

Average Quantity



What is the Average Quantity System?

The average quantity system controls the weight or measure of most pre-packaged goods. Packages must be marked with the weight or volume of the contents and must comply with three important rules (the Packers' 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. (Qn)
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, eg 9g on a 250g pack. Such packages are called defective
3. No packages may contain less than the nominal quantity by more than twice the TNE eg 18g on a 250g pack. These are called products with deficiency beyond the TNE

Calculation of TNE		
Nominal Quantity	TNE	
(g or ml)	grams	%
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 10,000	-	1.5
10,000 to 15,000	150	-
15,000 to 25,000	-	1

What Constitutes a Package?

A package is

- a product combined with the packaging of whatever nature made up without the purchaser being present
- the quantity cannot be altered without the package being opened

The Regulations apply this system to most packages intended for sale in constant quantities between 5g or 5 ml and 25kg or 25L, some products such as biscuits are exempt below 50g

The Regulations do not apply to catchweight products placed in containers

Who must comply with Regulation?

The Regulations place duties upon packers, importers and labellers

A packer is the person who places the goods into packages. They may not necessarily be the person named on the package or whose brand appears on the label.

A labeller who is not the packer or importer has the same duties as a packer

An importer must provide sufficient evidence to give reasonable ground for believing that packages have been packed to comply with the Regulations. There is no obligation on the importer to test any packages where suitable documents are obtained from their supplier

The law defines an importer as the “person by whom or on whose behalf the package is entered for customs purposes on importation”. Goods which bear the EEC mark and come into the UK from a member state are not regarded as “imported”.

What are the main duties under the Regulations?

In order to demonstrate compliance packers must either measure the content of each package, or check the contents by sampling. If every package is checked then there is no need to retain records. Where the contents of each package are sample checked records must be maintained for at least one year from when the package leave the premises or until the date, if any, marked on the package which indicates when it ought to be consumed, whichever is shorter.

What Checks are Required?

Packers may use whatever quantity control methods they find convenient, so long as these are ‘sufficiently rigorous’ to ensure compliance with the three rules. Trading Standards Officers may carry out reference checks to check compliance with the rules.

In the design of the system attention to the following is recommended

- sampling plans are specified and suitable target quantities and control limits set
- packing lines controlled by checkweighers that are appropriately set

- checking or measuring equipment is properly maintained and checked
- system is reviewed and recorded and include corrective actions
- staff training is formalised and recorded to ensure the system is adequately implemented.

What equipment should be used?

All measurements and checks are required to be performed with equipment which is suitable for the purpose for which it is being used. Consideration must be given to the size, capacity and scale divisions which must bear a sensible relationship in respect of the quantity being measured. It is advised to contact your local Consumer Protection Department prior to purchasing new equipment.

All non-automatic weighing instruments (not Checkweighers) used for average weight and brought into use after Jan 2003 must be verified for legal trade. The use of unverified NAWI equipment with stamped weights for final sampling is no longer legal

What marking should be on the packages?

Packers and importers must ensure that packages are marked in such a way as to be indelible, easily legible and visible on the packages in normal conditions of presentation with the following

- Nominal quantity (if marked with the drained weight then this would be the nominal quantity) . Where a package contains liquid its nominal quantity must be indicated by the volume at 20C
- The name and address of the packer or importer or the person who arranged for the packer to make up the package in the UK, or a mark which enables the name and address to be identified

The size of the marking should comply with the following

nominal quantity in g or ml	min height
<50	2mm
>50-200	3mm
>200-1000	4mm
>1000-10000	6mm

What is the ‘E’ mark?

The ‘E’ mark is a small “e” which may be put on packages in the same field of vision as the nominal quantity. It must be at least 3mm high and looks like this:-

e

It constitutes a guarantee by the packer or importer that packages have been made up in accordance with the average quantity system, and acts as a metrological passport throughout the whole of the EEC.

There is no requirement for packages to be labelled with the e-mark

Are there any restrictions on its use?

The e-mark may only be marked on packages having a nominal quantity of not less than 5g or 5ml and not more than 10kg or 10 litres, and may be applied only by the packer or importer.

Should a packer wish to export e-marked packages from the UK they must provide the relevant trading standards department with a notice identifying the premises where this activity is taking place prior to marking the goods with the mark. There are similar provisions for those importing e-marked goods from outwith the EU and then exporting them to another member state.

What Exemptions Apply?

The Regulations do not apply to the following

- non 'e' marked packages intended for further treatment in the course of trade
- single application cosmetics
- non 'e' marked packages for export outside the UK
- Frozen whole poultry meat
- Certain fruit & veg

In the majority of cases the Regulations would apply, however if you are unsure then you should seek further advice from your local Consumer Protection Department.

Further Information

This leaflet only gives a general outline of the average quantity system.

Further information can be obtained by reference to:-

The Weights and Measures Act 1985

The Weights and Measures (Packaged Goods) Regulations 2006

These publications may be obtained at TSO (The Stationery Office)

The Code of Practical Guidance for Packers & Importers

The Guidance may be obtained at TSO Scotland, 71-73 Lothian Road, Edinburgh, EH3 9AZ and at www.tso.co.uk

FURTHER ADVICE IS AVAILABLE FROM:

Aberdeenshire Council
Trading Standards.
Gordon House, Blackhall Road, Inverurie, AB51
3WA
Tel: 01467 628323 Fax: 01467 628117

Aberdeenshire Council
Trading Standards.
10 Commerce Street, Fraserburgh
AB43 9AQ
Tel: 01346 510505 Fax: 01346 510484