

This leaflet explains the provisions of **The Weights and Measures (Packaged Goods) Regulations, 1991**, which apply to manufacturers, packers, or importers of goods who use the system of quantity control (commonly known as the "**average system**") for goods sold by weight or volume.

## What is the Average System?

Most packers will be familiar with the **minimum** system, where all packages made up must contain **at least** the quantity stated on the package. However, no equipment is capable of filling or weighing exactly the same amount every time, and so packers using the minimum system end up overfilling to give themselves a safety margin.

The average system allows packers of goods in predetermined constant quantities to take account of the variations caused by their equipment and pack to a level which is **on average** not less than the (nominal) quantity marked on the package.

## Who Does the Average System Apply To?

The system can be used by most packers who are making up packages of goods in pre-determined constant quantities before the customer sees them, e.g. cartons of milk or jars of jam.

Many foods, and some other goods such as soap, pet food and tobacco, **must** be packed under the average system. A full list of these **Class A** goods appears in Schedule 1 of the

Regulations, and is available from the Trading Standards Service.

Other goods may be packed under either the average or minimum systems (**Class B** packages). Packers wishing to pack Class B packages will need to meet certain criteria – see below.

## What Are the Rules of the Average System?

The primary duty of a packer under the average system is to ensure that his packages can pass an Inspector's reference test. In practice, this can be achieved by complying with the **three rules for packers**:

1. The actual contents of packages shall be not less, on average, than the nominal quantity marked on the package.
2. Not more than 1 in 40 of the packages may be **non-standard**, i.e. have negative errors larger than the tolerance specified for the nominal quantity (see below).
3. No package may be **inadequate**, i.e. have a negative error larger than twice the specified tolerance.

There is no obligation to pack to the tolerances permitted by these regulations as it is permissible to ensure that packages contain no less than the declared quantity marked on them, i.e. to pack to a minimum quantity.

Nominal Quantity	Tolerance	
	%	g or ml
5 - 50	9	-
50 - 100	-	4.5
100 - 200	4.5	-
200 - 300	-	9
300 - 500	3	-
500 - 1000	-	15
1000 – 10 000	1.5	-
10 000 – 15 000	-	150
above 15 000	1	-

## What Equipment Will I Need?

The Regulations state that packers and importers need to use **suitable equipment** to make up and/or carry out checks on packages. In general, any **stamped** equipment, i.e. equipment which has been passed as fit for use for trade by a Weights and Measures inspector, will be suitable. Certain other equipment may also be suitable. Please contact the Trading Standards Service for further guidance if you are thinking of using unstamped equipment.

## What Records do I Need to Keep?

Packers are obliged to make regular checks in their production to ensure that they comply

with the average system, and to detect any problems. They are required to maintain records of these checks, and retain them for a period of 1 year.

Packers should also carry out and record the results of checks made on equipment used for making up and checking packages.

## How Should I Mark My Packages?

All packages must be marked with the nominal quantity and the name and address of the packer (or importer if appropriate).

## What is the e mark, and can I apply it to my packages?

The e-mark is a special mark placed on packages to show that they comply with the average system. It is designed to facilitate the free movement of goods throughout states in the European common market (EU and EEA). It is not obligatory.

Packages of **Class B** goods will only be brought within the average system if they bear the e-mark.

## What Powers do Inspectors Have?

Trading Standards Officers (Inspectors of Weights and Measures) are responsible for enforcing the Regulations.

They may enter any packers or importers premises at any reasonable time, without

notice, in order to inspect any goods, equipment or records, or to carry out **a reference test** on any packages which are being made up or which are being stored prior to dispatch.

Carrying out a reference test involves taking a random sample from a batch of packages and checking that they comply with the packers rules listed above. If the sample does not comply, then the Inspector can instruct the packer to re-pack or dispose of the entire batch of packages.

## Offences

It is an offence for a packer to:

1. Fail a reference test
2. Fail to mark packages in the proper manner
3. Fail to keep records of the checks made on packages
4. Fail to make checks on his equipment and keep records of those checks
5. Sell an inadequate package

It is an offence for a retailer to sell a package which he knows is inadequate.

## Important Note

*This leaflet is a guide to the Law, but is not an authoritative interpretation of the Law, which is ultimately a matter for the Courts.*

*While every care has been taken in preparation the States of Guernsey cannot accept any liability in law for its contents or interpretation.*



States of Guernsey  
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# Packaged Goods and the average quantity system

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