



ASIA – PACIFIC LEGAL METROLOGY FORUM

Working Group - Goods Packed by Measure Work Group Report for 2013

Change of Working Group Chairperson

Mr Brian Waltham has left the Ministry of Business, Innovation and Employment in New Zealand and is replaced as chair of this Working Group by Mr Stephen O'Brien, Manager, Measurement and Product Safety Service, Ministry of Business, Innovation and Employment, New Zealand (stephen.obrien@mbie.govt.nz).

Report on the work of OIML Technical Committee 6 (TC6) – Pre-packaged Products

A meeting of OIML Technical Committee (TC 6) *Pre-packaged products* took place in Bern, Switzerland on the 23 – 27 September 2013. The meeting was attended by 18 of the 28 Participating committee members and covered the on-going revision of International Recommendations OIML R79 *Labelling requirements for prepackaged products* edition 1997 and OIML R87 *Quantity of product in prepackages* edition 2004.

The following decisions were made:

OIML R79 Revision

1. It was agreed to permit products in aerosol form to be marked by mass or volume or require both mass and volume when required by national requirements. This is on the basis that a procedure is developed for determining the density of aerosol products to an uncertainty of measurement that will allow an uncertainty of measurement for the whole test method of not more than 0.2 T as per clause 4.1.3 OIML R 87 requirements. This procedure once developed will be included in OIML R 87.
2. Economies who subscribe to the method of sale by reference to volume only, were requested to provide to TC6 the method and the calculations for the associated uncertainty of measurement. If necessary industry representatives may be invited to the next OIML TC 6 project group meeting to discuss OIML R 87 and demonstrate the competence of their method.
3. It was resolved to include a provision for the marking of the total mass of the contents in addition to the drained mass of a food product packed in a liquid medium to allow for the situation where national legislation needs to comply with the requirements of CODEX Standard 1:1985 *General Standard for the Labelling of Prepackaged Foods*.
4. It was resolved to include a note within the scope section of the recommendation to indicate that national requirements may prescribe which prepackages are exempt from quantity declaration requirements.
5. It was resolved to compile a list of products in each country that are packed in accordance to general consumer usage or specific trade customs as per the requirement in clause 5.4 d "*quantities based firmly on established general consumer usage and trade custom, if such quantities provide accurate and adequate*

information to the purchaser". This information will be collected and considered by committee members for possible addition to R 79 as an informative annex sometime in the future.

The document resulting from this meeting will become Committee Draft 5 (CD5), 25 September 2013. If two thirds of the P-members that vote accept this draft it will be forwarded for voting by the International Committee of Legal Metrology (CIML) according the procedures prescribed in OIML B6-1:2012 *Directives for OIML technical work*.

OIML R87 Revision

1. The committee resolved to remove all reference to the control of prepackages with random nominal quantities (sometimes referred to as catch weight) from OIML R 87. It had been a consideration to create a separate sampling plan and tolerances but this approach was not agreed by the committee.
2. It was resolved to amend clauses 4.4.3 "*When the sample prepackages are not collected at the premises of the packer (where the hourly production or original lot size is not known) then the lot size shall include all prepackages available. The lot shall be regarded as being homogeneous as long as there is no evidence to the contrary*". This will allow the inspector to define a lot size, provided that it does not exceed 100 000. The TC 6 Work Group on the Statistical Model will be requested to comment and confirm the validity of the model with these amended requirements.
3. It was resolved that the secretariat would confirm if the requirement to establish compliance with the average rule is correctly written in the formula. Some doubt was raised that the minus sign is correct:

4.3.1 Test of average requirement

$$\text{Reject the lot if } \frac{E_{ave}}{s} \leq -SCF$$

where s is the sample standard deviation of the individual errors, and SCF is found in column 3 of Table 1.

4. The secretariat will request economies that are not satisfied with current tolerances for quantities declared in length, area and count, to provide proposals for amendments supported by detailed reasoning and these will be discussed at the next TC6 meeting.
5. The term "mass" will be used throughout OIML R 79 and R 87 unless a direct quote is used from other international requirements.
6. It was resolved not to address comments received in relations annexes C and D "*procedures for determining drained quantity and quantity of frozen products*" as there is potential to replace these with the equivalent WELMEC guidelines.
7. It was resolved to use Table 1 from the report of the TC 6 Work Group on the Statistical Model but starting from an inspection lot size of 100. This means that the current risk criteria remain the same. Conventional rounding shall also be used for this table.
8. It was resolved to include a stepwise sampling plan submitted by Japan as a further informative annex to the recommendation.

The document resulting from this meeting will be become Committee Draft 3 (CD3), 25 September 2013. P-members of the OIML R87 project group will be asked to vote on its acceptance and provide comment.

Next OIML TC6 meeting

The delegation from the Republic of Korea offered to host the next OIML TC6 meeting in Korea and it was tentatively agreed to hold the meeting in September 2014 pending final confirmation from the hosts.

International Committee of Legal Metrology (CIML) Decision

48th International Committee of Legal Metrology (CIML) in Viet Nam, 8-10 October 2013 was asked by TC6 to consider and vote on two proposals:

1. To terminate TC6 project p1 OIML certificate system for pre-packages, and
2. To approve a new project within TC6 to produce a new publication *Guidance for defining the system requirements for a certification system for pre-packages*.

After discussion within the committee both of these proposals were passed with a majority of CIML member votes.

It must be noted that although the resolution passed a number of members voted against the proposal to set up a new project to produce a guidance document. Representatives from a small number of European economies were not in favour of this guidance document because of potential issues with European Union Legislation and a view that it was not needed. A number of other economies supported development of this guidance document as it was considered that it would be a useful resource for developing economies and those considering the use of certification of packer to reduce the need for market surveillance.

The BIML will be requesting expressions of interest from those CIML Member economies that wish to participate on this new project committee within TC6 and progress will continue to be noted and reported to APLMF through this Working Group.



**ASIA – PACIFIC
LEGAL METROLOGY FORUM**

2013 Working Group Report – Goods Packed by Measure

**Stephen O'Brien
Manager, Trading Standards
(Formerly Measurement and Product Safety Service)
Consumer Protection and Standards Branch
Market Services Group**

**Chair: Working Group – Goods Packed by Measure
6 November 2013**



**Ministry of Business,
Innovation & Employment**

Working Group – Goods Packed by Measure

- Recently taken over as chair of this Work Group. Assisted by Mr Kevin Gudmundsson (Legal Metrology Advisor, Trading Standards)
- Trade in packaged goods is of critical importance to all APLMF member economies (both developed and developing)
- The activities of the WG are important to supporting this trade.

Today:

- Over view of the 2013 WG report
- Progress of OIML Technical Committee 6 (TC6) *Pre-packaged products*:
 - **OIML R79** *Labelling requirements for prepackaged products*
 - **OIML R87** *Quantity of product in prepackages*
 - New Project: ***Guidance for defining the system requirements for a certification system for pre-packages***
- Present and discuss the **proposed 2014 Work Plan**

Revision of OIML R79 (Labelling requirements)

- TC 6 meeting, Switzerland, 23 – 27 September
- Attended by 18 of the 28 P-members
- Detail from TC6 Secretariat (South Africa) minutes:
 - Products aerosol form maybe marked by mass, volume or both - subject to acceptable density procedure being developed
 - Include provision for marking total mass of a food product in liquid medium to enable consistency with CODEX Standard 1
 - Note included recognising national requirements may prescribe exemptions from quantity declaration provisions in R79
 - Identify and list products packed in accordance to unique national usage or customs
- Committee Draft 5 produced
- To be submitted for CIML approval once passed by TC6

Revision of OIML R87(Quantity of Products)

- See details in WG Report. Updates include:
 - Remove reference to control of packages with random nominal quantities (catch weight)
 - Allowances for an inspector to define lot size when not on packers premises
 - Inspection lot sizes starting from 100 included
 - Requesting information from economies not satisfied with current tolerances to provide reasoned proposals for amendment to be considered
 - Validity of other proposed amendments are being confirmed by advisory expert group on statistics
- Updated draft will be sent around TC6 members for vote and comment
- I will circulate R79 and R87 when available
- Anything to add from APLMF members on TC6?

New Guidance Document Project

- 48th CIML meeting in October 2013 was asked by TC6 to decide:
 1. To terminate TC6 project p1 *OIML certificate system for pre-packages*
 2. To approve a new project within TC6 to produce a new publication: *Guidance for defining the system requirements for a certification system for pre-packages*
- both passed with a majority of CIML member votes
- a small number of CIML members voted against the 2nd proposal because of potential issues with European Union Legislation or a view that it was not needed
- Others considered it would be a potentially useful resource for developing economies and those considering the use of a certification system to reduce need for market surveillance
- BIML will be requesting expressions of interest from CIML Member economies that wish to participate on this new project

Proposed Work Plan Item 1

Continue collaboration and inform APLMF members of the work of OIML Technical Committee 6, alerting members of opportunities to comment or participate in:

- **Revision of OIML R79: Labelling for Pre-packaged Products**
- **Revision of OIML R87: Quantity of Product in Pre-packages**
- **Project producing publication: Guidance for defining the system requirements for a certification system for pre-packages**

Proposed Work Plan Item 2

Small working group (including representation from developing economies) to produce and maintain an APLMF document to give guidance to members on the practical application of OIML Recommendations relating to packaged goods

This document will:

- Be consistent / not duplicate the work of TC6 or OIML
- Utilise *Sampling and Test Procedures for Prepackaged Articles* provided by Australia
- Utilise existing documents available from other RLM Organisations, ASEAN and economies that wish to contribute suitable material
- Make extensive use of photographs and illustrations
- Provide practical, clear test procedures and guidance for a variety of product types including:
 - Frozen products (ice cream and sea food)
 - Aerosols
 - Compost and growing mediums
 - Desiccating goods
 - Product sold by drained weight
- Provide guidance on market surveillance and reporting of legal metrology activities

Proposed Work Plan Item 2 Ctd

Small Working Group will:

- Produce draft document for APLMF member consideration and approval (21st APLMF meeting)
- Work via email and video conferencing
- Consider the need to complement guidance document with production of short training videos showing of testing being completed for publication on the APLMF website and identify how this can be done
- Liaise with Chair of Working Group on Training Coordination regarding future training needs in this area
- Identify any other APLMF guidance documents that maybe required
- Report back to 21st APLMF meeting on these activities

Discussion / Conclusion

- **Questions or comments on update report on OIML TC6 work**
- **Discussion of proposed Work Plan**
- **Agreement of Work Plan**
- **Offers of participation in Small Working Group**



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Conclusion – Thank you

**Stephen O'Brien
Manager, Trading Standards
Consumer Protection and Standards Branch
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6 November 2013