

ANTIGUA AND BARBUDA



**THE STANDARDS (TECHNICAL REGULATIONS) (LABELLING OF PRE-PACKAGED
GOODS) REGULATIONS, 2019**

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No. 37 of 2019

THE STANDARDS (TECHNICAL REGULATIONS) (LABELLING OF PRE-PACKAGED GOODS) REGULATIONS issued by the Antigua and Barbuda Bureau of Standards under section 64 of the Standards Act, 2017.

1. Short title

These Regulations may be cited as the Standards (Technical Regulations) (Labelling of Pre-Packaged Goods) Regulations, 2019.

2. Declaration Schedule

The specification contained in the Schedule is declared a technical regulation.

SCHEDULE

1. 0.0 FOREWORD

0.1 It is important that adequate information be provided on packages being offered for sale so that the consumer can make informed choices according to individual wishes and needs.

0.2 This technical regulation was prepared to assist retailers, packagers and manufacturers with providing the necessary information for the consumer and to protect themselves in the event of invalid complaints regarding the product.

0.3 In the preparation of this document assistance has been derived from—

(a.) TTS 21 10 500: Part 2 - 1976 - Labelling of Pre-packaged Goods.

(b.) JS 1 : Part 20: 1988 - Labelling of Pre-packaged Goods.

2. 1.0 SCOPE

1.1 This technical regulation sets out requirements for the information to be included on labels of goods pre-packaged for retail sale, the method of display of such information, and where necessary, the wording to be used.

1.2 This technical regulation does not apply to the following—

- (a.) goods or classes of goods where different or additional information is prescribed by any Antigua and Barbuda Standard or model regulations approved by the Appropriate Authority;
- (b.) goods intended for export only, which comply with the requirements of standards or laws on labelling in force in the country to which they are being exported;
- (c.) cases where any Antigua and Barbuda Standard for any goods or classes of goods makes different provisions for labelling: in such cases, the provision of that standard shall prevail over the provisions of this technical regulation;
- (d.) gift-wrapped goods; and
- (e.) markings on shipping containers.

3. 2.0 DEFINITIONS

For the purpose of this technical regulation the following definitions shall apply—

2.1 “Appropriate Authority” means the Bureau, a Minister or Ministry under which the Bureau falls, or a department of Government or statutory body in Antigua and Barbuda administering any law regulating the labelling of goods.

2.2 “bulk container” means a container in which packages or commodities are placed, and in which they are not intended to be retained when they are sold by way of retail.

2.3 “Bureau” means the Antigua and Barbuda Bureau of Standards.

2.4 “combination package” means a package intended for retail sale, which contains two or more individual packages or units of dissimilar commodities.

2.5 “commodity in package form” means a commodity packaged in any manner in advance of sale and includes an individual item or lot of any commodity not in package form, but which displays a selling price based on an established price per unit of weight or measure;

2.6 “common name” means the name by which the goods are commonly described in Antigua and Barbuda or any name for those goods that is commonly used in trade, art, craft, science, industry or occupation in countries using the English language, whether or not the name is written in the English language, and includes any name used in a standard declared by the Bureau for those goods.

2.7 “country of origin” means the country where the nature or quality of the goods was last changed to a significant extent, other than by packaging.

2.8 “date mark” means any date by which the age of an article may be determined if it is subjected to deterioration in the course of distribution through trade.

2.9 “expiry date” means any date after which the manufacturer or packager does not guarantee any property of the goods by reason of the foreseeable deterioration due to age or normal handling before retail sale.

2.10“label” means any legend, word or mark attached to, included in, belonging to, or accompanying any goods or package containing goods.

2.11“manufacturer” means the person who produces, processes, prepares or packages any goods for retail sale, or the person who sells any goods under a trade name controlled by him.

2.12“multiunit package” means a package containing two or more individual packages of the same commodity in the same quantity, with individual packages intended to be sold as part of the multiunit package but capable of being sold individually, in full compliance with all requirements of this technical regulation.

2.13“net contents” means the quantity of goods contained in a package as measured in terms of a unit of measurement of length, volume, weight (or mass), or number, when the package or packaging materials have been separated from the goods.

2.14“ornamental container” means a container that, except on the bottom, does not have any promotional or advertising material thereon other than a trade mark or common name, and because of its shape or texture or any design appearing on its surfaces, appears to be a decorative ornament and is sold as a decorative ornament in addition to being sold as the container of a product.

2.15“package” means any container, wrapper, confining band, or card in or on which any goods are placed for use in the delivery or display of that commodity to retail purchasers. It does not include package liners, bulk containers, shipping containers or other wrappings or boxes not customarily displayed to the consumer or purchaser.

2.16“person” means any individual, partnership, company, corporation, association or society.

2.17“pre-packaged goods” means goods that are placed in advance of display, in the final package for which it is intended for retail sale, and in which it may be sold, used or purchased without further repackaging.

2.18“principal display panel” or “main panel” means the part of the package which is most likely to be displayed, presented, shown or examined under the customary conditions of display for retail sale.

2.19“retail price” means the price set by the Appropriate Authority or asked by a retailer for—

- (a.) one or more specified number of articles of goods; or
- (b.) one or more specified number of units of measurement of goods.

2.20“sell” includes the process by which goods are—

- (a.) offered, exposed or held in possession for sale; and
- (b.) displayed in such a manner as to lead a reasonable belief that the goods so displayed are intended for sale.

2.21 “shipping container” means any container intended to protect goods during transport and which is not customarily used to store the goods when displayed for sale.

2.22 “unit of measurement” means any unit in the SI system of units and the Imperial system of units or any other unit prescribed by law for use in trade, science, the arts, or any other occupation to measure the properties of an article.

2.23 “variety package” means a package intended for retail sale, which contains two or more individual packages or units of similar but not identical commodities.

4. 3.0 REQUIREMENTS

3.1 No label declaration, method of presentation or publicity concerning the product shall be made in such a manner as is likely to mislead the purchaser and/or consumer as to the true nature of the composition of the product as a whole.

3.2 Every package shall be labelled with the following information—

- (a) the common name of the goods together with any brand name or registered trade name;
- (b) an accurate declaration of the net contents of the package subject to such tolerances as may be allowed in appropriate units of measurement;
- (c) the name and identifiable business address of the manufacturer or importer or distributor and the country of origin;
- (d) an accurate description of the major ingredients or components of the goods, as recommended by the Bureau; and
- (e) an expiry date or date mark which gives an indication of the age of the goods and is likely to be useful to the consumer or purchaser.

5. 3.3 PRESENTATION OF INFORMATION

3.3.1 The labelling information includes any matter written, printed, stencilled, marked or embossed on, and related to, and accompanying, the goods.

3.3.2 All information to be carried on a label shall be clear, prominently displayed and readily legible by the consumer at the point of display for sale and during use.

3.3.3 The required information shall not be obscured by designs or other written, printed or graphic material.

3.3.3.1 It shall be so written, and in such colour or colours as to afford a distinct contrast to the background.

3.3.4 The information required by section 3.2(a) and (b) shall be placed on the principal display panel of the package, which may be—

- (a.) in the case of a box, the side or surface commonly displayed;
- (b.) in the case of a cylindrical container, an area covering an arc of 40% of the circumference of the cylindrical surface;
- (c.) in the case of bag with equal sides, one of these sides;
- (d.) in the case of a bag with sides of more than one size, the side with the largest area;
- (e.) in the case of a wrapper or confining band that is much narrower than the goods contained therein, the total area of a ticket or tag attached to the container or to the goods;
- (f.) in the case of an article attached to a display card with which it is sold, the area of the display card and the package; and
- (g.) in the case of an ornamental package (one in which the surfaces commonly displayed are used solely for decorative ornament and not for any advertising or promotional information other than the trade name or name, and the common name of the goods), at the bottom of the package.

3.3.5 The information required by sections 3.2(c), (a) and (e) shall be shown on any part of the label except that part of the label, if any, applied to the bottom of a container. Such information shall however, appear together on the same part of the label and shall not be separated by design or non-mandatory information.

6. 3.4 LANGUAGE TO BE USED

3.4.1 All statements required by section 3.2 shall be in the English language except where the common name, manufacturer's name or addresses are in other languages.

3.4.1.1 If the language on the original label is not English, a supplementary label, approved by the Bureau, which conforms to this requirement, may be used instead of re-labelling.

3.4.2 All statements required by section 3.2 shall be printed or written using the English alphabet with or without accent signs.

3.4.3 All numbers related to net contents stated on the label shall be given in Arabic numerals or in words.

7. 3.5 PREVENTION OF DECEPTION

A label on a package may contain other information, designs, symbols or pictorial matter; but such other information, designs, symbols or pictorial matter shall not be used to—

- (a.) give an erroneous impression as—
 - (i) the net contents of the package, or
 - (ii) any ingredient or component of the goods;

- (b.) give an erroneous impression that the goods contain an ingredient or component that is not contained therein;
- (c.) refer to the nature, origin, type, quality, performance, function or method of manufacture or production of the goods that is likely to give an erroneous impression as to the matter described or depicted;
- (d.) give an erroneous impression as to the country of origin of the goods;
- (e.) give an erroneous impression as to the price or unit price of the goods;
- (f.) give an erroneous impression as to the ease of maintenance or repair of the goods, or as to the availability of the goods; or
- (g.) give an undertaking or warranty, expressed or implied, which cannot be satisfied by the product or the manufacturer.

8. 3.6 COMMON NAME

3.6.1 This shall be the common or usual name of the commodity, a generic name or other appropriately descriptive term such as a statement of function of the commodity, or the name required by any other law.

3.6.2 It should appear on the principal display panel in such a position as to be easily read at point of display for sale.

3.6.3 It shall be in clear, contrasting type and of such type size as to be easily legible at point of display for sale.

3.6.4 It shall not be crowded or obscured by graphic material, vignettes, design or any information additional to that required by regulation.

9. 3.7 NET CONTENTS

3.7.1 This shall be declared in terms of “NET”, “NET CONTENTS”, “NET WEIGHT”, followed by an accurate declaration of the quantity of product contained in the package.

3.7.2 It shall be expressed in terms of—

- (a.) fluid measure if the product is a liquid or weight if the commodity is solid, semisolid, viscous, or a mixture of solid and liquid;
- (b.) numerical count, measure or a combination of numerical count, weight, size or measure; or
- (c.) any firmly established general consumer usage or trade custom.

3.7.3 The statement shall appear on the principal display panel in the lower third on the label and in lines generally parallel to the base on which the package statement shall be in clear contrast to the background on which it appears and shall be clearly separated from other printed label information and graphic design above and below by a space not less than the height of the

letter “N” of the statement and to the side by a space not less than twice the width of the letter “N” of the statement.

10. 3.8 NAME AND ADDRESS

3.8.1 The name and address shall be—

- (a) the name and street address of the registered place of business of the manufacturer or distributor of the product; and
- (b) preceded by the words “Manufactured by...” or “Packed by ...” or “Distributed by ...” or any other appropriate words.

3.8.2 The country of origin shall be prominently and clearly stated preceded by “Product of ...”.

3.8.3 Labels of imported goods may bear the words “Imported by ...” followed by the name of the importer or sole distributor or person responsible for the importation, together with the street address of the principal place of business in Antigua and Barbuda of that person.

11. 3.9 DATE MARKING/ EXPIRY DATE

3.9.1 Where the goods are liable to deteriorate within a period of six months after the date of manufacture so that the quality, safety, hygiene or other desirable characteristic is not likely to be maintained, a date mark shall be placed on the goods, on the label or on the package, and on any bulk container or shipping container.

3.9.1.1 Every manufacturer or person selling any goods marked with a date referred to in section 3.9.1 shall ensure that the date mark is not defaced or removed from the goods or from the label.

3.9.2 Where it is appropriate that the expiry date shall be given, it may be indicated by the words “Use Before...” or “not guaranteed after...” followed by the date.

12. 3.10 MULTIUNIT PACKAGES

3.10.1 Where individual units of a multiunit package are intended for individual retail sale, separate from the multiunit package, each shall be labelled in accordance with the requirements of this technical regulation.

3.10.2 Where the multiunit package is intended for retail sale as a unit, the label of the unit package shall show—

- (a) the number of products or units;
- (b) the common name of each product or unit;
- (c) the quantity of each individual unit; and
- (d) the total quantity of the contents of the multiunit package.

Where such grades are sold in trade by weight, the information in paragraphs (a), (c) and (a) shall be represented by the net weight of the total quantity of the contents of each individual unit.

3.10.3 Where pre-packaged goods are sold as one unit, but consist of two or more unpackaged products, the unit label shall bear the information as required by this technical regulation.

3.10.4 Combination packages and variety packages shall conform with the requirements of sections 3.10.1, 3.10.2 and 3.10.3.

13. 3.11 WARRANTIES AND GUARANTEES

3.11.1 No reference shall be made on a label or on a package to any warranty or guarantee for any goods unless a copy of the warranty or guarantee is given to the purchaser or consumer at the time the purchaser or consumer takes possession of the goods.

3.11.2 A warranty or guarantee is an undertaking given by a manufacturer, distributor or supplier to a buyer or consumer with respect to any goods or part of goods relating to—

- (e.) safety;
- (f.) quantity;
- (g.) quality;
- (h.) composition;
- (i.) performance;
- (j.) life span;
- (k.) durability;
- (l.) repair and maintenance services;
- (m.) replacement of goods if found defective;
- (n.) compensation to the buyer or consumer for any undue hardships resulting from use of any defective goods supplied; and
- (o.) any other related matter not included under paragraphs (a) to (j) above.

14. 3.12 INSTRUCTIONS FOR USE.

Where—

- (a.) any risk to the safety or health of a consumer or user; or
- (b.) any significant deterioration of the quality, performance, life, durability or other property of the goods,

may result if the goods are not properly stored, handled, transported, used, installed, cared for, maintained or repaired, any appropriate hazard symbol and instructions for use, written in the

English language, shall be provided either on the label of the package, on the goods or on card or paper accompanying the goods or package.

15. 3.13 EXEMPTIONS

3.13.1 Goods which are repackaged by the retailer need not be labelled with the information required by section 3.2 so long as they are sold or displayed or exposed for sale in close proximity to a notice, card or statement in clearly discernible lettering containing the information required by section 3.2.

3.13.2 Pre-packaged goods of less than 15g (1/2oz) net weight are exempt from declaration of net quantity and listing ingredients on their labels.

3.13.3 Pre-packaged products whose package consists of a wrapper or confining band less than 12.7 mm (1/2 in) in width are exempt from the information required by section 3.2.

3.13.4 The Bureau may at the request of any manufacturer, importer or distributor of the goods, grant a permit in writing to waive the requirements of this technical regulation, unconditionally or subject to such terms and conditions as may be specified in the permit.

16. 4.0 RESPONSIBILITY OF LABELLING

It is the responsibility of any person who sells or distributes any goods to see that they are properly labelled as required by this technical regulation.

17. 5.0 CONFLICT

In the event of conflict between this technical regulation and a supplementary specification referring to particular goods or classes of goods, the latter shall prevail.

NOTE—All new and revised labels shall be submitted to the Bureau at the design stage for approval.

Issued the 7th day of July, 2019.

*Hon. E. Paul Chet Greene,
Minister of Foreign Affairs
International Trades & Immigration.*