



OIML R 79

Misleading practices

- General
- Fill level
- Design and display of packing material
- Duplication of information
- Additional or free quantities



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Misleading practices

General

- The label on a prepackage shall not contain any information or ambiguous statements likely to mislead a purchaser
- This includes the ambiguous expressions prohibited in Annex A, A.1.3



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Annex A, A.1.3

- Ambiguous expressions such as “**approximately**” or “**standard**” or “**when packed**” shall not be used as part of the quantity declaration
- Another expression of this type would be “**between**”
- For example: “between 125 g – 175 g”



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Fill level

- Purchaser may not reasonably be misled as to the **quantity** and **identity** of the product contained within the package
- Taking into consideration any recognized and accepted production practices that may be necessary for the manufacturer or packer



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Fill level

- If a purchaser cannot fully view the product in a prepackage, it shall be considered to be filled, and
- Shall be misleading if it contains excessive **non-functional slack fill** that is not required by any production process



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Fill level

- Consideration must be had for accepted or recognised production practises necessary for the manufacturer or packer, i.e. food hygiene and quality
- R 87 Annex E *Prohibition of misleading prepackages* also requires complete filling of a prepackage unless the slack fill is functional



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Slack fill is...

The difference between the actual capacity of the packaging material and the volume of product it contains





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Functional slack fill is...

- Protection of product
- Requirements of machines used for enclosing the prepackage
- Unavoidable product settling during transit
- Specific Function



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Slack fill can be used...

- To protect the product
- When required by the machines used for enclosing the prepackage
- When product settling during transit is unavoidable
- When it has a specific function

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Example 1: Protection – Box of Chocolates



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Protection:

Slack fill for this box of chocolates is approximately 50%



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Example 2: Unavoidable settling – Laundry Powder



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Unavoidable product settling during shipping and handling:

Slack fill is approximately 37%



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Example 3 :

Specific function – ‘Pot Noddle’

The product is packaged in a plastic pot from which the noodles are cooked and eaten





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Other Examples : Cosmetic Products

The cardboard packaging is twice the size of the container



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Other Examples :
Meat Products
Industry
standard
packaging?



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Half price meat?

Or just half
the meat?

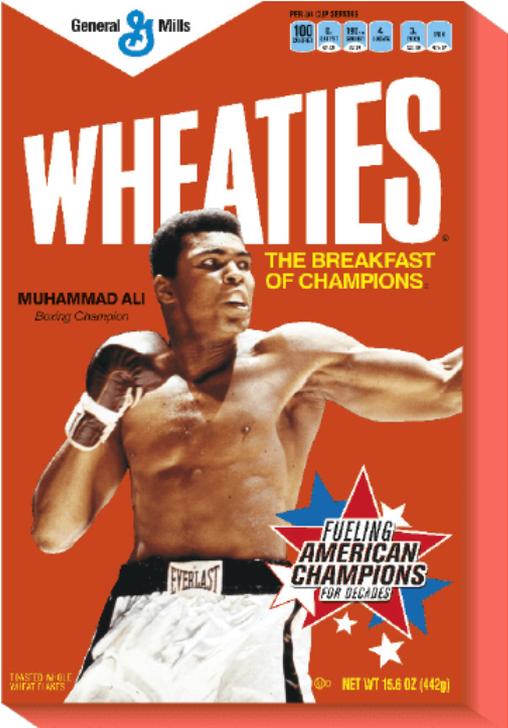


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Other examples: Cereal boxes...

- Two similar products
- Same net quantity (750 g)
- Same price (\$4.99)
- Different packaging
- Different slack fill





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Design and display of packing material:

- A prepackage shall not have: false bottom, sidewalls, lid or covering, or be otherwise so constructed or filled, wholly or partially, that may deceive the purchaser
- Concave bottoms may be justified for safety reasons.



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Duplication of information:

If the prepackage is labelled on more than one location, the information on all labels shall be equivalent and in accordance with the requirements of R79



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Additional or free quantities:

- Unless the packer declares that the free quantity is included in the nominal quantity, any such declaration shall be made in a manner which will reasonably prevent a purchaser from being misled with respect to the total quantity



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Annex E Prohibition of misleading prepackages

General:

- A prepackage may not have a shape, size or any feature that may mislead or deceive a consumer as to the actual quantity contained in such prepackage
- This includes a false bottom, sidewalls, lid or other covering (R 79 6.3)
- A prepackage may not be constructed or filled in such a way that may mislead or deceive a consumer (R 79 6.3)



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Annex E Prohibition of misleading prepackages

Complete filling:

- A prepackage may not be partially filled in such a way that may deceive a consumer unless the difference between the actual volume of the packing material and the volume of the product it contains (slack fill) is required in the production process (R 79 6.2)



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Annex E Prohibition of misleading prepackages

Complete filling:

- If a consumer cannot fully view the product in a prepackage it may be considered to be filled
- A prepackage with excessive nonfunctional slack fill (slack fill that is not required by any production process) is considered to be a misleading one



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Annex E Prohibition of misleading prepackages

Functional slack fill:

- Repeats R 79 6.2.2 Note 2

Aerosol dispensers:

- National requirements or recognized industry standards specified in national requirements are to be followed