

STATUTORY INSTRUMENTS SUPPLEMENT
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STATUTORY INSTRUMENTS

2007 No. 36.

THE WEIGHTS AND MEASURES (SALE AND LABELING OF GOODS)
RULES, 2007.

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STATUTORY INSTRUMENTS

2007 No. 36.

The Weights and Measures (Sale And Labeling of Goods) Rules, 2007.

(Under sections 22, 33 and 43 of the Weights and Measures Act Cap 103).

IN EXERCISE of the powers conferred on the Minister responsible for Trade by sections 33 and 43 of the Weights and Measures Act, these Rules are made this 5th day of July, 2007.

1. Title.

These Rules may be cited as the Weights and Measures (Sale and Labeling of Goods) Rules, 2007.

2. Interpretation.

In these Rules, unless the context otherwise requires—

“Act” means the Weights and Measures Act;

“actual quantity” means actual quantity of goods that a prepackage in fact contains as determined by measurements made by legal metrology officials;

“average error” means the sum of individual prepackage errors considering their arithmetic sign divided by the number of prepackages in the sample;

“combination prepackage” means a prepackage containing two or more individual prepackages or items of dissimilar goods;

“content of a prepackage” means actual quantity of product in a prepackage;

“drained weight” in relation to a solid product contained in a free-flowing liquid means the weight of the solid product after the liquid has been drained for a period of two minutes;

“egg” means a hen’s egg in a shell;

“goods” includes products;

“group prepackage” means a prepackage containing two or more individual items of similar but not identical goods whether in quantity or size;

“human food” means any article used as food or drink for human consumption, and includes any substance or preparation of food, any flavoring, sweetening matter or condiment and any coloring matter intended for use in food; an article shall not be taken not to be food by reason only that it is capable of being used as a medicine;

“inadequate prepackage” means a prepackage with an individual prepackage error less than the nominal quantity;

“individual prepackage error” means the difference between the actual quantity of product in a prepackage and its nominal quantity;

“in-service maximum permissible error” means the maximum permissible error allowed on an instrument when in service and used for measurements regulated by legal metrology legislation;

“inspection lot” means a definite quantity of prepackages produced at one time under conditions that are presumed to be uniform and from which a sample size is determined or drawn and inspected or verified to determine conformity with specified criteria for acceptance or rejection of the batch/inspection lot size as a whole;

“label” means any written, printed or graphic matter affixed to, applied to, attached to, blown into, formed or moulded into, embossed on or appearing upon a package containing any goods for the purpose of branding, identifying or giving any information with respect to the goods or to the contents of the package;

“manufacturer” in relation to any prepackaged goods, means a person who produces, makes or manufactures the goods and includes a person who puts or causes to be put any mark on any prepackaged goods not produced, made or manufactured by him or her and the mark purports the goods in the package to have been produced, made or manufactured by that person;

“misleading prepackage” means a prepackage that is made, formed, presented, marked or filled in any way that may mislead a consumer about the quantity of its contents;

“non automatic instrument” means an instrument that requires the intervention of the operator during the measurement process to determine the result of the measurement or to decide that it is acceptable; it may be electronic, mechanical or a combination of the two as applicable, graduated or non graduated, self indicating, semi- self indicating or non self-indicating;

“nominal quantity” means the quantity of product in a prepackage declared on the label by the packer;

“packaging or tare material” includes everything of the prepackage that is intended to be left over after use of the product described in Schedule 13, except for items naturally in the product;

“prepackage” means a combination of a product and the packaging material in which it is pre-packed;

“prepackaged product” means a single item for presentation as such to a consumer consisting of a product and the packing material into which it was put before being offered for sale and in which the quantity of product has a predetermined value, whether the packing material encloses the product completely or only partially, but in any case in such a way that the actual quantity of product cannot be altered without the packing material either being opened or undergoing a perceptible modification;

“principle display panel” includes the part of a package that is most likely to be displayed, presented, shown or examined under normal and customary conditions of display;

“random sampling” means sample prepackages chosen randomly;

“sale” includes sale by wholesale;

“slack fill” means the difference between the actual capacity of the packing material and the volume of product it contains;

“sample size” the required number of prepackages taken from an inspection and used to provide information that will serve as the basis for a decision on the conformity of the inspection lot;

“tolerable deficiency “T” or tolerable negative error” means the deficiency in quantity of the product permitted in a prepackage allowed in Schedule 10;

“T1 error” means an inadequate prepackage found to contain an actual quantity less than the nominal quantity minus the tolerable deficiency allowed under Schedule 10;

“T2 error” means an inadequate prepackage found to contain an actual quantity less than the nominal quantity minus twice the tolerable deficiency for a nominal quantity allowed under Schedule 10;

“valid verification status” means the status of a measuring instrument that conforms to the legal metrology requirements for initial and subsequent verification.

3. Sale by net weight or measure.

(1) Goods that are sold, offered or exposed for sale or advertised in any manner for sale by weight or measure shall be sold, offered, exposed or advertised for sale, as the case may be, by reference to net weight or measure.

(2) A person who contravenes subrule (1) commits an offence.

4. Sale by quantity.

(1) A person shall not sell, offer or expose for sale any of the goods specified in—

(a) schedule 1, except by reference to weight;

(b) schedule 2, except by reference to weight or number;

(c) schedule 3, except by reference to measure of capacity;

(d) schedule 4, except by reference to weight or measure of capacity or in the case of sand and other ballast except by weight or volume; and

(e) schedule 5, except by reference to weight or linear measure.

(2) The goods specified in subrule 4(1) (a) shall, except where sold by number be marked in S.I units.

(3) A person who contravenes subrule (1) commits an offence.

5. Prepackaged goods.

(1) A person shall not import, manufacture, offer, expose or have in his or her possession for sale or sell any prepackaged goods of a description specified in the second column of Schedule 6 unless the goods have been prepackaged in the quantity and form of container specified in the third or fourth column of that Schedule.

(2) For the purpose of subrule (1), where any imported goods are found in the possession or control of any person or are found in the premises of any person carrying on trade, that person shall be taken to have the goods for sale and the onus of proving the contrary shall be upon him or her.

(3) Any person who contravenes subrule (1) commits an offence.

6. Eggs.

(1) A person shall not sell, offer for sale or have in his or her possession for sale, or transport for sale any quantity of eggs with reference to grade unless each egg has been graded according to its weight in a manner specified in Schedule 7 and the grade is closely marked on the container in which they are confined and each container contains eggs of one and the same grade.

(2) Eggs sold in an open tray or any other form of open container shall not be taken to be prepackaged products.

7. Reference to grade of eggs.

Any person who sells, offers, exposes, or delivers for sale, eggs which are—

- (a) marked or whose container or label is marked with a mark or statement purporting to indicate the grade or quantity of the eggs;

(b) accompanied with an invoice, delivery note or other document bearing a mark or any statement purporting to indicate the grade or quality of the eggs; or

(c) grouped into categories,

shall be taken to have done so with reference to grade.

8. Declaration to be on every package.

(1) A person shall not sell, offer or expose for sale, advertise in any manner for sale or have in his or her possession for sale, transport for sale any prepackaged goods unless the prepackage in which the goods are pre-packed bear on a label securely attached to it, plain and conspicuous declarations as to—

(a) the name and address of the manufacturer of the goods and where the goods are not prepackaged by the manufacturer, the like particulars of the person responsible for the packing;

(b) the common or generic name of the goods contained in the package;

(c) the weight or measure of goods contained in the package;

(d) in the case of human food, the expiry date of the goods; and

(e) such other matters as are specified under these Rules.

(2) Where any goods are prepackaged and sold by retail on the same premises, a statement as to the name and address of the manufacturer or packer of goods shall not be required to be indicated on the prepackage.

(3) Where, by reason of the smallness of the prepackage, it is not reasonably practicable to indicate the name and address of the manufacturer or packer of the goods on the package, it shall be sufficient compliance with subrule (1) (a) where the prepackage bears a trademark or such other mark or inscription as would enable the purchaser to identify the manufacturer or packer of the goods.

(4) Where goods manufactured or pre-packaged outside Uganda are imported into Uganda, the prepackage containing the goods shall, in addition to the name and address of the manufacturer or packer of the goods, bear the name and address of the importer of the goods.

(5) Every declaration required to be made on a package under this Rule shall—

(a) appear on the principal display panel of the package and shall be parallel to the base on which the package is intended by the manufacturer to rest; and

(b) be written in prominent characters upon a contrasting background and shall be so placed as to be conspicuous and clearly legible.

(6) Where a declaration is blown or moulded on a glass or plastic surface, or where it is embossed or perforated on a package, the declaration shall not be required in a contrasting colour.

(7) Where a prepackage is provided with an outside wrapper or container, the wrapper or container shall contain the declarations which are required to appear on the prepackage, except where the wrapper or container is transparent and the declaration on the package itself is easily and clearly readable through that outside wrapper or container.

(8) The minimum height of any letter or number in the declaration shall be based on the nominal declaration as indicated in Schedule 15.

(9) Any person who contravenes this rule commits an offence.

9. Declaration of quantity.

(1) Every declaration of quantity on a package shall specify the quantity of goods to which it relates without any reference to words, figures or any other marks implying an approximation, or any expression which tends to create an exaggerated or misleading impression as to the quantity of the goods contained in the prepackage.

(2) In the case of thread or any other material whose length is likely to vary if subjected to tension, the quantity declaration shall include the length of the thread or material.

(3) In the case of soap in the form of a bar, cake or tablet, the quantity declaration shall specify the minimum net weight guaranteed at the time of manufacture and either the total fatty matter in the soap expressed as a percentage of the declared weight or the grade of the soap.

(4) The declaration of quantity of goods contained in a package except in the case of goods specified in Schedules 1, 2, 3, 4, 5 and 6 shall be in terms of—

- (a) weight, where the goods are solid, semi-solid or viscous, or a mixture of solid and liquid; or
- (b) measure of capacity, where the goods are liquid.

(5) The declaration of quantity shall in the case of a solid product contained in a free-flowing liquid which is sold as such, be in terms of the drained weight of the solid product.

(6) The declaration of quantity shall, in the case of a product pre-packed in a container designed to deliver the product under pressure, state the net quantity in weight that will be expelled when the instructions for use are followed and the propellant in it shall be included in the net quantity statement.

(7) In declaring the net weight of goods contained in a package, the weight of wrappers and other materials used to pre-pack the goods shall be excluded.

(8) Where a prepackage contains a number of small confectionary items each of which is separately wrapped and it is not reasonably practical to exclude the weight declared on the package of the confectionary or on the label, the declaration may include the weight of the immediate wrappers, if the total weight of the wrappers does not exceed—

- (a) eight percent, where the immediate wrapper is a waxed paper or any other paper with wax of aluminium foil under strip; or
- (b) six percent, where the immediate wrapper is any other type of paper, of the total net weight of all the items of confectionary contained in the pre-package minus the weight of the immediate wrapper.

10. Units to be used in quantity declaration.

(1) The declaration of quantity of goods on any prepackage shall be specified in full or by means of a permissible abbreviation of the kind specified in Schedule 8.

(2) When expressing a quantity less than—

- (a) one kilogram, the unit of weight shall be the gram;
- (b) one metre, the unit of length shall be the centimetre or the millimetre;
- (c) one square metre, the unit of area shall be the square centimeter;
- (d) one cubic metre, the unit of volume shall be the cubic decimetre;
- (e) one cubic decimetre, the unit of volume shall be the cubic centimetre; and
- (f) one litre, the unit of capacity shall be the millilitre.

(3) When expressing a quantity equal to or more than—

- (a) one kilogram but less than one tonne, the unit of weight shall be the kilogram, and any fraction of a kilogram shall be expressed in terms of decimal sub-multiple of the kilogram; or
- (b) one tonne, the unit of weight shall be the tonne and any fraction of a tonne shall be expressed in terms of decimal sub-multiple of the tonne;
- (c) one metre, the unit of length shall be the metre, and any fraction of a metre shall be expressed in terms of decimal sub-multiple of the metre;

(d) one square metre, the unit of area shall be the square metre and any fraction of a square metre shall be expressed in terms of decimal sub-multiple of the square metre;

(e) one cubic metre, the unit of volume shall be the cubic metre and any fraction of a cubic metre shall be expressed in terms of decimal sub-multiple of the cubic metre; and

(f) one litre, the unit of capacity shall be the litre and any fraction of a litre shall be expressed in terms of the litre.

(4) Where the quantity to be expressed is equal to one kilogram, one metre, one square metre, one cubic metre, or one litre as the case may be, the quantity may be expressed in terms of the gram, centimetre, square centimetre, cubic centimetre or millilitre as the case may be.

(5) When expressing a quantity less than—

(a) one gram, the unit of weight shall be the milligram;

(b) one centimetre, the unit of length shall be millimetre;

(c) one square decimetre, the unit of area shall be the square centimetre;

(d) one cubic decimetre, the unit of volume shall be cubic centimetre;

(6) Where goods are pre-packed by number, the number shall be expressed on the prepackage in words or Arabic numerals or both.

11. Metrological requirements.

(1) Goods shall be sold by net quantity excluding the quantity of any packaging material unless exemption is given for specific types of goods in the legal metrology legislation.

(2) The requirements of this rule shall apply to quantities marked on a prepackage in accordance with legal metrology legislation prescribing requirements for the labeling of prepackages or otherwise indicated at the time of measurement including any supplementary statements of quantity unless appropriately qualified.

(3) In the case of general measurements and measurement of goods at the time of sale, a suitable instrument shall be used for any measurement regulated by legal metrology legislation including quantities of goods when taken from the bulk and measured at the time of sale.

(4) The quantities referred to in subrule (3) shall not be deficient of the quantity represented, indicated or marked unless the deficiency is due to an error on the instrument used and is within the permitted maximum error for the instrument at the point of measurement.

(5) The net quantity of the product in a prepackage made up for sale on the retail premise from which they are sold shall be determined by the means of a suitable non automatic measuring instrument which conforms to the requirements of rule 12 unless the requirements of rule 11 (11) are complied with.

(6) Where the instrument used for prepackaging is not available to the consumers, another suitable measuring instrument shall be made available to the consumers for checking the quantity of the packages.

(7) The quantity of the product in the prepackages referred to in subrule (5) shall not be deficient of the net quantity represented, indicated or marked unless the deficiency is due to an error on the instrument used and is within the maximum error permitted for the instrument.

(8) The packer of the goods shall not exploit the permitted tolerances on the instruments.

(9) The average and individual prepackage requirements in rule 13 (3) and (5) shall not apply to rule 11 (7).

(10) Unless otherwise exempted, prepackers shall make allowance for possible shrinkage or loss of quantity after packing to ensure that prepackages comply with the metrological requirements at the time of sale to consumers.

(11) Where the net quantity of the product in prepackages made up for sale on the retail premises from which they are sold is determined by means of a measuring instrument that does not comply with requirements of rule 12, the requirements of rule 13 apply to the prepackages and a suitable measuring instrument shall be made available to the consumers for checking the quantity of the prepackages.

12. Suitability of instruments.

An instrument used for measuring under rule 11 (3) and (5) and the instrument used for checking under rule 11 (5) and (11) shall be an instrument that fulfills the following conditions—

- (a) the instrument shall be an approved type where approval of type is required by legal metrology legislation;
- (b) the instrument shall have a valid verification status;
- (c) the permitted in-service maximum permissible error for the quantity measured shall not exceed the applicable tolerable deficiency (T) for the goods being measured;
- (d) the instrument shall not be used below any minimum quantity to be measured as specified in type approval documentation or any applicable legislation; and
- (e) instruments used under rule 11 (3) and instruments used for checking purposes under rule 11 (5) and (11) shall be of a type permitted by legislation for direct sales to the public.

13. Prepackages other than those made up for sale using suitable instrument on retail premises from which they are sold.

(1) Prepackages other than those referred to in rule 11 (5) but including those made up on retail premises for which the requirements of rule 11(11) apply, shall meet the applicable requirements of this rule at any level of distribution including at the point of pack, import, distribution and whole sale transactions and retail sale where prepackages are offered or exposed for sale or sold.

(2) Where necessary, packers shall make allowances for possible shrinkage or loss of quantity after packing.

(3) The average requirement for the following prepackages shall be as follows—

- (a) for prepackages with a constant nominal quantity, the average actual quantity of the product in prepackages in an inspection lot shall be atleast equal to the nominal quantity; and

12. Suitability of instruments.

An instrument used for measuring under rule 11 (3) and (5) and the instrument used for checking under rule 11 (5) and (11) shall be an instrument that fulfills the following conditions—

- (a) the instrument shall be an approved type where approval of type is required by legal metrology legislation;
- (b) the instrument shall have a valid verification status;
- (c) the permitted in-service maximum permissible error for the quantity measured shall not exceed the applicable tolerable deficiency (T) for the goods being measured;
- (d) the instrument shall not be used below any minimum quantity to be measured as specified in type approval documentation or any applicable legislation; and
- (e) instruments used under rule 11 (3) and instruments used for checking purposes under rule 11 (5) and (11) shall be of a type permitted by legislation for direct sales to the public.

13. Prepackages other than those made up for sale using suitable instrument on retail premises from which they are sold.

(1) Prepackages other than those referred to in rule 11 (5) but including those made up on retail premises for which the requirements of rule 11(11) apply, shall meet the applicable requirements of this rule at any level of distribution including at the point of pack, import, distribution and whole sale transactions and retail sale where prepackages are offered or exposed for sale or sold.

(2) Where necessary, packers shall make allowances for possible shrinkage or loss of quantity after packing.

(3) The average requirement for the following prepackages shall be as follows—

- (a) for prepackages with a constant nominal quantity, the average actual quantity of the product in prepackages in an inspection lot shall be atleast equal to the nominal quantity; and

15. Prepackaged food stuffs on which the drained mass shall be indicated.

(1) Where a solid foodstuff is packed in a liquid medium prescribed in subrule (2), the drained net mass of the foodstuff shall be indicated on the label in addition to the total net mass and the drained net mass shall conform to the requirements in rule 13.

(2) A liquid medium for purposes of this rule means products possibly in a mixture and where frozen or quick frozen, provided that the liquid is merely an adjunct to the essential elements of that preparation and is thus not a decisive factor for the purchase.

(3) The following products are products in a liquid medium—

- (a) aqueous solutions of food acids;
- (b) aqueous solutions of salts;
- (c) aqueous solutions;
- (d) aqueous solutions of other sweetening substances;
- (e) brine;
- (f) fruit or vegetable juices;
- (g) mixtures of edible oil and water;
- (h) vinegar; and
- (i) water.

(4) Savoury sauces such as tomato sauce or gravy shall not be included as products in a liquid medium and need not be marked with their drained mass.

(5) The method of determining the drained mass shall be as prescribed in Schedule 12.

16. Reference test for metrological requirements for prepackages.

(1) The following requirements as applicable shall be used for the inspection of prepackages provided that the metrological requirements in rule 12 are complied with—

Inspection procedures—

- (a) The prescribed tests shall be performed in accordance with the quality acceptance inspection by sampling prepackages at any level of distribution including at the point of pack, import, distribution and wholesale transactions and sale and shall not preclude a legal metrology official from conducting

any other test at any level of distribution for the purpose of verifying that prepackages meet the prescribed requirements;

Accuracy of measurement—

(b) Unless otherwise prescribed, inspection measuring instruments shall have a resolution of not more than 0.1 T of the prepackage being measured in the case of instruments with digital indication and not more than 0.2T of the prepackage being measured for instruments with analogue indication that permits interpolation between discreet divisions such as analogue weighing instruments, glass measures and tape measures—

(i) any error on the measuring instrument shall be taken into consideration when measurements are made and irrespective of the method used, the uncertainty of measurement when measuring the actual content of a prepackage shall not exceed 0.2 T of the prepackage being measured; and

(ii) when inspecting general measurements and measurements of goods at the time of sale or prepackages made up for sale on the retail premises from which they are sold, the errors on the instruments used for the respective measurements shall be taken into consideration and should the instruments comply with the requirements for suitability of instruments, they may be used to measure the goods being inspected if practical.

(2) The inspector of weights and measures shall in addition to requirements referred to in rules 11 to 16 follow the guidelines for testing of metrological requirements specified in Schedule 9.

17. Additional declarations required on certain prepackages.

(1) A combination prepackage shall, in addition to the declarations required to be made under rule 10 contain an indication of the net weight, measure or number, as the case may be in respect of each item contained in the prepackage.

(2) Where individual items in a combination prepackage are prepacked or labeled separately and are capable of being sold separately, each item shall bear on it a declaration as to its quantity.

(3) A group prepackage shall, in addition to the declarations required to be made under any other provisions of these Rules, contain an indication of—

- (a) the number of prepackages or items contained in the group prepackage followed by the net weight, measure or number of the individual prepackages or items as the case maybe; and
- (b) the total number of prepackages or items contained in the group prepackage.

(4) Where individual prepackages or items in a group prepackage are either pre-packed or labeled separately and are capable of being sold as individual prepackages or items, each prepackage or item shall bear on it a declaration as to its quantity.

(5) Every multi-unit prepackage shall bear in addition to the declaration required to be made under Rule 10, a declaration of the number of individual items contained in it.

(6) Where individual items in a multi-unit prepackage are pre-packed or labeled separately and are capable of being sold separately, each time shall bear a declaration as to its quantity.

(7) Where a prepackage contains goods like bedsheets, napkins, pillow cases, towels, shawls or other similar goods, the number and dimensions of the finished size of the goods shall also be declared on the package or on a label attached to it.

(8) Where a prepackage contains two or more items of different dimensions, the packages shall bear a declaration as to the dimensions of each item and such items shall each bear a declaration of their dimensions.

18. Deceptive package.

(1) A person shall not sell, offer or expose for sale or in any manner advertise for sale or have in his or her possession for sale or transport for sale any prepackage possessing a false bottom, sidewalls, lid or covering or constructed or filled, wholly or partially, in such a way that may deceive the consumer.

(2) The guidelines for determining whether a package is deceptive shall be in Schedule 14.

19. Alteration, removal of declaration.

Any person who, with intent to deceive or mislead any prospective purchaser removes adds to, alters, defaces or renders illegible any declaration required to be made on a prepackage under these Rules or has in his or her possession or offers or exposes for sale or sells any goods in respect of which any declaration has been removed, added to, altered, defaced or rendered illegible commits an offence.

20. Procedure for determining quantity in packages.

(1) For the purpose of ascertaining the net quantity of goods in any prepackage, the inspector may carry out tests on a sample of the goods and the sample shall be drawn from an inspection lot of the prepackages in the manner specified in Schedule 10.

(2) The tests mentioned in subrule (1) shall be carried out in accordance with the method specified in Schedule 10 and the inspector shall enter the detailed results of the tests in the form set out in that Schedule.

21. Failure of an inspection lot.

(1) Where the inspection lot fails or does not meet the requirements set out in Schedule 10, inspection lot shall be rejected and the inspector shall issue a restraint of sale document.

(2) Where the inspector issues a restraint of sale document to the owner, packer or distributor of the goods, the owner, packer or distributor shall arrange to have the goods destroyed or repacked before the goods are allowed for sale.

22. Penalties.

Any person who commits an offence under these Rules is liable to a fine not exceeding three thousand shillings or to a term of imprisonment not exceeding three months or both.

23. Exceptions and Exemptions.

The Minister may, by notice in the *Gazette*, exempt any particular goods or any particular consignment of goods or goods of any particular weight or measure from all or any of the provisions of these Rules.

24. Revocation of S.I No. 103-4.

The Weights and Measures (Sale and Labeling of Goods) Rules are revoked.

SCHEDULES

SCHEDULE 1

Rule 4(1) (a)

GOODS TO BE SOLD BY WEIGHT

1. Human food with exception of—
 - (a) unprepackaged petty quantities sold at a price not exceeding fifty shillings;
 - (b) food items sold by number;
 - (c) food items indicated in Schedules 2,3,4 and 6 when sold under the provisions of those Schedules;
 - (d) food items sold in an open 20-litre measure of capacity on premises not normally used for trade.
2. Aerial products.
3. Air fresheners in solid form.
4. Animal and pet food.
5. Barley
6. Biscuits
7. Breakfast cereals
8. Cashew nuts in shell
9. Castor seeds.
10. Cement.
11. Cleaning and scouring powder; soap flakes, soap powders; detergents other than liquid detergents not exceeding 5 liters.
12. Dentifrices.
13. Liquid petroleum gas.
14. Lubricating greases.
15. Nails.
16. Sand and other Ballast except when sold by volume in S.I units.
17. Sisal.
18. Solid fertilizers, agricultural liming material and agricultural salt.
19. Solid insecticides and solid fungicides.
20. Solid polishes and dressing analogous to solid polishes except shoe polish.
21. Tobacco including snuff.

SCHEDULE 2

Rule 4 (1) (b)

GOODS TO BE SOLD BY WEIGHT OR NUMBER

1. Cassava roots.
2. Cigars.
3. Cigarettes.
4. Eggs in shell.
5. Fresh fruits.
6. Match sticks.
7. Maize on cob.
8. Nuts and bolts.
9. Shaving blades.
10. Stationery and envelopes.
11. Sweetening tablets and drinking tables.

SCHEDULE 4

Rule 4(1) (d)

GOODS TO BE SOLD BY WEIGHT OR MEASURE OF CAPACITY

1. Body hair care cream.
2. Custard powder.
3. Dentifrices.
4. Distemper.
5. Ice-cream in bricks.
6. Ice-cream in cups.
7. Jam marmalade, honey and jellies.
8. Lubricating oil exceeding 20 litres.
9. Maize grain.
10. Milk.
11. Molasses treacle.
12. Paint, varnish, Lacquer and paint remover.
13. Stainers.
14. Sauces and ketchup.
15. Shaving and hair removing lotions.
16. Shoe polish.
17. Spices and condiments.
18. Toilet preparations.

SCHEDULE 5

Rule 4(1) (e)

GOODS TO BE SOLD BY WEIGHT OR LINEAR MEASUREMENT

1. Bias binding.
2. Elastic wire.
3. Fencing wire.
4. Knitting and sewing thread.
5. Ribbon.
6. Rope.
7. Sisal twine.
8. String.
9. Tape.

SCHEDULE 6

Rule 5

STANDARD QUANTITIES FOR PRE-PACKED GOODS

Item No. (1)	Description of Goods (2)	Quantity when packed in rigid containers, glass, plastic or metal (3)	Quantity when packed in container other than those specified in the third column (4)
1.	Bacon and sausage	100 g, 200 g, 300 g, 400 g, 500 g, 1 kg thereafter by step of 1kg	100 g, 200 g, 300 g, 400 g, 500 g, 1 kg
2.	Butter, margarine and mixture of butter and margarine	50g, then by steps of 50 g to 500 g thereafter by steps of 500g	10 g, 15 g, 50 g then by steps of 50g to 500 g thereafter by steps of 500g
3.	Cement		1 kg, 2 kg, 5 kg, 10 kg, 20 kg, 25 kg, 50 kg
4.	Coffee, tea, other than tea in chests	50 g then by step of 10g to 100 g, then by steps of 100 g to 1 kg thereafter by steps of 500 g	50 g then by steps of 10g to 100g then by steps of 100 g to 1 kg thereafter by steps of 500 g
5.	Cooking fat and ghee including lard and suet.	50 g then steps of 25 g to 500 g then by steps of 50 g to 1 kg thereafter by steps of 500 g	50 g then steps of 25 g to 500 g then by steps of 50 g to 1 kg thereafter by steps of 500 g
6.	Edible oils	50 ml then by steps of 25ml to 500 ml then by 50 ml to 1litre, thereafter by steps of 1litre or 1 kg	50 ml then by steps of 25 ml to 500 ml then by steps of 1litre to 3 litres
7.	Flour of oats, rice, beans, soya beans, rye, suji, self-raising flour	100 g, 250 g, 500 g, 1 kg thereafter by steps of 1 kg	100 g 250 g 500 g 1kg thereafter by steps of 1kg
8.	Liquid soap and liquid detergents.	10 ml then by steps of 10 ml to 100 ml then by steps of 50 ml to 1litre thereafter by steps of 1litre	10 ml then by steps of 10 ml to 100 ml then by steps of 50 ml to 1litre thereafter by steps of 1litre
9.	Maize flour, maize grains.		1 kg then by steps of 1kg. to 10 kg, 20 kg, 50 kg, 90 kg.
10.	Match sticks		10,20,40,60,100, thereafter by lots of 5

<i>Item No.</i>	<i>Description of Goods</i>	<i>Quantity when packed in rigid containers, glass, plastic or metal</i>	<i>Quantity when packed in container other than those specified in the third column</i>
(1)	(2)	(3)	(4)
11.	Milk (not exceeding 5 litres) other than condensed or evaporated milk	100 ml then by steps of 25 ml to 500 ml then by steps of 50 ml to 1 litre thereafter by steps of 1litre except tinned milk in 100 ml, 200 ml, 300 ml, 400 ml, 500 ml	62.5 ml, 100 ml then by steps of 25 ml to 500 ml then by steps of 50 ml to 1litre
12.	Millet, wimbi, simsim and sorghum		250 g 500 g 1 kg thereafter by steps of 1kg.
13.	Pulses (beans, dengu, grams, peas, etc.		250 g 500 g 1 kg thereafter by steps of 1 kg to 10 kg, 90 kg
14.	Rice grains		250 g, 500 g, 1 kg, 2 kg, 3 kg, 4 kg, 5 kg, 10 kg, 20 kg, 50 kg, 100 kg
15.	Salt	50 g, 100 g, 200 g, 250 g, 300 g, 350 g, 500 g ,750g, 1 kg then by steps of 1 kg to 10 kg, 25 kg, 50 kg, 100 kg	50 g, 100 g, 200 g, 250 g, 300 g, 350 g, 500 g, 750 g, 1 kg then by steps of 1 kg to 10 kg, 25 kg, 50 kg, 100 kg
16.	Soap (Cake, tablet or bar)		5 g then by steps of 5 g to 150 g then by steps of 25 g to 300 g thereafter by steps of 100 g
17.	Soap in powder or flake form.	5 g then by steps of 5g to 100 g then by steps of 50g to 300 g then by steps of 100 g to 1 kg, 1.25 kg, 1.5 kg, 2 kg thereafter by steps of 500 g	5 g then by steps of 5g. to 100g then by steps of 50 g to 300 g then by steps of 100 g, to 1 kg 1.25 kg, 1.5 kg, 2 kg thereafter by steps of 500 g
18.	Sugar	50 g, 75 g, 100 g, 250 g, 500 g, 1 kg	50 g, 75 g, 100 g, 250 g, 500g, 1 kg thereafter by steps of 1kg., to 10 kg, 50 kg, 100 kg
19.	Wheat, flour, Wheat grain		250 g, 500 g, 1 kg thereafter by steps of 1kg. 5 kg 10 kg, 20 kg, 50 kg, 90 kg
20.	Toilet paper with a minimum area of 125 cm ² per sheet		200 sheets and a multiple of 100 sheets above 200 sheets

SCHEDULE 7

Rule 6

GRADES OF EGGS

<i>Grade (1)</i>	<i>Weight (2)</i>
Extra large	Not less than 65 grams
Large	Less than 65 grams but not less than 55 grams.
Standard	Less than 55 grams but not less than 50 grams.
Small	Less than 50 grams but not less than 45 grams.
Sub-grade	Less than 45 grams

SCHEDULE 8

Rule 10

PERMISSIBLE ABBREVIATIONS

<i>Quantity (1)</i>	<i>Unit (2)</i>	<i>Abbreviation (3)</i>
Length	Metres	m
	Decimetres	dm
	Centimetres	cm
	Millimetres	mm
Mass (Weight)	Tonne	t
	Kilogram	kg
	Gram	g
	Milligram	mg
Capacity	Litre	L or l
	Centilitre	cL or cl
	Millilitre	mL or ml
Area	Square metre	m^2
	Square centimetre	cm^2
	Square milimetre	mm^2
Volume	Cubic metre	m^3
	Cubic decimetre	dm^3

SCHEDULE 9

Rules 11, 12,13,14,15 and 16

REFERENCE TEST FOR METROLOGICAL REQUIREMENTS

Inspectors of weights and measures shall conduct tests to determine if prepackages comply with the requirements of these Rules. The tests may be performed in accordance with quality acceptance inspection by sampling prepackages at any level of distribution including at the point of-pack, import, distribution and wholesale transactions and sale.

The expanded uncertainties at 95% confidence level associated with measuring instruments and test methods used for determining quantities shall not exceed 0.2 T. Examples of the source of uncertainty include the maximum permissible error and repeatability in weighing and measuring instruments, variations in prepackage materials, and fluctuations in density determinations caused by the differing amounts of solids in the liquid or temperature changes.

This Rule does not preclude an inspector from conducting any other test at any level of distribution for the purpose of verifying that prepackages meet the requirements of the Rule.

Inspectors may permit reasonable deviations in the quantity of product (i.e. hygroscopic products) caused by ordinary and customary exposure to environmental conditions that occur in storage and distribution in the evaluation of both the average and individual prepackage requirements.

Statistical and general principles of control

Criteria

The tests for acceptance or rejection of inspection lots shall take three parameters into consideration:-

- (a) the average error of the quantity of product in a prepackage in the sample; The average actual quantity of product in a prepackage in an inspection lot shall be at least equal to the nominal quantity.*
- (b) the percentage of prepackages in the sample that contains a quantity of product less than $Q_n - T$ is less than 2.5% also called a TI error. This is equal to the requirement that an inspection lot shall be rejected if the sample includes more inadequate prepackages which contain a quantity of product less than $Q_n - T$ than permitted in column 4 of Table 1 of Schedule 10 called a TI error; and*

- (c) *that an inspection lot must be rejected if one of more inadequate prepackages in the sample contains a quantity of product less than $Q_n - T_2$ called a T_2 error.*

An inspection lot is—

- (a) *accepted where it satisfies the requirements fixed for the three parameters above or;*
 - (b) *rejected where it does not satisfy one or more of the requirements.*
2. Significance level of the tests for the Type I Risk (1)

The significance level, the value of which is the upper limit of this type of error shall be 0.005. The tests shall determine if the average of the quantity of product in a prepackage has a one-sided significance level of 99.5% using coefficients as derived from Student's t distribution.

$$\alpha p \leq 0.5 \% \text{ for } \mu = Q_n$$

That is, the probability of rejecting a correctly filled inspection lot with $\mu = Q_n$ shall not exceed 0.5%.

The test for Type I Risk (1) shall have a significance level $_p$ of:

$$_p < 5 \% \text{ for } p = 2.5\%$$

that is, the probability (p) of rejecting an inspection lot containing 2.5% of inadequate prepackages shall not exceed 5%.

3. Significance level of the tests for the Type II Risk (1)

In at least 90% of the cases the tests shall detect inspection lots:—

- (a) *for which the average fill is less than $(Q_n - 0.74_)$ where $_$ is the sample standard deviation of the quantity of product in the prepackages of the inspection lot; and*
- (b) *which contain 9% of inadequate prepackages*

SAMPLING PLANS USED IN MARKET SURVEILLANCE BY INSPECTORS

1. Inspection lots shall be assumed to be homogenous if there is no indication to the contrary. Sample prepackages shall be selected using random sampling.
2. Inspections carried out on the premises of the packer.
An inspection lot taken from the production line shall consist of all prepackages not rejected by a checking system. Care shall be taken to prevent other than normal operating adjustments or other corrective actions in the production and prepackage filling process. Sample prepackages must be collected after the point of final checking by the packer.
3. Where sample prepackages are-
 - (a) collected from the production line; the size of the inspection lot shall be equal to the maximum hourly output of the production line without any restriction as to the inspection lot size;
 - (b) not collected from the production line at the premises of the packer; and when—
 - (i) the production line output exceeds 10,000 prepackages per hour: the size of the inspection lot shall be equal to the maximum hourly output of the production line without any restriction as to the inspection lot size; or
 - (ii) The production line output is 10,000 or fewer prepackages per hour; the inspection lot size shall not exceed 10,000 prepackages.

Table 1: Sampling plans for prepackages

<i>Inspection lot size</i>	<i>Sample size</i>	<i>Sample correction factor</i>	<i>Number of prepackages in a sample allowed to exceed the tolerable deficiencies</i>
100 to 500	50	0.379	3
501 to 3200	80	0.295	5
More than 3200	125	0.234	7

Table 2: Tolerable deficiencies in actual content of prepackages

Nominal Quantity of Product (Q_n) in g or mL	Tolerable Deficiency (T)	
	Percent of Q_n	g or mL
0 to 50	9	-
50 to 100	-	4.5
100 to 200	4.5	-
200 to 300	-	9
300 to 500	3	-
500 to 1000	-	15
1000 to 10,000	1.5	-
10,000 to 15,000	-	150
15,000 to 50,000	1	-

The T-values are to be rounded up to the next tenth of g or ml for Q_n less than or equal to 1,000 g or ml and to the next whole g or Q_n higher than 100mmmmmm0g or ml.

Nominal Quantity (Q_n) in length	Percent of Q_n
Q_n up to 5m	No tolerable deficiency allowed
Q_n greater than 5m	2
Nominal Quantity (Q_n) in area	Percent of Q_n
All Q_n	3
Nominal Quantity (Q_n) of product in count	Percent of Q_n
Q_n up to 50 items	No tolerable deficiency allowed
Q_n greater than 50 items	1 ^b

^bCompute the value of T by multiplying the nominal quantity by 1% and rounding the result up to the next whole number. The value may be larger than 1% due to the rounding but this is accepted because the products are whole items and cannot be divided.

SCHEDULE 11

Rule 14

PRODUCTS PACKED BY MASS THAT SHALL COMPLY WITH THE REQUIREMENTS OF RULE 14(1)

Table 1

ITEM	PRODUCT
1	Camphor
2	Carbonate of soda
3	Cheese
4	Dried fruit
5	Dried fish and dried meat products
6	Epsom salts
7.	Fertilisers
8.	Fresh fruits and vegetables excluding mushrooms
9.	Pasts products
10.	Seed
11.	Seed potatoes
12	Soap (Household and laundry bars
13.	Soap (Flakes, powders and detergent)
14.	Soap (Toilet and medicinal)
15.	Sorghum malt
16.	Tobacco/Snuff
17.	Twines/cordage
18.	Washing salts
19.	Wool (Knitting)
20.	Yeast

Table 2

Products packed by mass that shall comply with the requirements of rule 14(2)

ITEM	PRODUCT
1.	Bread (all types)
2.	Cake and other flour confectionery
3.	Mushrooms

DRAINED QUANTITY OF PRODUCTS PACKED IN A LIQUID
MEDIUM

1. Interpretation

(a) Actual contents

The quantity of a product in a prepackage after equilibrium of solution process is established and the liquid medium is drained according to item 4.

(b) Liquid medium

Means the following products, possibly in mixtures and also when frozen or quick frozen, provided that the liquid is merely an adjunct to the essential elements of that preparation and is thus not a decisive factor for the purchase; water, aqueous solutions of salts, brine, aqueous solutions of food acids, vinegar, aqueous solutions of sugars, aqueous solutions of other sweetening substances, fruit or vegetable juices in the case of fruit or vegetables.

(c) Nominal quantity

Quantity of product in a prepackage less the liquid medium.

2. Procedure for determining the actual quantity of product

Unless sampling periods are given in item 5, sampling shall be performed when the products are ready to be marketed according to the manufacturer or at any time not later than thirty days after sterilization, pasteurization or similar process. Select a sample of prepackages in accordance with Schedule 10.

The samples shall be stored for a period of 12 hours before testing within the temperature range specified by the packer or between 200C and 240C.

3. Apparatus

Use a flat sieve with a square mesh of 2.5mm and wire thickness of 1.12mm for draining the product from a prepackage. The diameter of the sieve should be 20cm for use with containers over 850mL. Where the nominal quantity is 2.5kg or more, the quantity may, after weighing the whole amount be divided among several sieves.

4. Determining the actual quantity of product of a sample
 - (a) Determine the weight of the sieve.
 - (b) Open the prepackage and pour the product and liquid medium across the sieve. Distribute the product and liquid medium over the surface of the sieve but do not shake the material on the sieve. Tilt the sieve to an angle of 170 to 200 from the horizontal to facilitate draining.
Carefully invert by hand all solid product or parts thereof, which have hollows or cavities if they fall on the sieve with the hollows or cavities facing upwards. Drain the hollows or cavities in soft products (e.g. sliced fruit) by tilting the sieve. Allow a 2 minute drain time.
 - (c) Reweigh the sieve plus contents and calculate the drained quantity as follows;

$$P = P_{e2} - P_{e1}$$

Where: P = drained quantity of the product

P_{e1} = weight of the clean sieve

P_{e2} = weight of the sieve plus product after draining

Note: A subsequent weighing of the same sieve should ensure that it is clean and free of product debris. The sieve does not have to be dry as long as it is weighed accurately before being used. See also item 5.

5. Recommended periods of time for checking drained weight

Table 3: Recommended periods of time for checking drained weight

Product	Period of time for checking	
	From	To
Fruit, vegetable and other vegetable foodstuffs (except for strawberries, raspberries, blackberries, kiwis, loganberries)	30 days after sterilization	Tenability
Straw berries, raspberries, blackberries, kiwis, loganberries	30 days after sterilization	2 years after sterilization
Products out of salted fish, anchovies, marinades, stewed fish goods, preserved fish, mussels, shrimps, etc.	Immediately after pouring on	14 days after pouring on
Marinades of fried fish	48 hours after pouring on	14 days after pouring on
Small sausages and other meat products	5 days after sterilization	Tenability
Other products	14 days after pouring on	Tenability

SCHEDULE 13

Rule 1

TARE PROCEDURES

1. General

The tare procedures permit the use of either used or unused dry tare to determine the actual quantity of product in the prepackage as follows—

Actual quantity of product = Weight of the prepackage - Average weight of the packing material

2. Interpretation

(a) Unused dry tare

Weight of unused packing material of one prepackage.

(b) Used dry tare

Packing material that has been used as part of a prepackage and that has been separated from the product and cleaned using normal household procedures used by consumers of the product (e.g. the material should not be dried in an oven).

3. Procedures

(a) Determine the quantity of either the unused dry tare or used dry tare.

(b) Randomly select an initial tare sample of 10 or more packing materials from the sample taken from an inspection lot or from a lot of packing materials at the point-of-pack) and measure the weight of each packing material.

(c) Determine the Average Tare Weight (ATW) and the sample standard deviation of the initial tare sample and proceed according to one of the criteria in Table 4.

Table 4: Determination of Average Tare Weight

When	Then
The ATW is < 10% of the nominal quantity of product	Use the ATW to determine the actual quantity of product in the prepackages
The ATW is > 10% of the nominal quantity and $s > 0.25 \times T$	Use a total 25 packages to compute the ATW and determine the actual quantity of product in the prepackages.
The ATW is > 10% of the nominal quantity and $s > 0.25 \times T$	An ATW cannot be used. It is necessary to determine and to consider every individual tare weight. Determine the actual quantity of product in each prepackage.

SCHEDULE 14

Rules 1 and 18

PROHIBITION OF DECEPTIVE PREPACKAGES

1. General

A prepackage shall not have a false bottom, sidewalls, lid or covering, nor constructed or filled, wholly or partially in such a way that deceive the consumer.

2. Interpretation

(a) Slack fill

This is the difference between the actual capacity of the packing material and the volume of product it contains.

Slack fill may be necessary for the following reasons—

- (i) Protection of the product;
- (ii) The requirements of machines used for enclosing the contents of the prepackage;
- (iii) Unavoidable product settling during shipping and handling; and
- (iv) The need for the prepackage to perform a specific function for example, where packing plays a role in the preparation or consumption of a food), where such a function is inherent to the nature of the product and is clearly communicated to consumers.

2. Nonfunctional slack fill

Empty space in a prepackage when the prepackage is filled to less than its capacity. If a consumer cannot fully view the product in a prepackage, it shall be considered to be filled. A prepackage with excessive nonfunctional slack fill is considered to be a misleading one.

3. Aerosol dispensers

The percentage (grade) of fill by volume of aerosol dispensers shall be as required in Annex III of European Directive 80/232/EEC (3) and see also OIML R 79 (4), 6.1-6.3, R 87.

Table 5: Capacities of aerosol dispensers

<i>Volume of the liquid phase in mL</i>	<i>Products propelled by liquid gas</i>	<i>Container Capacities in mL for:</i> (a) Products propelled by compressed gas alone (b) Products propelled by nitrous oxide or carbon dioxide alone or by mixtures of the two alone when the product has a Bunsen Coefficient of 1.2 or less.
25	40	47
50	75	89
75	110	140
100	140	175
125	175	210
150	210	270
200	270	335
250	335	405
300	405	520
400	520	650
500	650	800
600	800	1000
750	1000	

SCHEDULE 15

MINIMUM HEIGHT OF NUMBERS AND LETTERS

Rule 8

A. Table B1 Minimum height of numbers and letters

<i>Net contents (C)</i>	<i>Minimum height of numbers and letters in millimeters</i>
C < 50g or mL(ml)	2
50g or mL < C < 200g or mL	3
200g or mL < C < 1 kg	4
1 kg or L < C	6

- (A)1 Where the net content appears on a stick on label printed by a measuring instrument approved for use in trade, the height of the indication shall be not less than or need exceed 2mm irrespective of the quantity of the contents. If the label bears a price description, the description shall not exceed twice the height of the net quantity indication.
- (A)2 For prepackaged products bearing a net quantity indication in units other than those in Table B1, the minimum height of the letters and numerals used in the net quantity indication shall be based on the longest dimension of the prepackage, either diameter, height, length or width, according to Table B2 except if Clause B applies.

NOTE: The heights required for the quantity indication are minimum and packers are encouraged to increase the specified size to avoid contravening the national legislations of other countries.

Table B2 Minimum height of numbers and letters

<i>Maximum package dimension (D) in millimeters</i>	<i>Minimum height of numbers and letters in millimeters</i>
D < 200	3
200 < D < 300	5
300 < D < 500	10
500 < D	20

- B. Where the net content appears on a stick on label printed by the measuring instrument approved for use in trade the height of the indication shall be not less than or need not exceed 2mm irrespective of the size of the package. If the label also bears a price description shall not exceed twice the height of the quantity indication.
- C. A space shall be provided between the Nominal declaration and the unit of measure. Ie Qn mm, where Qn is the nominal declaration on the package.

HAJAT JANAT MUKWAYA,
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