



Statutory Rules

1973 No. 41

REGULATIONS UNDER THE COMMERCE (TRADE DESCRIPTIONS) ACT 1905-1966.*

I, THE GOVERNOR-GENERAL in and over the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Regulations under the *Commerce (Trade Descriptions) Act 1905-1966*.

Dated this twenty-second day of February, 1973.

PAUL HASLUCK
Governor-General.

By His Excellency's Command,

LIONEL MURPHY
Minister of State for Customs and Excise.

AMENDMENTS OF THE COMMERCE (IMPORTS) REGULATIONS†

1. These Regulations shall come into operation on the first day of June, 1973. Commence-
ment.
2. (1) Regulation 5 of the Commerce (Imports) Regulations is amended— Interpretation.
 - (a) by inserting after the definition of "appointed analyst" the following definitions:—
 - “‘approved brand’ means a brand that is an approved brand under a prescribed law of a State or Territory of the Commonwealth;
 - ‘article’ includes quantity of a substance;
 - ‘bottle’ means a hollow vessel of glass, plastic, synthetic resin or other similar material, but does not include a jar or a container of the tumbler or drinking glass type;
 - ‘brand’ includes any mark, device, name, word, letter, numeral or symbol and any combination consisting of two or more of those things;”;
 - (b) by inserting after the definition of "bristle" the following definitions:—
 - “‘compressed or liquefied gases’ does not include liquefied petroleum gas;
 - ‘condensed milk and evaporated milk’ includes flavoured condensed milk and flavoured evaporated milk;”;

* Notified in the *Commonwealth Gazette* on 1 March 1973.

† Statutory Rules 1940, No. 280, as amended by Statutory Rules 1949, No. 46; 1951, No. 154; 1952, No. 48; 1953, No. 54; 1954, Nos. 73 and 107; 1955, Nos. 33 and 68; 1959, No. 74; 1963, No. 21; and 1969, No. 200.

- (c) by inserting after the definition of “coverings” the following definitions:—
- “‘dried fruit’ includes currants, raisins, sultanas and other dried grape products, dates, dried apples, dried pears, dried peaches, dried apricots, dried prunes and dried figs, glace and crystallized fruit and fruit peel;
- ‘drug’ means any substance used as a medicine or in the composition or preparation of a medicine;”;
- (d) by inserting after the definition of “infants’ food” the following definitions:—
- “‘liquid chemicals’ means chemicals, including solvents, packed for sale in liquid form for pharmaceutical, laboratory or industrial use;
- ‘main display portion’, in relation to a package, means that portion of a package on which the name or brand of the article contained in the package is shown, or—
- (a) where the name or brand is shown on two or more portions of a package—the portion on which it is most prominently shown; or
- (b) where the name or brand is shown on two or more portions of a package in the same prominence—any one of the portions;”;
- (e) by inserting after the definition of “‘new’ and ‘newness’” the following definitions:—
- “‘package’ includes—
- (a) a container, wrapper or other thing in which an article is packed or two or more articles are packed for sale as a single item;
- (b) a holder to which an article is attached for the purpose of sale; and
- (c) a band that is fixed round an article or articles as part of the preparation of that article or those articles for sale;
- ‘paint’ includes enamel but does not include a two-pack paint or artists’ paints;”;
- (f) by inserting after the definition of “plants” the following definition:—
- “‘poultry’ includes pigeons and pheasants;”;
- (g) by inserting after the definition of “preservative” the following definition:—
- “‘resins’ includes natural resins, synthetic resins and polymeric materials other than paints;”;
- (h) by adding at the end thereof the following sub-regulations:—
- “ (2) For the purpose of these Regulations—
- (a) where two or more articles of the same kind are packed together for sale as a single article, they shall be deemed to be a single article; and
- (b) where an article is, or two or more articles of the same kind are, packed together with an article of a different kind or with articles of a different kind or different kinds for sale as a single article the first-mentioned article or articles shall be deemed to be a single article.

“ (3) For the purposes of these Regulations, where an article is packed in a manner in which it could be sold as a single item, it shall be deemed to be packed for sale as a single item unless the contrary is shown.

“ (4) A reference in these Regulations to the weight or measure of an article shall be read as a reference to the weight or measure of the article exclusive of the weight or measure of the package in which it is packed.

“ (5) A reference in these Regulations to the measure of an article shall, in the case of an article of a kind that is ordinarily sold by number, be read as a reference to the quantity of that article expressed as a number.

“ (6) For the purposes of these Regulations, words or particulars that are marked on a label attached to a package or to an article contained in a package shall be deemed to be marked on the package.

“ (7) In these Regulations, unless the contrary intention appears—

- (a) a reference to a package containing an article or to a package in which an article is contained or packed includes a reference to a package to which an article is attached or round which an article is wound; and
- (b) a reference to an article that is contained or packed in a package includes a reference to an article that is attached to, or wound round, a package.”.

3. After regulation 6 of the Commerce (Imports) Regulations the following regulation is inserted in Part I:—

“ 6A. (1) A reference in these Regulations to a pre-packed article shall, subject to sub-regulation (2), be read as a reference to an article consisting of goods that are packed in a manner in which goods of that kind are commonly packed in order to fit them to be exposed or offered for sale. Pre-packed articles.

“ (2) A reference to a pre-packed article shall be read as not including a reference to—

- (a) a package containing goods of a kind specified in Part I of the Fifth Schedule; or
- (b) a package included in a class of packages specified in Part II of that Schedule.”.

4. Regulation 7 of the Commerce (Imports) Regulations is amended—

- (a) by omitting from paragraph (q) of sub-regulation (1) the word “and” (second occurring); and
- (b) by adding at the end of that sub-regulation the following word and paragraph:— Conditional prohibition of certain imports.

“ and (s) goods that are imported in the packages in which they are customarily exposed or offered for sale, other than—

- (i) goods of a kind referred to in a preceding paragraph;
- (ii) goods of a kind specified in Part I of the Fifth Schedule; or
- (iii) goods contained in packages included in a class of packages specified in Part II of that Schedule.”.

5. Regulation 8 of the Commerce (Imports) Regulations is repealed and the following regulation is substituted:—

Trade description—general requirements.

“ 8. The trade description to be applied in accordance with these Regulations is a trade description that complies with the following provisions:—

- (a) subject to these Regulations, the trade description, in the case of goods other than goods that are imported as pre-packed articles, shall be in the form of a principal label or brand affixed in a prominent position and in as prominent a manner as practicable to the goods or, if affixture to the goods is impracticable, to the coverings containing the goods;
- (b) subject to these Regulations, the trade description, in the case of goods imported as pre-packed articles, shall be marked on the packages in which the goods are packed;
- (c) the trade description shall contain, in prominent and legible characters—
 - (i) the name of the country in which the goods were made or produced; and
 - (ii) in the case of goods specified in paragraph (a), (b), (c), (d) or (e) of sub-regulation (1) of regulation 7—a true description of the goods;
- (d) subject to regulation 20B, where a weight or quantity is set out in the trade description, the trade description shall state whether the weight or quantity so set out is gross or net; and
- (e) any matter included on the label, brand or package that is in addition to the matter required to be so included by these Regulations shall not be such as will, by illustration, by wording or by size of lettering tend to contradict or obscure the matters required to be so included.”.

Trade description—additional requirements in certain cases.

6. Regulation 9 of the Commerce (Imports) Regulations is amended by adding at the end thereof the following sub-regulation:—

“(2) In the case of goods imported as pre-packed articles to which any of regulations 20A to 20P, inclusive, apply, the trade description shall, in addition, comply with whichever of the provisions prescribed in those regulations are applicable.”.

Articles used for food or drink by man.

7. Regulation 10 of the Commerce (Imports) Regulations is amended by inserting in sub-regulations (4), (7) and (8), after the word “label”, the words “or package”.

Medicines or medical preparations.

8. Regulation 11 of the Commerce (Imports) Regulations is amended by inserting after sub-regulation (1) the following sub-regulation:—

“(1A) Without limiting the application of sub-regulation (1), where a pre-packed article consists of goods of a kind referred to in that sub-regulation that are packed in an immediate container and also in an outer package for sale as a single item, the trade description of the goods, not including the statement referred to in sub-regulation (1), shall also be marked on the outer package.”.

9. After regulation 20 of the Commerce (Imports) Regulations the following regulations are inserted:—

Pre-packed articles—weight or measure.

“ 20A. (1) The trade description applied to a pre-packed article shall include a statement of the weight or measure of the article.

“(2) Subject to this regulation and to regulation 20P—

- (a) the statement of the weight or measure of a pre-packed article shall—
 - (i) be on the main display portion of the package and, where the package is of such shape or design that one or more of the portions of the package, other than the main display portion, is likely to be displayed when the article is exposed for sale— on that portion or on one of those other portions, as the case may be; and
 - (ii) show the weight or measure in such a manner that it may be readily seen and easily read by a purchaser when the article is exposed for sale; and
- (b) the letters or figures or letters and figures setting out the weight or measure of an article to which this regulation applies that are marked on the package containing the article—
 - (i) shall be clearly stamped or printed in a colour of a distinct contrast to the colour of the background, unless they are clearly stamped or embossed and are of a height at least three times the height required by sub-regulation (1) of regulation 20G;
 - (ii) shall be placed in close proximity to the brand or name of the article where that brand or name appears on the package and shall be so stamped, printed or, in accordance with sub-regulations (4) and (5), handwritten as to be read in the same direction as the brand or name;
 - (iii) shall, in the case of a package that is cylindrical or oval or substantially cylindrical or oval, be placed within the segment of the package subtended horizontally by an angle of one hundred and twenty degrees at the centre of the perpendicular axis of the package;
 - (iv) shall be in the English language and, subject to these Regulations, shall be expressed in Commonwealth legal units of measurement related to the yard, the pound or the gallon or to the metre, the gramme or the litre; and
 - (v) shall not be obscured or crowded by any other printed or graphic matter.

“(3) The statement of the weight or measure of a pre-packed article may be marked on some portion of the package other than the main display portion of the package—

- (a) in the case of toilet preparations the weight or measure of which is expressed in ounces, fluid ounces, grammes or millilitres and which are packed in quantities not exceeding two ounces, two fluid ounces, 75 grammes or 75 millilitres, as the case may be—
 - (i) if the weight or measure of such an article marked on the package may be readily seen and easily read by a purchaser when the article is exposed for sale; or
 - (ii) if the weight or measure so marked is associated with descriptive material or directions as to the use of the article; and
- (b) in the case of an article of a kind, or any group of articles of any kind contained together in an outer package, exempted by the Minister, by a notice under sub-regulation (5) from compliance with

the requirement of sub-paragraph (i) of paragraph (a) of sub-regulation (2)—if the weight or measure of the article marked on the package containing the article or, as the case may be, the weight or measure of each individual article contained in the outer package marked on the outer package, is marked in accordance with the conditions and restrictions (if any) specified in the notice.

“ (4) Sub-paragraph (i) of paragraph (b) of sub-regulation (2) does not apply to or in relation to an article of any kind exempted by the Minister from compliance with the requirement of that sub-paragraph by a notice under sub-regulation (6), if the weight or measure of the article marked on the package containing the article is marked in accordance with the conditions, and with the restrictions (if any), specified in the notice.

“ (5) The Minister may, by notice published in the *Gazette*, and subject to such conditions and restrictions (if any) as are specified in the notice, exempt such articles of a kind to which this regulation applies as are specified in the notice from compliance with the requirement of sub-paragraph (i) of paragraph (a) of sub-regulation (2).

“ (6) Subject to sub-regulation (7), the Minister may, by notice published in the *Gazette*, and subject to such conditions and restrictions (if any) as are specified in the notice, exempt such pre-packed articles as are specified in the notice from compliance with the requirement of sub-paragraph (i) of paragraph (b) of sub-regulation (2).

“ (7) There shall be specified in a notice published in pursuance of sub-regulation (6) a condition that the weight or measure of an article to which the notice relates shall be clearly and legibly marked by means of handwriting on the package containing the article.

“ (8) Where there is marked on a package a statement of the weight or measure of an article contained in the package expressed in terms of Commonwealth legal units of measurement related to the yard, the pound, or the gallon or to the metre, the gramme or the litre, the package may, in addition, be marked with a statement of the weight or measure of the article expressed—

- (a) in terms of any other Commonwealth legal unit of measurement;
- (b) in a language other than English; or
- (c) in terms of a unit of weight or measurement of any other system of weights or measures,

if that additional statement sets out the equivalent of the weight or measure specified in the first-mentioned statement.

“ (9) Where a pre-packed article consists of goods of a kind specified in an item in the Seventh Schedule to the Customs (Prohibited Imports) Regulations (in column 2) and the weight or measure of the article is equal to a weight or measure, as the case may be, specified in that item (in column 7 or column 8) (hereinafter referred to as the relevant weight or measure), the trade description applied to the article does not comply with sub-regulation (1) of this regulation unless it states the relevant weight or measure as a weight or measure of the article.

Manner of marking weight or measure.

“ 20B. A statement of the weight of a pre-packed article shall be preceded by or followed by the word ‘net’ in the same size as the letters or figures in the statement of the weight.

“20c. (1) Where a pre-packed article is packed for sale by weight and is not of a kind in respect of which the weight of the article may, under these Regulations, be stated in terms of the troy ounce, the pennyweight, the apothecaries’ ounce, the drachm or the scruple, the statement of weight marked on the package containing the article shall be expressed in terms of the hundredweight, cental, pound, ounce, dram, or grain or in terms of the tonne, kilogramme, gramme or milligramme.

Units of measurement in terms of which statement of weight may be marked.

“(2) In the marking on a package in relation to which sub-regulation (1) applies of the weight of an article contained in the package—

- (a) except as provided in paragraph (c), (d) and (e), no fractions other than $\frac{1}{4}$, $\frac{1}{2}$ and $\frac{3}{4}$ shall be used where the weight of the article is expressed in terms of the hundredweight, pound, ounce or dram or in terms of the tonne, kilogram, gramme or milligramme;
- (b) pounds may be expressed as decimal sub-multiples of a cental;
- (c) subject to paragraph (d), where the weight of the article is expressed in terms of units of weight related to the gramme and in terms of units of weight related to the pound, fractions of a unit of weight related to the pound may be expressed in decimal sub-multiples of that unit;
- (d) where fractions of a unit of weight related to the pound may, in pursuance of paragraph (c), be expressed in decimal sub-multiples of that unit, decimal sub-multiples of an ounce may be expressed in terms of hundredths of an ounce for quantities not greater than four ounces and in tenths of an ounce for quantities greater than four ounces but less than one pound; and
- (e) where the weight of an article is expressed in terms of the ounce and the article weighs less than two ounces, the fractions $\frac{1}{8}$, $\frac{3}{8}$, $\frac{5}{8}$ and $\frac{7}{8}$ may be used.

“20d. (1) Where a pre-packed article is packed for sale by volume and is not a kind in respect of which the volume may, under these Regulations, be marked in terms of, the cubic foot or the cubic metre, the statement of volume marked on the package containing the article shall be expressed in terms of the gallon, quart, pint, fluid drachm, minim, litre or millilitre.

Units of measurement in terms of which statement of volume may be marked.

“(2) Subject to sub-regulation (3), in the marking on a package in relation to which sub-regulation (1) applies of the volume of an article contained in the package—

- (a) where the volume is expressed in terms of the gallon, a fraction other than $\frac{1}{2}$, $\frac{1}{4}$, $\frac{1}{8}$ or $\frac{3}{4}$ shall not be used;
- (b) where the volume is expressed in terms of the pint or the fluid ounce, a fraction other than $\frac{1}{2}$, $\frac{1}{4}$, $\frac{1}{8}$, $\frac{3}{4}$ or $\frac{7}{8}$ shall not be used; and
- (c) the fraction $\frac{1}{2}$ shall not be used with a whole number in expressing the volume of the article.

“(3) Where the volume of an article is expressed in terms of units of measurement related to the gallon and in units of measurement related to the litre, fractions of a unit of measurement related to the gallon may be expressed in decimal sub-multiples of that unit.

“ (4) Where the volume of an article is expressed in terms of units of measurement related to the cubic foot and in terms of a metric unit of volume, fractions of a unit of measurement related to the cubic foot may be expressed in decimal sub-multiples of that unit.”.

Decimal sub-multiples.

“ 20E. Where the weight or measure of a pre-packed article is marked on the package containing the article by reference to a decimal sub-multiple—

- (a) the decimal sub-multiple shall not be expressed to more than three significant figures; and
- (b) the decimal point that indicates the sub-multiple shall be preceded by zero or by a numeral.

Statement of weight to be in terms of the largest unit of weight or measurement.

“ 20F. (1) Subject to this regulation, the statement of weight or measure marked on a package containing a pre-packed article shall be expressed in terms of the largest unit of weight or measurement of the article.

“ (2) Notwithstanding the provisions of sub-regulation (1)—

- (a) a statement of weight or measure need not be expressed in terms of a unit greater than the pound, the yard, the kilogramme, the litre or the metre;
- (b) in any case where it is customary to express the length or width of an article in terms of feet or inches, the length or width of the article may be so expressed;
- (c) in the case of articles of a quantity less than one gallon, the quantity may be expressed in terms of pints and fluid ounces and an additional statement stating the quantity in fluid ounces may be added;
- (d) in the case of articles of a quantity less than one quart, the quantity may be expressed in terms of fluid ounces;
- (e) a fraction of a pint may be expressed as a number of fluid ounces; and
- (f) in any case, the package containing an article may be marked with an additional statement stating the quantity of the article in fluid ounces.

“ (3) Where the quantity of an article is expressed in terms of a unit of measurement of the metric system, the statement of weight or measure used in relation to the article may be expressed in terms of a unit of weight or measure specified in the First Column of the table in this sub-regulation if the weight or measure so expressed is not greater than the weight or measure specified in the Second Column of the table opposite to the first-mentioned weight or measure.

TABLE

First Column Unit of Weight or Measure	Second Column Limit of Use
milligramme	2,000 milligrammes
gramme	2,000 grammes
millilitre	2,000 millilitres
cubic centimetre	2,000 cubic centimetres
millimetre	2,000 millimetres
centimetre	2,000 centimetres

“ (4) Notwithstanding the provisions of sub-regulation (3), the measure of paper lengths may be expressed in millimetres if the measure so expressed is not greater than ten thousand millimetres.

“ 20G. (1) Subject to this regulation, the statement of weight or measure marked on a package (not being a bottle) containing a pre-packed article shall be printed in a size not less than the size specified in the Second Column of the table in this sub-regulation opposite to the entry in the First Column of that table that represents the largest dimension of that package. Size of print.

TABLE

First Column	Second Column
80 mm or less	2 mm
Over 80 mm but not over 160 mm	2.5 mm
Over 160 mm but not over 260 mm	3.3 mm
Over 260 mm	4.8 mm

“ (2) Subject to this regulation, the statement of weight or measure marked on a package (being a bottle) containing a pre-packed article shall be printed in a size not less than the size specified in the Second Column of the table in this sub-regulation opposite to the entry in the First Column of that table that represents the largest dimension of that package.

TABLE

First Column	Second Column
120 mm or under	2 mm
Over 120 mm but not over 230 mm	2.5 mm
Over 230 mm but not over 360 mm	3.3 mm
Over 360 mm	4.8 mm

“ (3) The minimum size of print specified in this regulation applies in respect of all letters and all figures other than fractions.

“ (4) The minimum size of print of the individual figures comprising a fraction marked on a package shall be not less than one-half of the minimum size specified in this regulation in respect of a package having the same dimensions.

“ (5) Letters and figures signifying a weight and printed by a ticket-printing price-computing weighing machine shall not be less than 3 mm in height, irrespective of the size of the package.

“ (6) For the purpose of this regulation, the largest dimension of a package is—

- (a) in the case of a rectangular package—the height, length or breadth, whichever is the greater; or
- (b) in the case of a cylindrical, oval or conical package—the height or the maximum diameter whichever is the greater.

“ (7) The preceding provisions of this regulation do not apply to additional statements of the weight or measure of an article that are marked on the package containing the article in accordance with sub-regulation (8) of regulation 20A.

“(2) Where two or more pre-packed articles, each of which is packed in an individual package in which it could be sold as a single article, are packed together in an outer package for sale as a single article and are ordinarily sold without removal from the outer package, it is sufficient compliance with these Regulations if each individual inner package is marked, in accordance with these Regulations, with a statement of the weight or measure of the article contained therein, or a statement of the weight or measure of each such article is marked, in accordance with these Regulations, other than sub-paragraph (i) of paragraph (a) of sub-regulation (2) of regulation 20A, on the outer package.

“(3) Where two or more articles described in an item in the Seventh Schedule to the Customs (Prohibited Imports) Regulations (in column 2), each of which is individually packed in a weight or measure less than whichever of the weights or measures, as the case may be, specified in that item (in column 3 or 4) is the greater, are contained together in an outer package for sale as a unit, it is sufficient compliance with these Regulations if the outer package is marked in accordance with these Regulations with a statement of the number of individual articles contained therein and the total net weight or measure of the articles.

“(4) Nothing in this regulation shall be read or construed as requiring a statement of the weight or measure of the contents of a package to be marked on the outer package containing two or more articles to which this regulation applies.

Restriction of
use of certain
expressions on
packages.

“20Q. (1) Subject to sub-regulation (2), the trade description of a pre-packed article shall not contain a prohibited expression or a restricted expression.

“(2) Sub-regulation (1) does not apply in relation to an article contained in a package on which a restricted expression appears if—

- (a) there is marked on every part of the package on which the restricted expression appears a statement of the weight or measure of the article;
- (b) the restricted expression and that statement are so placed and so marked that both may be seen clearly at the same time; and
- (c) each of the letters or figures comprising that statement—
 - (i) is of a size not less than the minimum size prescribed by these Regulations in relation to a package of the size of the package concerned;
 - (ii) is of a size not less than one-third of the size of the largest letter or figure contained in the restricted expression; and
 - (iii) is marked in a colour of a distinct contrast to the colour of its background.

“(3) In this section—

‘prohibited expression’ means any expression, whether consisting of one word or of several words and whether in an abbreviated form or not, that directly or indirectly relates to or qualifies a unit of measurement of a physical quantity, and includes an expression relating to the contents of a pre-packed article or of a package containing a pre-packed article that consists of or includes the word ‘gross’ or the words ‘gross weight’;

‘restricted expression’ means any expression, not being a prohibited expression or a statement of the weight or measure of an article marked on a package in accordance with these Regulations, whether

consisting of one word or of several words or of any word or words in combination with any figure or figures and whether in an abbreviated form or not, that directly or indirectly relates to the size of the package containing an article, and includes an expression that consists of, or includes, any of the following words:—

King
 Giant
 Jumbo
 Queen
 Longfellow
 Family
 Hi-boy
 Huge
 Gigantic
 Colossal
 Economy
 Bigger
 Extra
 Large
 Long.”

10. The Commerce (Imports) Regulations are amended by adding at the end thereof the following Schedule:— Fifth Schedule.

FIFTH SCHEDULE

Regs. 6A and 7.

PART I

GOODS THAT ARE NOT PRE-PACKED ARTICLES

1. Easter eggs, Easter caskets and confectionery in novelty shapes
2. Honey in the comb, being honey contained in the original frame
3. Goods that are therapeutic goods within the meaning of the *Therapeutic Goods Act* 1966, being—
 - (a) goods compounded or made to the order of the purchaser of the goods or of a medical practitioner, dentist or veterinary surgeon; or
 - (b) goods, the supply of which otherwise than on the written prescription of a medical practitioner, dentist or veterinary surgeon is an offence against a law in force in the Australian Capital Territory
4. Kippers
5. Baled hay
6. Toilet preparations in compacts, and refills of those preparations
7. Garden compost, tan bark, farm-yard manure, peatmoss or leaf mould
8. Single application hair dyes or hair bleaches, or single application home permanent hair waving kits
9. Cakes or tablets of toilet or medicinal preparations for use in washing or as a personal deodorant
10. Fire extinguisher refills
11. Photographic film and photographic printing paper
12. Rolls of polythene and rubber separation film that are so marked in terms of nominal weight, length and width as to comply with Australian Standard Code ASK 120-1965
13. Fish bait other than prawns
14. A roll of wall paper

FIFTH SCHEDULE—continued

PART II

PACKAGES THAT DO NOT CONTAIN PRE-PACKED ARTICLES

1. Packages containing articles exceeding either one hundred and seventy-five pounds or 75 kilogrammes in weight or either forty gallons or 150 litres in capacity
2. Packages containing textiles, wearing apparel or other articles, or articles of hardware, that are not packed for sale, and are not ordinarily sold, by weight, measure or number including packages containing articles of those kinds packed for sale as a single item, one of a pair, a pair or a set
3. Packages of a kind that contain less than nine articles of a kind that are ordinarily sold by number, being packages that are made wholly or partly of a transparent material so that if the package is exposed for sale, the number of articles contained in the package is readily apparent to a purchaser
4. Sacks of wheat, maize, oats, chaff, potatoes or other agricultural produce of more than either sixty pounds or 25 kilogrammes gross weight customarily sold by weight
5. Bags of clay
6. Packages, containing liquid colouring materials, on which are set out directions that the entire contents of the package or a stated portion of those contents are to be mixed with a stated volume of paint of a type specified in the instructions, if the measure of the contents of the package or of the stated portion, as the case may be, is not more than ten parts per centum of that stated volume
7. Packages of less than either ten fluid ounces or 300 millilitres containing ice cream or other frozen confections
8. Packages of less than either one-half of an ounce or 15 grammes containing tobacco
9. Packages of less than either 8 ounces or 250 grammes containing a single pie or pastry
10. Packages of less than either four ounces or 125 grammes gross weight containing a single cake, sponge or pudding
11. Packages of less than either one-half of an ounce or 15 grammes containing dried vegetables (including frozen dried vegetables)
12. Packages of less than either one-half of an ounce or 15 grammes net weight containing yarns
13. Packages of wines labelled before the first day of November 1969
14. Packages of alcoholic liquors in quantities of less than either two fluid ounces or 75 millilitres or more than either 10 gallons or 10 litres
15. Packages containing vaccines of a quantity less than 25 millilitres or single doses of substances used for injections and contained in vials or ampoules
16. Packages containing one, or more than one, article of a kind that is ordinarily sold by number, if the number of those articles in the package is marked on the package in accordance with these Regulations
17. Packages containing articles, on which is set out a direction that the whole of the contents of the package, or each of a stated number of smaller packages contained therein, is to be diluted to a stated weight or volume, including, without limiting the generality of the foregoing, those packages containing articles of the following kinds, namely:—
 - (a) jelly crystals, blancmange powders, custard powders, junket tablets, junket powders and other food substances other than powdered milk or condensed milk;
 - (b) photographic developers, fixers and chemicals packed for use in connexion with photography;
 - (c) agricultural and horticultural chemicals; and
 - (d) legume seed inoculants
18. Bottles containing milk, alcoholic liquor, aerated water, fruit drink or cordial, if—
 - (a) the bottle bears an embossed or ceramic marking stating the measure of the article that it contains;
 - (b) the name of the country in which the contents were made is shown on the bottle; and
 - (c) the bottle is imported before the first day of November 1977
19. Packages containing paper that is sold—
 - (a) by weight, whether gross weight or net weight, in quantities weighing more than either ten pounds or four kilogrammes; or

FIFTH SCHEDULE—*continued*

- (b) by number in quantities of more than four hundred and seventy-nine sheets in wrapping applied to the paper at the mill at which it was produced and marked with the number of sheets contained in the wrapping and with the dimension of each sheet
- 20. Packages of less than any of 1 ounce, 25 grammes, 1 fluid ounce or 25 millilitres containing goods other than drugs, pepper or other spices, herbs, instant tea, tobacco, yarn, dried vegetables or freeze-dried vegetables
- 21. Packages containing confectionery, dried fruit, nuts, popcorn, potato crisps and savouries, being—
 - (a) packages of less than either 3 ounces, or 85 grammes gross weight or, in the case of chocolate moulded in slab, block or bar form with or without added matter, less than either 1 ounce or 30 grammes gross weight; or
 - (b) packages containing another article if the substantial value of the combined articles is represented by that other article
- 22. Packages containing textiles that are—
 - (a) packed for sale by weight in packages containing more than either ten pounds or 4 kilogrammes;
 - (b) packed for sale by length in packages containing more than either 30 yards or 25 metres; or
 - (c) packed for sale by area in packages containing more than either 30 square yards or 25 square metres.