass a special statistical test called a **“Reference Test”**. This is conducted by Trading Standards Officers and shows whether the packer has complied with the **three important rules**, mentioned earlier. The test involves measuring a random sample of packs chosen from a batch of products.

A packer must also:

- ensure the container is permanently labelled with:
 - the nominal quantity contained
 - the name and address of the packer or of the person organising the packing
- routinely carry out quantity checks on the contents of the finished packs using equipment specified in the regulations.
- make and keep records of those checks.

Must a Packer Always Carry Out Quantity Checks on the Finished Product?

Small producers, in particular, who weigh or measure each pack as it is filled, need not carry out checks if they do the following:

- use equipment specified in the Regulations for making up packages, i.e., of an approved design and verified as accurate.
- ensure the contents of each package is never less than the amount marked on the label. This may involve over filling packs as a precaution.

However, It is always advisable to carry out checks on production to ensure measuring equipment is in good working order and that no mistakes are being made.

Who is an Importer?

The law defines an importer as the “person by whom or on whose behalf the package is entered for customs purposes on importation.” A person who brings, for example, canned fruit into the UK, which it is intended, will be sold through wholesalers is the importer. If the same person brings cans into the country on behalf of a supermarket chain, then the supermarket chain is the importer. However,

a person who brings packages into the UK from other EU Member States bearing the “e” mark is not treated as an importer.

What are the Importer’s Duties?

Importers are responsible for the quantity contained in packages and for ensuring they are correctly marked. In addition, importers have a duty either to carry out checks to confirm the quantity and keep a record of those checks for one year, or to obtain certification documents in order to provide an adequate guarantee of quantity. Certification documents must be either:

1. records of checks carried out overseas on the packages, or
2. a certificate from the overseas weights and measures authority that states they operate controls equivalent to the average system, or
3. a declaration from the overseas packer that the packages have been packed to the minimum system (that is, no pack will contain less than the nominal quantity).

The “e” Mark

The “e” mark is a special symbol, which looks like this:



It must be at least 3mm high and appear in the same field of vision as the statement of nominal quantity. Its shape must be the same as described in the Regulations.

The mark constitutes a guarantee by the packer or importer that a package to which it is applied has been made up in accordance with the average system. It acts as a metrological passport throughout the European Union. There are restrictions on its use and in most cases packers or importers who intend to export “e” marked goods must notify their local weights and measures authority. Local authorities may exempt packers and importers from this obligation and they should always be contacted before the “e” mark is first applied in packages.

Trading Standards Officers

Trading Standards Officers systematically visit packers’ and importers’ premises testing equipment, checking packages and examining records. Such checks on packages at source are more effective than those carried out randomly at retail level and also enable officers to more easily monitor difficult products such as aerosols and bottled goods. Trading Standards Officers also help and advise on the adequacy of control procedures and investigate consumer complaints. They do not deal solely with weights and measures legislation but also carry out investigations concerning trade descriptions, consumer credit, food labelling and safety laws.

The Principle of the Home Authority

National and multi-national companies sometimes claim to be confronted by conflicting enforcement advice from different local authorities. In order to minimise this possibility, the principle of the “home authority” has been developed.

This principle involves a system whereby any business, irrespective of its size or number of outlets, may look for guidance to a single enforcement authority. This is normally the home authority where a business’ headquarters are based or where final labelling, advertising, quantity or quality control decisions are taken.

Further Information*

This leaflet only gives a general outline of the average quantity system. Further information can be obtained by reference to:-

- Weights and Measures Act 1985.
- The Weights and Measures (Packaged Goods) Regulations 1986 (SI 1986 No. 1685) plus amendments.
- The Code of Practical Guidance for Packers and Importers Issue No.1.
- The Manual of Practical Guidance for Inspectors Issue No.1.
- Amendments to the Code and Manual.

All these publications can be obtained from The Stationery Office (Tel 0870 600 5522).

How can I get further advice?

If you require further information, clarification or advice on any of the above, please do not hesitate to contact the Trading Standards Service at:

159 Upper Street, London N1 1RE

Tel: (020) 7527 3198

Email: trading.standards@islington.gov.uk

In offering the above advice, this Authority wishes to make it clear that only the Courts can interpret the Law.