

**DEFENCE OF INDIA (PACKAGED COMMODITIES) ORDER,
1975**

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**DEFENCE OF INDIA (PACKAGED COMMODITIES) ORDER,
1975**

S.O. 389 (E), dated the 28th July, 1975.-In exercise of the powers conferred by sub-rule (2) of rule 114 of the Defence and Internal Security of India Rules, 1971, the Central Government, being of opinion that it is necessary so to do for securing the equitable distribution and availability of pre-packed commodities at fair prices hereby makes the following Order, namely:

1. Short title and commencement :-

(1) This Order may be called the Defence of India (Packaged Commodities) Order, 1975.

(2) It shall come into force on the 1st day of September, 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) "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;

(c) "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 or buying, selling, supplying or distributing any such packaged commodity, whether for cash or

for deferred payment or for commission, remuneration or other valuable consideration, and includes,-

(i) a commission agent who carries On such business on behalf of any principal,

(ii) an importer who sells, supplies, distributes or otherwise delivers any such package to any user, consumer or other person, but does not Include a manufacturer who manufacturers any commodity which is sold or distributed in a packaged form;

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

(e) "manufacturer" in relation to any commodity in packaged form, means a person who, or a firm or a Hindu undivided family which, makes or manufactures such commodity;

(f) "sale", with its grammatical variations and cognate expressions, means transfer of property in any commodity in packaged form by one person to another for cash or for deferred payment or for any other valuable consideration, and includes a transfer of any commodity in packaged form.

3. Net weight, measure and number, date of packing and sale price to be indicated on every package :-

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

(i) the identify of the commodity in the package;

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

(iii) the date on which the commodity is pre-packed; and

(iv) the sale price of the package.

(2) No 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 each such package complies with the requirements of sub-paragraph (1) of this paragraph.

(3) No dealer shall sell any package containing any commodity which was pre-packed on or after the appointed day at a price exceeding the price stated on the package or on the label thereon.

(4) Every package referred to in sub-paragraph (1) shall bear thereon the name and complete address of the manufacturer and, where the manufacturer is not the packer, of the packer.

(5) Where any package containing a commodity (pre-packed on or after the appointed day) or the label thereon bears a representation as to the number of 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.

(6) The statement on a package or label as to the net weight, measure or number of 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".

(7) Where any package contains a commodity for which a controlled price has been fixed by or under any law for the time being in force, in determining the price of the package containing such commodity, the controlled price so fixed shall alone be taken into account.

(8) The price of a package indicated thereon or on a label affixed thereto shall be exclusive of any local taxes which may be levied on the commodity commodity by or under any law for the time being in force.

(9) The declaration of quantity contained on a package shall be exclusive of wrappers and materials other than the commodity contained in the package.

(10) Where indication on a package of its net contents and the sale 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 sale price shall be attached to each such package.

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

4. Manner of declaration :-

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

(a) legible, prominent, definite and plain,

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

(c) in such style or type or 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.

5. Power to exempt :-

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