

Mr Gair

CONSUMERS INFORMATION

ANALYSIS

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A BILL INTITULED

An Act to provide for the improvement of information available to prospective purchasers of pre-packaged foodstuffs and other household commodities

5 BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. **Short Title**—This Act may be cited as the Consumers Information Act 1967.

10 2. **Interpretation**—In this Act, unless the context otherwise requires,—

“Additive” means any substance added to goods for purposes of colouring, flavour, smell, viscosity, preserving, or other similar purpose:

15 “Goods” means anything which is the subject of trade, manufacture, or merchandise:

“Container” includes anything in which goods may be cased, covered, enclosed, contained, or packed:

“Label” means any written, pictorial, or other descriptive matter appearing on or attached to any container containing any goods:

“Sale” includes barter and every other disposition for valuable consideration: 5

“Person” includes a local authority or public body, and any association of persons, whether incorporated or not.

3. Power to require information concerning certain goods—

(1) The Governor-General may from time to time, by Order in Council,— 10

(a) Direct that this Act, or any section of this Act, shall apply to such pre-packaged foodstuffs, pre-packaged household goods and other goods whether packaged in paper, cardboard, glass, metal, plastic, or other type of container, as are specified in the Order: 15

(b) Exclude specified items from any class or description of goods specified in the Order or in any other Order in Council made under this section.

(2) The goods specified in any Order in Council made under this section may be specified or described by reference either to a particular class or description of goods, or to any named item within a class or description. 20

(3) An Order in Council under this section shall specify, in every case, the date on which the Order is to come into force. 25

4. Quantity of goods to be shown—It shall not be lawful to sell, expose for sale, or package for sale, in New Zealand, any goods of a class or description to which an Order in Council under section 3 of this Act applies, unless the quantity of such goods is shown on each container by net weight, fluid measure, volume, number, or by such other description or method as might most appropriately establish for the information of a prospective purchaser the quantity of goods in each container. 30

5. Composition of goods to be shown—(1) It shall not be lawful to sell, expose for sale, or package for sale, in New Zealand, any goods of a class or description to which an Order in Council under section 3 of this Act applies unless: 35

(a) The composition of such goods is shown on each container by listing the substances or ingredients in such goods and by giving the percentage of each component in relation to the total volume or total net weight: 40

(b) In the case of additives, the names of the actual substances or ingredients so added are shown as additives.

(2) The quantities or volumes of such substances or ingredients shall be shown on the outside of each container.

6. Volume of contents to be shown on container—(1) Where goods of—

(a) A liquid, powdered, granular, glutinous, jellied, or other non-rigid nature; or

10 (b) A firm, brittle, or crushable nature;—
are offered for sale or advertised in a container which is not transparent, and where the volume of the contents is less than ninety percent of the volume of the container as determined by its exterior measurements, there shall be shown
15 on the container either—

(c) The volume of the contents expressed as a proportion of the exterior volume of the container; or

(d) The number of items or units within the container.

20 (2) Notwithstanding, anything in subsection (1) of this section where goods may be subject to shrinkage of volume over a period of time, it shall be sufficient compliance with the requirements of this section if the percentage of the volume of the contents at the time of packaging, and the month and year of such packaging, are shown on the container.

25 (3) This section shall only apply to goods of a class or description to which an Order in Council made under section 3 of this Act applies.

7. Information to be stated clearly—(1) The information required by this Act to be shown on any package or container
30 shall be printed clearly and legibly on the outside of the package or container, or on a label securely affixed to the outside of the package or container, in such a way as to be readily seen by a prospective purchaser:

35 Provided that where the shape, size, or nature of the package or container is such that it is not practical to print on it the said information, it shall be sufficient compliance with this section if the said information is shown on a notice clearly displayed with the packages or containers.

40 (2) It shall not be a sufficient compliance with the requirements of this section if the contents of a container are described by such terms as “economy pack”, “jumbo size”, “generous helping”, “family size”, or other unspecific descriptions.

8. Act not to apply to certain goods—This Act shall not apply to any goods which can be readily opened for inspection by a prospective purchaser prior to purchase, or to items or goods which can only be purchased or obtained upon the presentation of a prescription of a registered medical practitioner. 5

9. Penalties—Every person who commits an offence against the provisions of this Act shall be liable on summary conviction, in the case of an individual, to a fine not exceeding two hundred dollars, and in the case of a company or other corporation, to a fine not exceeding two thousand dollars. 10

10. Regulations—The Governor-General may from time to time, by Order in Council, make all such regulations as may in his opinion be necessary for giving full effect to the provisions of this Act and for the due administration thereof. 15

11. Other Acts not affected—Nothing in this Act shall be construed to affect the exercise by any person of any power concerning the purchase of goods under any other Act.