

WEIGHTS AND MEASURES (PRE-PACKAGED PRODUCT) REGULATION 2014

In exercise of the powers conferred by subsection (2)(gh) of section 29 of the Weights and Measures Act 1972, the Minister make the following regulations:

1.Citation, application and commencement

(1) These regulations may be cited as the Weights and Measures (Pre-Packaged Product) Regulations 2013.

(2) These regulations shall apply to all pre-packaged product declared in area, count, length, weight and volume. For weight and volume it will cover the product from 5 g to 50 kg and 5 mL to 50 L respectively.

(3) It shall come into force on thedate.....

2. Interpretation.

In these Regulations unless the context otherwise requires-

"Act" means the Weight and Measure Act 1972.

“actual quantity” means net quantity of product in a pre-packaged determined by measurements made by the Inspector of Weights and Measures.

"characters" includes numbers and letters;

“distributor” means any person who distributes pre-packaged product.

“Drained Quantity of Pre-Packaged in Liquid Medium” includes:

- (a) The liquid medium is meant to be left over after use. The terms “content of the pre-package” applies to the solid products. In this case the solid products are those contained in the pre-package excluding the packing material and the liquid medium, or
- (b) The liquid medium is not meant to be left over after use. The terms “content of the pre-package” applies to the solid products and the liquid medium, or
- (c) The liquid medium might or might not be left over after use. The definition of packing material does not distinguish between the liquid medium and the products.

"importer“ includes any person who, whether as owner, consignee, agents or brokers is in possession of, or is entitled to the custody or control of imported pre-packaged products.

“Inspection lot” means a definite quantity of some pre-packages produced at one time under conditions that are presumed uniform and from which a sample is drawn and inspected to determine conformance with specified criteria for acceptance or rejection of the inspection lot as a whole.

“Manufacturer” means any person who manufactures and includes any person who packs or repacks any products for the purpose of sale.

“Nominal Quantity” means the amount declared by manufacturer of the identified product in a pre-package exclusive of the package and any other material packed with the product.

“Non-conforming Pre-package” means pre-package that has a negative error greater than the tolerable deficiency.

“Pre-packaged Product” means any product that is enclosed in a container or wrapped in any manner, and for which its quantity has been determined and indicated on its label for the purpose of sale. The quantity of the product contained cannot be changed without the pre-package being opened or doing a perceptible modification.

“Random sampling” means the sample pre-packages are chosen randomly.

“Sample” means pre-packages taken from an inspection lot and used to provide information that will serve as the basis for a decision on the conformance of the inspection lot.

“Tolerable Deficiency” means the deficiency in quantity of product permitted in a pre-packaged.

3. Tolerable Deficiency.

(1) The average value of the actual quantity as determined in a sample of pre-packages inspected shall not be less than the nominal quantity.

(2) Any pre-packaged products quantity of which is declared in weight and volume shall comply with the following requirements;

(a) The number of pre-packages having a negative error greater than the tolerable deficiency as specified in Schedule 1 shall be that allowed in Schedule 3.

(b) No pre-package shall have a negative error greater than twice the tolerable deficiency as specified in Schedule 1.

(3) In the case of drained weight products, the pre-packaged product shall not have a negative error greater than two times of the tolerable deficiency as specified in Schedule 1.

(4) In the case of pre-packaged products declared in length, the tolerable deficiency shall be 2% of the nominal quantity of product.

(5) In the case of pre-packaged products declared in area, the tolerable deficiency shall be 3% of the nominal quantity of product.

(6) Any pre-packaged products declared in counts shall comply with the following;

(a) Up to 50 pieces, the actual quantity shall not be less than the nominal quantity.

(b) For more than 50 pieces, the actual quantity shall not be less, on average, than the nominal quantity and, the negative error is one piece for each beginning hundred.

4. Labeling.

(1) Any pre-packaged products shall be labeled with the following information:

(a) Identity of the product.

(b) Name and address of manufacturer, packer, importer or distributor,

(c) Nominal Quantity in SI units or pieces.

(2) The name of company or the person's address label on the pre –packaged product shall be in Malaysia on which any legal notices or process can be served.

(3) Any pre-packaged products containing liquid shall be label with nominal volume or products declared in weight shall be label with nominal weight or product declared in pieces shall be label in number.

(4) Size of the letters and numbers of the nominal quantity shall be adhering to Schedule 2.

(5) Any pre-packaged products indicated in pieces, length and area units, the minimum height of character shall be 2mm.

(6) Any quantity stated or printed on the label of the pre-packaged product whether direct or indirect by any means given shall be assumed as nominal quantity.

5. Drained Weight

Any pre-packages product contain liquid medium shall prescribed the total weight and the drained weight.

6. Exemption

(1) Any pre-packaged product more than 50 kg or 50 L shall be exempted from this regulation.

(2) Any other pre-packaged product gazette, by notice published in the Gazette shall be exempted from this regulation by the Minister.

7. General Provision for Weights and Measures (Power to Inspect)

(1) The manufacturer, packer, importer or distributor shall keep records on the actual quantities of his products and should be able to provide the records to the Inspector of Weights and Measures when requested.

(2) The manufacturer, packer, importer or distributor shall provide proper assistance to the Inspector of Weights and Measures during inspections.

8. Inspection Lot or Sampling by Inspector of Weights and Measures

(1) Inspection lots shall be assumed to be homogeneous if there is no indication to the contrary.

(2) Pre-packages for the sample shall be selected using random sampling method as Schedule 3.

(3) Sample pre-packages must be collected after the point of final checking by the packer.

9. Offences

(1) Any person who fail to adhered or fraud or mislead the tolerable deficiency mention by regulation 3(1), 3(2), 3(3), 3(4), 3(5), or 3(6) shall be guilty of an offence and such non – conforming pre-packaged product shall be liable to be forfeited.

(2) Any person who fails or refuses to comply with the requirement of regulation 4(1), 4(2), 4(3), 4(4) or 4(5) shall be guilty of an offence and such non – conforming pre-packaged product shall be liable to be forfeited.

(3) Any person who refuses or neglects to produce for an inspection any records or hinder or obstructs the Inspector from entering the premises or any of them or obstructs the Inspector from entering the premises to perform their duty under this regulation shall be guilty of an offence.

(4) Any persons who fail or refuse to provide an assistant to the Inspector to perform the function under this regulation shall be guilty of an offence.

SCHEDULE 1

TOLERABLE DEFICIENCY FOR MASS AND VOLUME

Nominal quantity (Q_n) in g or mL		Tolerable Deficiency (T)	
From	To	as % of Q_n	g or mL
5	50	9.0	—
50	100	—	4.5
100	200	4.5	—
200	300	—	9.0
300	500	3.0	—
500	1,000	—	15.0
1,000	10,000	1.5	
10,000	15,000		150
15,000	50,000	1	

The values of the tolerable deficiency 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.

SCHEDULE 2

MINIMUM SIZE OF LETTERS AND NUMBERS

Nominal Quantity in g or mL	Minimum height of letters and numbers in mm
up to 50	2
more than 50 to 200	3
more than 200 to 1000	4
more than 1000	6

SCHEDULE 3

TOLERABLE DEFICIENCY

1. Sampling plan for pre-packages with nominal quantity expressed in units of weight and volume:

1.1 Random Sampling plan:

Lot size (L)	Sample size (n)	Number of non-conforming pre-packages allowed (c)
100 to 500	50	3
501 to 3200	80	5
more than 3200	125	7

1.2 Total sampling test:

Any inspection lot less than 100 sample the whole lot shall be inspected and the number of non-conforming pre-packages shall not exceed 2.5 percent of the produced pre-packages.

1.3 Destructive test:

Lot size (L)	Sample size (n)	Number of non-conforming pre-packages allowed (c)
equal or more than 100	20	1

The sample size (n) required to perform the destructive tests for a lot size of 100 or more prepackages product are 20 prepackages.

2. Sampling plan for pre-packages with nominal quantity expressed in units of Length, area and count:

Lot size (L)	Sample size (n)	Number of non-conforming pre-packages allowed (c)
26 to 50	3	0
51 to 150	5	0
151 to 500	8	1
501 to 3200	13	1
3201 and more	20	1