

PACKAGED COMMODITIES (REGULATION) ORDER, 1975

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PACKAGED COMMODITIES (REGULATION) ORDER, 1975

S.O. 433 (E), dated the 22nd August, 1975- In exercise of the powers conferred by sub-rule (2) of rule 114 of the Defence and Internal Security of India Rules, 1971, and in supersession of the Order of the Government of India in the Ministry of Industry and Civil Supplies (Department of Civil Supplies and Co-operation), No. S.O.389 (E), dated the 28th July, 1975, the Central Government hereby makes the following Order, namely:

1. Short title, extent and commencement :-

- (1) This Order may be called the Packaged Commodities (Regulation) Order, 1975.
- (2) It extends to the whole of India.
- (3) It shall come into force on the 2nd day of October, 1975.

2. Definitions :-

In this Order unless the context otherwise requires,-

- (a) "appointed day" means the day on which this Order comes into force;
- (b) "batch" means,-
 - (i) in the case of packages which have been stored, where the total number of such packages does not exceed 100, all such packages, and, where the total number exceeds 100 but also not exceed 10,000, all the packages of the same type and of the same production run;
 - (ii) in the case of packages which are on or at the end of the packing line, the maximum hourly output of packages;
- (c) "combination package" means a package intended, for retail sale, containing two or more individual packages, or individual pieces of dissimilar commodities;
- (d) "commodity in packaged form" means a commodity which has been pre-packed, whether in any bottle, tin, wrapper or otherwise, in units suitable for sale, whether wholesale or retail, and such prepackaging has been so made as to ensure that the commodity in the packaged form cannot be used or consumed without the package or its lid or its cap, as the case may be, being

opened;

(e) "dealer", in relation to any commodity in packaged form, means a person who, or a firm or a Hindu undivided family which, carries on, directly or otherwise the business of buying, selling supplying or distributing any such packaged commodities whether for cash or for deferred payment or for commission, remuneration or other valuable consideration, and includes a commission agent who carries on such business on behalf of any principal, but does not include a manufacturer who manufactures any commodity which is sold or distributed in a packed form except where such commodity is sold by such manufacturer ;

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

(g) "fancy package" means a package, the container of which has a fancy trade value of its own, in addition to the value of the commodity contained in such package;

(h) "group package" means a package, intended for retail sale, containing two or more individual packages, or individual pieces of similar but not identical, or dissimilar commodities;

(i) "label" means any written, marked, stamped, printed or graphic matter affixed to, or appearing upon, any commodity or package containing any commodity;

(j) "manufacturer", in relation to any commodity in packaged form, means a person who, or a firm or a Hindu undivided family which, produces, makes or manufacturers such commodity and includes a person, firm or Hindu undivided family who or which puts, or causes to be put, any mark on any packaged commodity, not produced, made or manufactured by him or it, and claims the commodity in the package to be a commodity produced, made or manufactured, by him or it;

(k) "maximum permissible error", in relation to the quantity contained in an individual package, means an error, in deficiency or excess, which does not exceed,-

(i) in relation to commodities specified in the First Schedule, the limits of error specified in that Schedule;

(ii) in relation to commodities not specified in the First Schedule , the limits of error specified in the Second Schedule ;

(l) "multi-piece packages" means a package containing two or more individually packaged or labelled pieces of the same commodity, whether of identical quantity or not, intended for retail sale, either in individual pieces or the package as a whole;

(m) "pre-packed commodity" means a commodity which, without the purchaser being present, is placed in a package of whatever nature, so that the quantity of the product contained therein has a pre-determined value and such value cannot be altered without the package or its lid or its cap. as the case case may be, being opened or undergoing a perceptible modification;

(n) "price", in relation to a commodity in packaged form, means any one of the following prices, namely :

(i) ex-factory price, exclusive of freight, Central sales-tax and any taxes which may be levied and collected under any law for the time being in force for the retail sale of the package;

(ii) where the package is sold free on rail at the destination, the price payable at such destination;

(iii) the price of the package exclusive of any tax which may be levied and collected under any law for the time being in force;

(iv) the retail sale price of the package;

(o) "retail package" means a package containing any commodity which is produced, distributed or displayed, delivered or stored, for sale through retail sales agencies or other instrumentalities for consumption by an individual or a group of individuals;

(p) "retail sale price" means the maximum price at which the commodity in packaged form may be sold to the ultimate consumer, Inclusive of all taxes, commissions, transport charges and other dues;

(q) "Schedule" means a Schedule to this Order;

(r) "wholesale package" means a package, other than a retail package, containing a commodity for wholesale delivery, distribution or sale or for transport or storage of a number of retail packages.

3. Particulars to be indicated on every package. :-

(1) On and from the appointed day, no person shall pre-pack for retail sale, or cause to be pre-packed for retail sale, any commodity unless each retail package in which such commodity is pre-packed bears thereon or on a label securely affixed thereto, a declaration as to-

(i) the identity of the commodity in the package : Provided that where the commodity is easily and correctly identifiable through a transparent container, no declaration as to the identity of such commodity shall be necessary;

(ii) the quantity, in terms of standard units of weight or measure, of the commodity in the package or, where the commodity is packaged or sold by number, the accurate number of the commodity contained in the package.

Explanation.-In the case of a solid commodity contained in a free- flowing liquid, the quantity to be stated on the package or on the label thereon, shall be drained weight of such solid commodity;

(iii) the month and the year in which the commodity is prepacked : Provided that no declaration as to the month and the year in which the commodity is pre-packed shall be required to be made on-

(a) a bottle containing liquid milk or aerated water;

(b) any package containing bread, uncanned vegetables, fruits, ice-cream, butter and the like;

(c) any package containing steel products;

(d) any cylinder containing liquid petroleum gas or any other gas:

Provided further that where any packaging material bearing thereon the month in which any commodity was expected to have been pre-packed, is not exhausted during the month, such packaging material may be used for pre-packaging the concerned commodity produced or manufactured during the next succeeding month but not thereafter, and, were any such packaging material is exhausted before the expiry of the month, packaging material Intended to be used during the next succeeding month may be used for pre-packing the concerned commodity.

Explanation.-The month and year in which a commodity is packed may be expressed in words, or numerals, indicating the month and the year; and

(iv) the price of the package : Provided that no declaration as to the price shall be required to be made on-

(a) any package containing uncanned vegetables, fruits, fish, ice-cream, butter, cheese or the like;

(b) any bottle containing liquid milk aerated water, alcoholic beverages, spirituous liquor or the like;

Explanation.-"Liquid milk" does not include condensed milk; (c) any package containing a commodity for which any controlled price has been fixed by or under any law for the time being in force.

(2) Where a package in which a commodity has been pre-packed is opened and the commodity contained therein is sold to one or more persons, the price to be charged from the purchaser

shall bear the same proportion to price of the package as the quantity sold to the purchaser bears to the total quantity contained in the package.

(3) Notwithstanding anything contained in sub-paragraph (1), the manufacturer or, where the manufacturer is not the packer, the packer, may pre-pack, or cause to be pre-packed, any commodity without indicating on the package the price of the package if such package is intended to be delivered to a wholesaler, and in the case of such a package, the wholesaler shall, before any such package is issued for retail sale, securely affix on each such package or the label thereon the retail sale price of the package and such price shall be affixed in accordance with the price communicated to him by the manufacturer, or where the manufacturer is not the packer, the packer.

(4) Where indication on a package of its net contents and the price is either impossible or impracticable by reason of the size or nature of such package, a label, stamp, sign or tag indicating the net contents and the price shall be attached to each such package.

(5) The declaration, on a package, as to the quantity contained in the package shall be exclusive of wrappers and materials other than commodity contained in the package : Provided that where a package contains a large number of small items of confectionery, each of which is separately wrapped and it is not reasonably practicable to exclude, from the net weight, the weight of the wrappers of all the confectionery contained in the package, the net weight declared on the package or on the label thereon may include the weight of such wrappers.

(6) Where a package is provided with an outsider container or wrapper, such wrapper or container shall also contain all the informations which are required to bear on the package except where such container or wrapper itself is transparent and informations on the package itself are easily readable through such outside wrapper or container.

(7) The statement on a package or label as to the net weight, measure or number of the contents thereof shall not include an expression which tends to qualify such weight, measure or number : Provided that where the commodity contained in the package is such that it is likely to lose or gain weight by reason of the climatic conditions, the net weight or measure indicated on the package or label may be qualified by the words "when packed".

(8) Where any package containing a commodity (pre-packed on or after the appointed day) or the label thereon bears a representation thereon as to the number or servings of the commodity contained therein, such package or label shall also bear thereon a statement as to the net quantity, in terms of weight, measure or number, for each such serving.

4. Name and address of the packer to be indicated on each package :-

Every package referred to in paragraph 9 shall also bear thereon the name and complete address of the manufacturer, or, where manufacturer is not the packer, of the packer : Provided that where by reason of the smallness of a package it is not reasonably practicable to indicate the name and complete address of the manufacturer of packer on the package, it shall be sufficient compliance with this paragraph if a mark or inscription which would enable the consumer to identify the manufacturer or packer, as the case may be, is made on such package.

Explanation.-"Complete address" means in the case of a company, the address at which its registered office is situated, and, in any other case the name of the street, number (if any) assigned to the premises of the manufacturer or packer, and either the name of the city and State where the business is carried on by the manufacturer or packer or the Pin Code.

5. Sale, delivery and distribution of packaged commodities not complying with the provisions of paragraphs 3 and 4, prohibited :-

(1) No dealer or other person shall sell, deliver or distribute, or cause to be sold, delivered or distributed, or offer, expose or possess for sale, any commodity in a packaged form which was pre-packed on or after the appointed day unless such package complies with the requirements of paras. 3 and 4: Provided that nothing in this sub-paragraph shall apply to any commodity in packaged form which is imported into India.

(2) On and from the appointed day, every dealer or other person who makes a retail sale of a

commodity in packaged form shall, except where the retail sale price is already indicated on such package, indicate the retail sale price on each package but where it is not reasonably practicable to indicate the retail sale price on every package, he shall display, prominently and at a conspicuous place of the premises in which he carries on such retail sale, the retail sale price of the commodity contained in such package.

(3) In indicating the retail sale price on a package, the person who makes a retail sale, shall adhere to the price list, if any, supplied to him by the manufacturer or packer.

(4) No dealer or other person shall make any retail sale of a commodity in a packaged form at a price exceeding the retail sale price thereof.

6. Manner of declaration :-

Every declaration which is required to be made on a package under this Order shall be-

(a) legible, prominent, definite the plain,

(b) conspicuous as to size, number and colour,

(c) in such style or type of lettering as to be boldly, clearly and conspicuously presented in distinct contrast to the other type, lettering or graphic material used on the package, and shall be printed, painted, inscribed or otherwise made on the package in a colour which contrasts conspicuously with the background of the label: Provided that where whole of such information is blown, formed or moulded on a glass or plastic surface or where such information is embossed or perforated on a package, such information shall not be required to be presented in a contrasting colour.

7. Declarations on combination and other packages :-

(1) The declarations on a combination package shall contain an indication of the net weight, measure or number, as the case may be, in respect of each commodity contained in the package and the price of the combination package, and where individual commodities in the combination package are packaged and labelled separately, each such individual commodity shall bear thereon a declaration as to the net quantity contained in such individual piece and the price thereof.

(2) The declarations on a group package shall contain the number of pieces of each commodity contained in such package, followed by the net weight, measure or number, as the case may be, the total number of pieces contained in the group package and the price of the group package; and where individual pieces in a group package are packaged and labelled separately and are capable of being sold as Individual pieces, each such individual pieces shall bear thereon a declaration as to the net quantity contained in such Individual piece and the price thereof.

(3) Every multi-piece package shall bear on the outside of the package a declaration of number of individual pieces of the commodity contained therein, the total quantity contained in the multi-piece package and the price of the multi-piece package; and where each individual piece of a multi-piece package is packaged and labelled separately and is capable of being sold separately, each such individual piece shall bear thereon a declaration as to the quantity contained in such individual piece and the price thereof. -

(4) Where the diameter, thickness and width, or any combination thereof, of a commodity have or have a relationship to the price of that commodity the declaration of quantity on the package containing such commodity shall also include a declaration as to the diameter, thickness or width of such commodity.

(5) In the case of a package containing sheets, like aluminium foil, facial tissues, waxed paper, toilet paper or any other type of sheet, the declaration of quantity on the package containing such sheets shall also include a statement as to the number of usable sheets contained in the package and the dimensions of each such sheet.

(6) In relation to fancy packages, the information required to be indicated on the package may be indicated at the bottom of the package or by a tag securely attached to the package.

8. Determination of quantity and error by authorized persons at the premises of the manufacturer or packer :-

(1) Any persons authorized by the Central Government in this behalf (hereafter referred to as the "authorized person") may carry out checks of packages at the premises of the manufacturer, or where the manufacturer is not the packer, of the packer, for the purpose of determining whether the quantity of the commodity contained in a package corresponds to the quantity declared thereon or on the label affixed thereto and to check their conformity to this Order, and for this purpose the authorized person shall have the power to enter into the premises of the manufacturer or packer, as the case may be, and to draw 20 samples at random from each batch of packages.

(2) The authorized person shall carry out tests with regard to each of the packages drawn by him as samples and shall ascertain whether the net quantity contained in each of the said packages corresponds to the net quantity declared on each such package, and in case it does not, determine the extent of the error and shall make a written record of the detailed results of the tests carried out by him and obtain the signatures of the manufacturer or packer or any person authorized by the manufacturer or packer in this behalf, or, in the absence of any of them of any competent witness, on the written record containing such results.

(3) On the completion of the test, the authorized person shall make out a report indicating therein his findings about the actual net quantity or the extent of error and obtain the signatures of the manufacturer or packer or any person authorized by the manufacturer or packer in this behalf, or, in the absence of any of them of a competent witness, on the said report, and forward the report to the Central Government or such authority as may be specified by the Central Government in this behalf.

(4) If, as a result of the tests aforesaid, it is found by the authorized person that the statistical average of the net quantity contained in the sample packages checked by him is equal to, or in excess of, the quantity declared on the packages, it shall be deemed to be within the maximum permissible error.

(5) If, as a result of the tests aforesaid, it is found that- (a) the statistical average of the quantity contained in the sample packages checked by the authorized person is less than the quantity declared on the package; or (b) the quantity contained in more than ten per cent. of the sample packages checked by the authorized person exceeds the maximum permissible error specified in the concerned Schedule to this Order in relation to the commodity concerned, the manufacturer or, where the manufacturer is not the packer, the packer, shall be deemed to have contravened this Order.

(6) For the avoidance of doubts, it is hereby declared that no test as to the net quantity of any commodity contained in a package shall be carried on at any premises except at the premises of the manufacturer or, where the manufacturer is not the packer, of the packer.

9. Presumption in case of existing packages :-

Any commodity in a packaged form which does not bear thereon informations required to be specified by this Order, shall be presumed, for a period of three months from the appointed day, to have been-

(a) pre-packed before the appointed day, or

(b) pre-packed with packaging materials which were in stock before the appointed day, and nothing in this Order shall apply, during the period aforesaid, to or in relation to any such package.

10. Public servants who may make report for any contravention of this Order :-

For the purposes of sub-rule (1) of rule 183 of the Defence and Internal Security of India Rules, 1971, no report with regard to the contravention of any provision of this Order :

(a) by any manufacturer or packer, shall be made by a public servant other than an officer of the Government of India of or above the rank of a Joint Secretary;

(b) by any other person, shall be made by any officer of the State Government below the rank of an Executive Magistrate or of an equivalent rank.

11. Order not to apply to certain packages :-

Nothing in this Order shall apply to any package contained a commodity if-

(a) it is needed for use in any industry, whether as raw material or otherwise : Provided that this exemption shall not apply to any yam which is sold in "hanks" to handloom weavers;

(b) it is needed for the purpose of servicing any industry;

(c) it is a wholesale package;

(d) it is needed for the purpose of mining or quarrying;

(e) the net weight or measure, in the case of vanaspati, edible oils or animal feed, exceeds fifteen kilograms or fifteen litres;

(f) the net weight or measure of the commodity if twenty grams or twenty millilitres or less;

(g) it is intended for bulk consumption by any industry or trade. Explanation.-A commodity shall be deemed to be intended for bulk consumption if its net weight or measure exceeds 500 kilograms or 500 litres or 500 metres;

(h) it is intended for the purpose of export: Provided that if any such package is found to be sold or distributed for consumption in any part of the territory of India, it shall be liable to be forfeited to Government;

(i) it contains bidis or incense sticks.

12. Power to exempt :-

The Central Government may, if it is of opinion that it is necessary or expedient so to do, exempt any manufacturer, packer or class of manufacturers or packers from all or any of the provisions of this Order.

SCHEDULE 1

Maximum permissible errors in relation to the quantity contained in an individual package

Sl. No	Description of commodity	Declared quantity	Maximum permissible error in excess or in deficiency
1	2	3	4
1.	Biscuits	(i) Not more than 500	7.0 per cent.

		gms.	
		(ii) More than 500 gms. but not more than 1 kg.	6.0 per cent.
2.	Bread	(i) Not more than 500 gms.	6.0 per cent.
		(ii) More than 500 gms. but not more than 1 kg	4.0 per cent.
3.	Cement	(i) 50 kg bag at the factory	2.0 per cent.
		(ii) 50 kg bag in retail trade	3.0 per cent.
4.	Detergents	1 kg or less	5.0 per cent.
	Choco		

5.	Ghee, vanaspati and edible oils ...	(i) Not more than 2 kg	1.5 per cent.
		(ii) More than 2 kg but not more than 4 kg	1.25 per cent.
		(iii) More than 4 kg	0.6 per cent.
6.	Infant foods	(i) Not more than 100 gm.	5.0 per cent.
		(ii) More than 100 gm. but not more than 1 kg	4.0 per cent.
		(Hi) More than 1 kg	3.0 per cent.
7.	Milk	(i) Not more than 100 ml	5ml

		(ii) More than 100 ml but	
		not more than 250 ml	8ml
		(Hi) More than 250 ml	10ml.

8.	Provisions sold in		
	polythene bags or		
	plastic bags: Foodgrains, pulses	(i) Not more than 100 gm.	3.0 per cent.
	edible seeds, spices (whole or broken but	(ii) More than 100 gm. but not more than 500 gm.	2.0 per cent
	not powdered),		
		(iii) More than	

	powdered commodities (such as, chilli powder, pepper powder, coffee powder,	(iii) more than 500 gm.	
	washing soda, atta, table salt and the like), dry	but not more than 1 kg (iv) More than 1 kg	1.5 per cent. 1.5 per cent.
	fruits, seeds and other commodities (such as		0.75 per cent.
	sugar, gur, khandsari and the like)		
	Safety Match	Containing not more than 50	8.0 per

9.	Boxes	sticks	cent.
			2.0 per cent. at
10.	Tea		the place of packing.

SCHEDULE 2

Maximum permissible errors in relation to packaged commodities not specified in the First Schedule

1. Classification of commodities packaged or sold by weight or volume.- (1) For the purpose of specifying the maximum permissible errors, packaged commodities not specified in the First Schedule, which are intended to be sold, delivered or distributed by weight or volume, shall be divided into two classes, namely, Class 'A' and Class 'B'. (2) The following categories of commodities shall fall within Class 'A' namely: (a) commodities contained in a package, the net weight or volume of which does not exceed 25 grams or 25 cubic centimetres or (millilitres); (b) commodities, the flow properties, density, or both, of which cannot be maintained constant except with the help of considerable special technical effort; (c) commodities containing several substances of different densities or different physical phases, the packing of which require several operations; (d) commodities which require several operations for packaging; (e) commodities which, after they have been packed, are subjected to additional processing, such as, heat treatment, which is likely to affect the weight of the commodities in irregular and unpredictable manner; (f) commodities comprised of pieces, fragments or grains in which the maximum weight of each piece, fragment or grain is greater than or equal to the maximum permissible error corresponding to the net quantity contained in that package, if the commodity, is considered as belonging to Class 'B'; (g) liquid commodities. (3) Any commodity which does not fall within Class 'A' shall fall within Class 'B'.
2. Maximum permissible errors on nett quantity declared by weight or volume.- (1) The maximum permissible error, in excess or in deficiency, in the nett quantity by weight or volume of any commodity belonging to Class 'A' or Class 'B' shall be as specified in Table I. TABLE I Maximum permissible errors on net quantities declared by weight or by volume

Sl. No	Declared quantity g or cm (ml)	Maximum permissible error in excess or in deficiency			
		Class A		Class B	

		as percentage or declared quantity	g or cm (ml)	as per centage or declared quantity	g or cm" (ml)
(i)	Not more than 25	9			
(ii)	more than 25 but not				
	more than 50		9	4.5	
(iii)	more than 50 but not				
	more than 100	4.5		2.5.	
(iv)	more than 100				

	but not more than 200	4.5		2.25	
(v)	more than 200 but not				
	more than 300		9		4.5
(vi)	more than 300 but not				
	more than 500	3		1.5	
(vii)	more than 500 but not				
	more than 1,000		1.5		7.5
(viii)	more than 1,000 ...	1.5		0.75	

(2) The maximum permissible error specified as percentage shall be rounded off to the nearest one-tenth of a gram or cubic centimetre (millilitre). 3. Maximum permissible errors on nett quantity declared by length, area or number.-(1) The maximum permissible error, in excess or in deficiency, in the nett quantity declared in terms of length, area and number shall be as specified in Table II. TABLE II Maximum permissible errors on nett quantities declared by length, area or number

Sl.No..		Quantity declared	Maximum permissible error in excess or in deficiency
(i)	In units of length		2 per cent. of declared quantity up to 10 metres and thereafter 1 per cent. of declared quantity.
(ii)	in units of area		4 per cent. of declared quantity up to 10 sq. metres and thereafter 1 per cent. of declared quantity.
(iii)	by number		2. per cent. of declared quantity.

