
Guidance notes on average quantity

The Weights and Measures (Packaged Goods) Regulations 2006

General

These Regulations apply to packages which are made up away from the customer in pre-determined constant quantities, by weight or volume, including most food and non-food items. The purpose of these controls is to ensure customer confidence in the stated quantity, whilst recognising and defining acceptable tolerances to the variation inherent in the packing process.

The 'average quantity' system controls the overall average quantity of a batch of packages and the proportion that fall below the stated nominal quantity through a set of defined packer's rules. It also lays down what checks you need to take, records to keep and how to mark packages. The controls apply to both packers and importers to the EU.

What is a package?

A product plus its wrapping becomes a package when it is combined together without the purchaser being present and the quantity cannot be altered without the wrapping being opened or changed.

Specifically included in the above definition are knitting yarn and unwrapped bread.

'Outer containers' containing two or more 'packages' (at least one of which is a package to which these Regulations apply) which:

- were placed in the outer container without the purchaser being present;
 - can't be altered without the package being opened or undergoing a perceptible modification; and
 - the container is intended to be sold or would normally be regarded as appropriate for sale, as the outermost layer of packaging to a consumer;
- are also caught by the requirements.

Excluded are very small and large items of less than 5g or 5ml or more than 25kg or 25l. If you are in doubt about the product you are packing or importing, please contact your trading standards for specialist advice.

The three packer's rules

A batch of packages must, at the time of packing, comply with the following rules:

1. The actual contents of the packages must not be less, on average, than the nominal quantity.
2. The proportion of packages which are short of the stated quantity by a defined amount (the 'tolerable negative error' or 'TNE') should be less than a specified level.

3. No package should be short by more than twice the TNE.

Checks

Packers and importers to the EU have a duty to carry out sufficiently rigorous checks to ensure that all of the three packer's rules are met. This means that you should establish a system that:

- controls the production process;
- sets up effective sampling and checking plans;
- uses appropriate equipment for checking;
- trains staff; and
- keeps appropriate records.

You have a duty to check the quantity of the packages, either:

- by checking every package on suitable equipment; or
- by checking a statistical sample of the production on suitable equipment and keeping records of the results.

Equipment

The equipment used to carry out the checks must be suitable for the use to which it is put. This means that it should have a reasonable degree of sensitivity to 0.2TNE for the package you are producing and be suitable for the environment in which it is used. If it is 'in use for trade' it has also to comply with its relevant regulations, depending on when it was first put into use. Please ask trading standards for advice on specific equipment.

Records

If you are checking packages by statistical sampling, you must make records of the checks you have carried out. These records must show that you have complied with the three packer's rules.

It is recommended that, as a minimum, you should record the product, the batch number, date, the number of packs in the batch, the number checked and the results of the check. The records must be kept for 12 months from the time the packages leave your possession or the shelf life of the product, whichever is the earliest.

Markings

Marking needs to be easily legible and visible under normal conditions of presentation. This means taking into consideration use of colour and contrast. Packages must be marked with the following:

1. A statement of the nominal quantity. This statement must be in metric and the size of the marking is prescribed, e.g. for a 500g pack, the marking must be at least 4mm high.
2. Your name and address. Alternatively, you may give the name and address of the person who arranged for you to make up the packages.

You may mark the packs with the 'e' mark:

It must be at least 3mm high, indelible, easily legible and appear in the same field of vision as the statement of quantity. The 'e' mark acts as a metrological passport for goods sold throughout the European Community. If you want to export goods with the 'e'



mark, though, you may need to notify your local trading standards service first, so check with them before applying it.

Importers and average quantity

If you import goods from outside the EU, you are responsible for ensuring that the packs comply with the three packer's rules and that they are marked correctly. However, you may obtain and keep suitable documents from the actual packer (before the packages leave your possession) that provides sufficient evidence to show that the packages comply with the packer's rules.

Tolerable Negative Error or 'TNE'

The following is a table of the TNE values that you should use when complying with the three packer's rules.

Nominal quantity (g or ml)	Tolerable Negative Error (TNE)
5 to 50	9% of nominal quantity
from 50 to 100	4.5g or ml
from 100 to 200	4.5% of nominal quantity
from 200 to 300	9g or ml
from 300 to 500	3% of nominal quantity
from 500 to 1,000	15g or ml
from 1,000 to 10,000	1.5% of nominal quantity
from 10,000 to 15,000	150g or ml
above 15,000	1% of nominal quantity

For further information and advice contact your local area Trading Standards Officer

Telephone 01546 605519
Email tradingstandards@argyll-bute.gov.uk

Bute and Cowal - 22 Hill Street, Dunoon, PA23 7AP
Helensburgh and Lomond - Blairvadach, Shandon, Helensburgh, G84 8ND
Mid Argyll, Kintyre and Islands - Area Office, Manse Brae, Lochgilphead, PA31 8QU
Oban, Lorn and the Isles - Municipal Buildings, Albany Street, Oban, PA34 4AW

Office Hours: 9.00am-5.00pm Monday-Friday