

- (q) "wholesale dealer" in relation to any commodity in packaged form means a dealer who does not directly sell such commodity to any consumer but distributes or sells such commodity through one or more intermediaries;
- (r) "wholesale package" means a package containing—
- (i) a number of retail packages, where such first mentioned package is intended for sale, distribution or delivery to an intermediary and is not intended for sale direct to a single consumer; or
 - (ii) a commodity sold to an intermediary in bulk to enable such intermediary to sell, distribute or deliver such commodity to the consumer in similar quantities; or
 - (iii) packages containing ten or more than ten retail packages provided that the retail packages are labeled as required under the rules.
- (s) words and expressions used herein and not defined but defined in the Act, shall have the meanings respectively assigned to them in the Act.

CHAPTER II

PROVISIONS APPLICABLE TO PACKAGES INTENDED FOR RETAIL SALE

3. Applicability of the Chapter.—The provisions of this Chapter shall not apply to,—

- (a) packages of commodities containing quantity of more than 25 kg or 25 litre excluding cement and fertilizer sold in bags up to 50 kg; and
- (b) packaged commodities meant for industrial consumers or institutional consumers.

¹[***]

4. Regulation for pre-packing and sale etc., of commodities in packaged form.—On and from the commencement of these rules, no person shall pre-pack or cause or permit to be pre-packed any commodity for sale, distribution or delivery unless the package in which the commodity is pre-packed bears thereon, or on a label is securely affixed thereto, such declarations as are required to be made under these rules.

Explanation.—The existence of packages without the declaration of retail sale price within the manufacturer's premises shall not be construed as a violation of these rules and it shall be ensured that all packages leaving the premises of manufacturer for their destination shall have declaration of retail sale price on them as required in this rule.

5. Specific commodities to be packed and sold in recommended standard packages.—²[(1)]The commodities specified in the Second Schedule shall be

1. *Explanation* omitted by G.S.R. 359(E), dated 6th June, 2013 (w.e.f. 6-6-2013). The *Explanation*, before omission, stood as under:
Explanation.—For the purpose of this rule,—
 - (i) "institutional consumer" means the institutional consumer like transportation, Airways, Railways, Hotels, Hospitals or any other service institutions who buy packaged commodities directly from the manufacturer for use by that institution;
 - (ii) "industrial consumer" means the industrial consumer who buy packaged commodities directly from the manufacturer for use by that industry."
2. Rules 5 re-numbered as sub-rule(1) thereof, by G.S.R. 427(E), dated 5th June, 2012 (w.e.f. 5-6-2012).

packed for sale, distribution or delivery in such standard quantities as are specified in that Schedule.]

¹[***]

²[(2) When one or more packages intended for retail sale are grouped together for being sold as a retail package on promotional offer, every package of the group shall comply with provisions of rule 6.]

²[(3) Notwithstanding anything contained in the Second Schedule, the manufacturer or importer may sell the value based package in terms of Re. 1, Rs. 2, Rs. 3, Rs. 4, Rs. 5, Rs. 6, Rs. 7, Rs. 8, Rs. 9 and Rs. 10 after making the other declarations specified in rule 6.]

6. Declarations to be made on every package.—(1) Every package shall bear thereon or on label securely affixed thereto, a definite, plain and conspicuous declaration made in accordance with the provisions of this chapter as, to—

- (a) the name and address of the manufacturer, or where the manufacturer is not the packer, the name and address of the manufacturer and packer and for any imported package the name and address of the importer shall be mentioned.

Explanation I.—If any name and address of a company is mentioned on the label without any qualifying words 'manufactured by' or 'packed by', it shall be presumed that such name and address shall be that of the manufacturer and the liability shall be determined accordingly;

Explanation II.—If the brand name and address of the brand owner appear on the label as a marketer, then the brand owner shall be held responsible for any violation of these rules and action as may be required shall be initiated against the deemed manufacturer and in the event of more than one name and address appearing in the label, prosecution shall be launched against the manufacturer indicated on the label in the first place and not against all of them.

Explanation III.—In respect of packages containing food articles, the provisions of this sub-rule shall not apply, and instead, the requirement of the ³[Foods Safety and Standards Act, 2006 (34 of 2006)] and the rules made thereunder shall apply.

-
1. Proviso omitted by G.S.R. 784(E), dated 24th October, 2011, read with corrigendum G.S.R. 832(E), dated 23rd November, 2011 and G.S.R. 426(E), dated 5th June, 2012 (w.e.f. 1-11-2012). The proviso, before omission, stood as under:

"Provided that if a commodity specified in the Second Schedule is packed in a size other than that prescribed in that Schedule, a declaration that 'Not a standard pack size under the Legal Metrology (Packaged Commodities) Rules, 2011 or 'non-standard size under the Legal Metrology (Packaged Commodities) Rules, 2011' shall be made prominently on the label of such package."

2. Ins. by G.S.R. 427(E), dated 5th June, 2012 (w.e.f. 5-6-2012).
3. Subs. by G.S.R., 427(E), dated 5th June, 2012, for "Prevention of Food Adulteration Act, 1954 (37 of 1954)" (w.e.f. 5-6-2012).

- (b) The common or generic names of the commodity contained in the package and in case of packages with more than one product, the name and number or quantity of each product shall be mentioned on the package.
- (c) The net quantity, in terms of the standard unit of weight or measure, of the commodity contained in the package or where the commodity is packed or sold by number, the number of the commodity contained in the package shall be mentioned.
- (d) The month and year in which the commodity is manufactured or pre-packed or imported shall be mentioned in the package:

Provided that for packages containing food articles, the provisions of the ¹[Foods Safety and Standards Act, 2006 (34 of 2006)] and the rules made thereunder shall apply:

Provided further that nothing in this sub-clause shall apply in case of packages containing seeds which are labelled and certified under the provisions of the Seeds Act, 1966 (54 of 1966) and the rules made there under:

²[***]

Provided also that for packages containing cosmetics products, the provisions of the Drugs and Cosmetics Rules, 1955 shall apply.

- (e) the retail sale price of the package:
Provided that for packages containing alcoholic beverages or spirituous liquor, the State Excise Laws and the rules made thereunder shall be applicable within the State in which it is manufactured and where the state excise laws and rules made thereunder do not provide for declaration of retail sale price, the provisions of these rules shall apply.
- (f) Where the sizes of the commodity contained in the package are relevant, the dimensions of the commodity contained in the package and if the dimensions of the different pieces are different, the dimensions of each such different piece shall be mentioned.
- (g) such other matter as are specified in these rules:

Provided that—

- (A) no declaration as to the month and year in which the commodity is manufactured or pre-packed shall be required to be made on—

1. Subs. by G.S.R. 427(E), dated 5th June, 2012, for "Prevention of Food Adulteration Act, 1954 (37 of 1954)" (w.e.f. 5-6-2012).

2. Third proviso omitted by G.S.R. 784(E), dated 24th October, 2011, read with corrigendum G.S.R. 832(E), dated 23rd November, 2011 (w.e.f. 1-7-2012). The third proviso, before omission, stood as under:

"Provided that a manufacturer may indicate the month and year using a rubber stamp without overwriting:".

- (i) any package containing *bidi* or incense
 - (ii) any domestic liquefied petroleum gas cylinder of capacity not exceeding 5 kg, bottled and marketed by a public sector undertaking;
- (B) where any packaging material bearing thereon the month in which any commodity was expected to have been pre-packed is not exhausted during that month, such packaging material may be used for pre-packing the concerned commodity produced or manufactured during the next succeeding month and not thereafter, but the Central Government may, if it is satisfied that such packaging material could not be exhausted during the period aforesaid by reason of any circumstance beyond the control of the manufacturer or packer as the case may be, extend the time during which such packaging material may be used, and, where any such packaging material is exhausted before the expiry of the month indicated thereon, the packaging material intended to be used during the next succeeding month may be used for pre-packing the concerned commodity:
- Provided that the said provision shall not apply to the packages containing food products, where the 'Best before or Use before' period is ninety days or less from the date of manufacture or packing.
- (C) no declaration as to the retail sale price shall be required to be made on:
- (i) any package containing *bidi*;
 - (ii) any domestic liquefied petroleum gas cylinder of which the price is covered under the Administrative Price Mechanism of the Government.

Explanation 1.—The month and the year in which commodity is pre-packed may be expressed either in words, or by numerals indicating the month and the year, or by both.

(2) Every package shall bear the name, address, telephone number, E-mail address, if available, of the person who can be or the office which can be, contacted, in case of consumer complaints.

(3) It shall not be permissible to affix individual stickers on the package for altering or making declaration required under these rules:

Provided that for reducing the Maximum Retail Price (MRP), a sticker with the revised lower MRP (inclusive of all taxes) may be affixed and the same shall not cover the MRP declaration made by the manufacturer or the packer, as the case may be, on the label of the package.

(4) It shall be permissible to use stickers for making any declaration other than the declaration required to be made under these rules.

(5) Where a commodity consists of a number of components and these components are packed in two or more units, for sale as a single commodity, the declaration required to be made under sub-rule (1) shall appear on the main

package and such package shall also carry information about the other accompanying packages or such declaration may be given on individual packages and intimation to that effect may be given on the main package and if the components are sold as spare parts, all declarations shall be given on each package.

¹[(6) Any packaging material or wrapper which could not be exhausted by the manufacturer or packer may be used for packing of the material ²[upto 31st March, 2012] or till such date the packaging material of wrapper is exhausted, whichever is earlier, after making the corrections required under these rules by way of stamping or putting sticker or online printing, as the case may be.]

³[(7) Every package containing the genetically modified food shall bear at the top of its principal display panel the words "GM".]

7. Principal display panel its area, size and letter etc.—(1) In the case of a package having a capacity of five cubic centimeters or less, the principal display panel may be a card or tape affixed firmly to the package and shall bear the required information.

(2) The height of any numeral in the declaration required under these rules, on the principal display panel shall not be less than,—

- (i) as shown in Table-I, if the net quantity is declared in terms of weight or volume;
- (ii) as shown in Table-II, if the net quantity is declared in terms of length, area or number.

(3) The height of letters in the declaration shall not be less than 1 mm height and when blown, formed, molded, embossed or perforated, the height of letters shall not be less than 2 mm:

Provided that the width of the letter or numeral shall not be less than one-third of its height, except in the case of numeral '1' and letters (i), (I) and (l);

TABLE I
Minimum Height of Numeral

| Serial Number | Net quantity in weight/volume | Minimum height in mm | |
|---------------|--------------------------------|----------------------|---|
| | | Normal case | When blown, formed, molded, embossed or perforated on container |
| 1 | Upto 200g/ml | 1 | 2 |
| 2 | Above 200g/ml and upto 500g/ml | 2 | 4 |
| 3 | Above 500g/ml | 4 | 6 |

1. Ins. by G.S.R. 318(E), dated 13th April, 2011 (w.e.f. 13-4-2011).

2. Subs. by G.S.R. 734(E), dated 30th September, 2011, for "upto 30th September, 2011" (w.e.f. 30-9-2011).

3. Ins. by G.S.R. 427(E), dated 5th June, 2012 (w.e.f. 1-1-2013).