



Weights and Measures Amendment Regulations 2001

Silvia Cartwright, Governor-General

Order in Council

At Wellington this 8th day of October 2001

Present:

The Right Hon Helen Clark presiding in Council

Pursuant to sections 41 and 41A of the Weights and Measures Act 1987, Her Excellency the Governor-General, acting on the advice and with the consent of the Executive Council and on the recommendation of the Minister of Consumer Affairs after consultation in accordance with section 41A(3) of the Act, makes the following regulations.

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Regulations

1 Title

- (1) These regulations are the Weights and Measures Amendment Regulations 2001.
- (2) In these regulations, the Weights and Measures Regulations 1999¹ are called “the principal regulations”.

¹ SR 1999/373

2 Commencement

These regulations come into force on 14 November 2001.

3 New Part 6A inserted

The principal regulations are amended by inserting, after Part 6, the following Part:

“Part 6A Average quantity system

“84A Interpretation

Despite regulation 2(2), in this Part, a reference to a numbered table is a reference to the appropriate table in Schedule 7A.

“84B Weight, measure, or number of goods deemed to be in accordance with stated quantity

- “(1) For the purposes of section 16A(3) of the Act, the weight, measure, or number of the goods in a package is deemed to be the same as that stated on the package or label attached to the package if the package is 1 package in a lot of packages—
 - “(a) for which a sample has been selected under regulation 84E; and
 - “(b) the weighted average quantity of the packages in that sample is equal to, or greater than, the weight, measure, or number of goods stated on the package or label; and
 - “(c) the number of non-standard packages in that sample is equal to, or less than, the number of non-standard packages permitted for the sample as determined in accordance with subclause (2); and
 - “(d) that sample contains no inadequate packages.
- “(2) The number of non-standard packages permitted for the sample,—

- “(a) in the case of the minimum sample size being selected, is as set out in column 4 of table 1 for the number of packages in the lot of packages as set out in column 1 of that table; or
 - “(b) in the case of more than the minimum sample size being selected, is as set out in column 2 of table 4 for the sample size as set out in column 1 of that table.
- “(3) In this regulation, **goods** does not include catch weight goods.

“84C **Non-standard package**

For the purposes of these regulations, a package is a non-standard package if it is a package enclosing goods that contains less than the quantity stated on the package or a label attached to it and the deficiency,—

- “(a) for quantities stated by mass or volume, is more than the amount of error set out in column 2 or column 3 of table 2, as appropriate, for the quantity stated on the package or on the label as set out in column 1 of that table, but not more than twice that specified amount of error; or
- “(b) for quantities stated by length, width, area, or number, is more than the amount of error set out in column 2 of table 3 for the quantity type stated on the package or on the label as set out in column 1 of that table, but not more than twice that specified amount of error.

“84D **Inadequate package**

For the purposes of these regulations, a package is an inadequate package if it is a package enclosing goods that contains less than the quantity stated on the package or a label attached to it and the deficiency,—

- “(a) for quantities stated by mass or volume, is more than twice the amount of error set out in column 2 or column 3 of table 2, as appropriate, for the quantity stated on the package or on the label as set out in column 1 of that table; or
- “(b) for quantities stated by length, width, area, or number, is more than twice the amount of error set out in column 2 of table 3 for the quantity type stated on the package or on the label as set out in column 1 of that table.

“84E Selection of sample

- “(1) For the purposes of regulation 84B, the minimum sample size for a lot of packages is set out in column 2 of table 1 for the number of packages in the lot of packages as set out in column 1 of that table.
- “(2) The sample must be selected from the lot of packages at random in accordance with generally accepted statistical sampling practice.

“84F Weighted average quantity

- “(1) For the purposes of these regulations, the weighted average quantity of the packages in a sample must be determined in accordance with the following formula:

$$\bar{x}_a = \bar{x} + (s \times c)$$

where—

- \bar{x}_a is the weighted average quantity of the packages in a sample
- \bar{x} is the sample mean calculated in accordance with subclause (2)
- s is the standard deviation of the sample calculated in accordance with subclause (3)
- c is the sample correction factor calculated in accordance with subclause (4).

- “(2) The sample mean is calculated in accordance with the following formula:

$$\bar{x} = \sum x \div n$$

where—

- \bar{x} is the sample mean
- $\sum x$ is the sum of the quantities of all of the packages in the sample
- n is the number of packages in the sample.

- “(3) The standard deviation of the sample is determined in accordance with the following formula:

$$s = \sqrt{\frac{\sum (x - \bar{x})^2}{n - 1}}$$

where—

- s is the standard deviation of the sample
- x is the quantity of each package in the sample
- \bar{x} is the sample mean calculated in accordance with subclause (2)

- n is the number of packages in the sample.
- “(4) The sample correction factor (c),—
- “(a) in the case of the minimum sample size being selected, is as set out in column 3 of table 1 for the number of packages in the lot of packages as set out in column 1 of that table; or
- “(b) in the case of more than the minimum sample size being selected, is the amount determined in accordance with the formula set out in column 2 of table 5 for the number of packages in the lot of packages as set out in column 1 of that table.”

4 Form of infringement notice

- (1) Form 10 in Schedule 5 of the principal regulations is amended by inserting, after the expression “section 16(2)” in the first place where it appears, the expression “section 16A”.
- (2) Form 10 in Schedule 5 of the principal regulations is amended by revoking paragraph 4 of the summary of rights, and substituting the following paragraph:
- “4 If this infringement notice relates to an offence against section 16A of the Weights and Measures Act 1987 in the case of a package from a lot of packages containing desiccating goods, you have a defence to proceedings for that offence if you are able to prove that,—
- “(a) at any time on the day the package was made up or during the period of 7 days beginning on the day after the day the package was made up,—
- “(i) the weighted average quantity of any sample taken from the lot of packages, as determined in accordance with the Weights and Measures Regulations 1999, was equal to or exceeded the quantity stated on the package or a label attached to it; and
- “(ii) the number of non-standard packages in any sample taken from the lot of packages was equal to or less than the appropriate number specified for the purpose by those regulations; and
- “(iii) there were no inadequate packages in any sample taken from the lot of packages; or

“(b) at any time after the close of the period specified in subparagraph (a), a sample taken from the lot contained no inadequate packages.”

5 New Schedule 7A inserted

The principal regulations are amended by inserting, after Schedule 7, the Schedule 7A set out in the Schedule of these regulations.

Schedule New Schedule 7A inserted

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Schedule 7A Average quantity system

rr 84A–84F

Table 1
Lots and sampling characteristics

Column 1 Number of packages in the lot of packages	Column 2 Minimum sample size	Column 3 Sample correction factor (c)	Column 4 Number of non- standard pack- ages permitted in a sample
2	2	0	0
3	3	0	0
4	4	0	0
5	5	0	0
6	6	0	0
7	7	0	0
8	8	0	0
9	9	0	0
10	10	0	0
11	11	0	0
12	12	0	0
13–39	12	0.746	0
40–79	12	0.826	1
80–149	12	0.860	2
150–399	32	0.465	3
400–4 000	32	0.483	4
More than 4 000	80	0.295	6

Table 2
Amounts of error for packages labelled by mass or volume

Column 1 Stated quantity (g or ml or cm ³)	Column 2 Amount of error (% of stated quantity)	Column 3 Amount of error (g or ml or cm ³)
More than 0 to not more than 50	9	–
More than 50 to not more than 100	–	4.5
More than 100 to not more than 200	4.5	–
More than 200 to not more than 300	–	9
More than 300 to not more than 500	3	–
More than 500 to not more than 1 000	–	15
More than 1 000 to not more than 10 000	1.5	–
More than 10 000 to not more than 15 000	–	150
More than 15 000	1	–

Schedule 7A—continued**Table 2**—continued

Note: For the purposes of this table, if the quantity is stated in units other than grams, millilitres, or cubic centimetres, the quantity must be converted into the equivalent number of grams, millilitres, or cubic centimetres, as appropriate. For example, if the quantity is stated in kilograms, litres, or cubic metres, the quantity must be converted into the equivalent number of grams, millilitres, or cubic centimetres, respectively. The table must then be applied accordingly.

Table 3**Amounts of error for packages labelled by reference to length, width, area, or number**

Column 1 Quantity type	Column 2 Amount of error
Length or width	2% of stated length or width for all packages
Area	3% of stated area for all packages
Number	For packages stated to contain 50 or less goods, 1 good For packages stated to contain more than 50 goods, 2% of the number of stated goods rounded up to the nearest whole number

Table 4**Number of non-standard packages permitted in sample if sample size selected is more than minimum sample size**

Column 1 Sample size (<i>n</i>)	Column 2 Number of non-standard packages permitted in a sample
13–14	2
15–28	3
29–44	4
45–63	5
64–83	6
84–100	7
More than 100	$0.025n + 2.7\sqrt{0.025n}$

Note: For the purposes of the formula set out in column 2 (in the case of a sample size of more than 100),—

- n* is the sample size; and
- the amount calculated in accordance with the formula must be rounded up to the nearest whole number.

Schedule 7A—continued

Table 5

Sample correction factor if sample size selected is more than minimum sample size

Column 1 Number of packages in the lot of packages	Column 2 Sample correction factor (<i>t</i>)
13–39	$t \sqrt{\frac{39 - n}{39n}}$
40–79	$t \sqrt{\frac{79 - n}{79n}}$
80–149	$t \sqrt{\frac{149 - n}{149n}}$
150–399	$t \sqrt{\frac{399 - n}{399n}}$
400–4 000	$t \sqrt{\frac{4\,000 - n}{4\,000n}}$
More than 4 000	$t \sqrt{\frac{1}{n}}$

Note: For the purposes of the formulas included in this table,—

- (a) *n* is the sample size; and
 (b) *t* is the amount calculated in accordance with the following formula:

$$t = \frac{2.5758n^2 - 5.9801n + 5.2788}{n^2 - 4.2311n + 4.7942}$$

(where *n* is the sample size).

Marie Shroff,
 Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 14 November 2001, amend the Weights and Measures Regulations 1999 (“the principal regulations”).

The amendment inserts *new Part 6A* into the principal regulations. *New Part 6A* prescribes the new average quantity system for the purposes of section 16A of the Weights and Measures Act 1987 (the **Act**).

Section 16A(2) of the Act provides that every person commits an offence if the weight, measure, or number of goods in a package is less than that stated on the package or label attached to the package. However, in accordance with section 16A(3) of the Act, the weight, measure, or number of the goods in the package is deemed to be the same as that stated on the package or label if the package is 1 package in a lot of packages that meets the conditions prescribed by these regulations.

New regulation 84C prescribes the test to determine whether a package is a non-standard package.

New regulation 84D prescribes the test to determine whether a package is an inadequate package.

New regulation 84E prescribes the basis for selecting a sample of packages and the minimum number of packages that must be selected.

New regulation 84F prescribes the formula to determine the weighted average quantity of the packages in a sample.

Regulation 4 amends the form of an infringement notice in the principal regulations.

Regulation 5 inserts *new Schedule 7A* into the principal regulations. *New Schedule 7A* contains various tables that are relevant to the average quantity system.

Issued under the authority of the Acts and Regulations Publication Act 1989.

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These regulations are administered in the Ministry of Consumer Affairs.
