L.N. 255 of 2003

METROLOGY ACT
(ACT NO. XXV OF 2002)

Net Quantity of Prepackaged Foodstuffs Regulations, 2003

IN exercise of the powers conferred by article 19 of the Metrology Act, the Minister of Finance and Economic Affairs, on the advice of the Malta Standards Authority, has made the following regulations:

Citation and commencement.

1.1. The title of these regulations is the Net Quantity of Prepackaged Foodstuffs Regulations, 2003.

1.2 These regulations shall come into effect on the 1st October, 2003.

Applicability.

L.N. 5 of 2002.

2.1 These regulations shall apply to prepackaged foodstuffs as defined by regulation 3.1 (b) of the Labelling, Presentation and Advertising of Foodstuffs Regulations, 2002.

2.2 These regulations shall not apply to prepackaged foodstuffs which have been legally placed on the market within the European Economic Area[1].

2.3 These regulations shall not apply to foodstuffs intended exclusively for export.

Expression of Net Quantity.

3.1 The net quantity of prepackaged foodstuffs shall be expressed:

– in units of volume in the case of liquids,

– in units of mass in the case of other products, using the litre, centilitre, millilitre, kilogram or gram, as appropriate.

3.2 Where the indication of a certain type of quantity (e.g. nominal quantity, minimum quantity, average quantity) is required by other regulations, this quantity shall be regarded as the net quantity for the purposes of these regulations.

3.3 Other regulations may, for certain specified foodstuffs classified by quantity in categories, require other indications of quantity.

[1] European Community, Norway, Iceland, Liechtenstein.

3.4 Where a prepackaged item consists of two or more individual prepackaged items containing the same quantity of the same product, the net quantity shall be indicated by mentioning the net quantity contained in each individual package and the total number of such packages. Indication of these particulars shall not, however, be compulsory where the total number of individual packages can be clearly seen and easily counted from the outside and where at least one indication of the net quantity contained in each individual package can be clearly seen from the outside.

3.5 Where a prepackaged item consists of two or more individual packages which are not regarded as units of sale, the net quantity shall be given by indicating the total net quantity and the total number of individual packages. Other regulations may, in the case of certain foodstuffs, not require indication of the total number of individual packages.

3.6 In the case of foodstuffs normally sold by number, the indication of the net quantity shall not be required provided that the number of items can clearly be seen and easily counted from the outside or, if not, is indicated on the labelling.

For the purposes of this regulation, the following shall be regarded as foodstuffs normally sold by number:

fruit preservative tablets,
rennet tablets,
saccharin tablets,
sweetening tablets,
vanilla pods,
capsule and tablet foods,
shell eggs.

3.7 Where a solid foodstuff is presented in a liquid medium, the drained net weight of the foodstuff shall also be indicated on the labelling. For the purposes of this paragraph, “liquid medium” shall mean the following products, possibly in mixtures and also where frozen or quick-frozen, provided that the liquid is merely an adjunct to the essential elements of that preparation and is thus not a decisive factor for the purchase: water, aqueous solutions of salts, brine, aqueous solutions of food acids, vinegar, aqueous solutions of sugars, aqueous solutions of other sweetening substances, fruit or vegetable juices in the case of fruit or vegetables.

3.8 It shall not be compulsory to indicate the net quantity in the case of foodstuffs:

(a) which are subject to considerable losses in their volume or mass and which are sold by number or weighed in the presence of the purchaser;

(b) the net quantity of which is less than 5 g or 5 ml; however, this provision shall not apply to spices and herbs.

3.9 The indication of net quantity shall appear on the prepackaging or on a label attached thereto.

3.10 Notwithstanding sub-regulation 3.9 hereof, where prepackaged foodstuffs are:

– intended for the ultimate consumer but marketed at a stage prior to sale to the ultimate consumer and where sale to a mass caterer is not involved at that stage, or

– intended for supply to mass caterers for preparation, processing, splitting or cutting up, the indication of net weight need appear only on the commercial documents referring to the foodstuffs where it can be guaranteed that such documents, containing all the labelling information, either accompany the foodstuffs to which they refer or were sent before or at the same time as delivery.

3.11 The indication of net quantity shall be marked in a conspicuous place in such a way as to be easily visible, clearly legible and indelible. It shall not in any way be hidden, obscured or interrupted by other written or pictorial matter.

3.12 The indication of net quantity shall appear in the same field of vision as the particulars listed in regulation 14.5 of the Labelling, Presentation and Advertising of Foodstuffs Regulations, 2002.