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## China, Peoples Republic of

### FAIRS Product Specific

## Admin Measures for Metrological Supervision on Prepackaged Commodities

### 2005

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**Report Highlights:**

This is UNOFFICIAL translation of a draft regulation that provides legal requirements for prepackaged commodities measured by weight, volume, length, area, or count. It also clarifies responsibilities and obligations of producers and dealers of prepackaged commodities. Exporters should carefully study and consult with importers to make sure that the interpretation of the regulation is accurate.

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Includes PSD Changes: No  
Includes Trade Matrix: No  
Unscheduled Report  
Beijing [CH1]  
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**Summary**

China notified the WTO this draft regulation on December 13, 2004 (G/TBT/N/CHN/63). With proposed adoption in March 2005, this regulation provides legal metrological requirements for prepackaged commodities that are measured by weight, volume, length, area, and numeral. Bulk commodities such as wheat and soybeans are not covered by this regulation but regulated by contracts. Unpackaged foods in small quantities and gold/silver ornaments are governed by Administrative Measures for Metrological Supervision on Retail Commodities (see GAIN report CH4071).

BEGIN TRANSLATION

**Administrative Measures for Metrological Supervision on Prepackaged Commodities**

(Draft)

November 2004

**Article 1 (purpose)** In an effort to protect the legal rights of consumers and enterprises and regulate metrological supervision on prepackaged commodities, these Measures are established in accordance with the Law of the People's Republic of China on Metrology and reference common international rules.

**Article 2 (scope)** These measures apply to the production and marketing of prepackaged commodities as well as to the metrological supervision of these commodities within the territories of the People's Republic of China.

'Prepackaged commodity' mentioned in these Measures refers to a prepackaged commodity for sale using standardized weights, volume, length, area or numeral indicators within a certain quantity.

**Article 3 (supervision and administration authority)** The General Administration of Quality Inspection, Supervision and Quarantine (AQSIQ) exercises supervision and administration over the national metrological work of prepackaged commodities.

Local departments of quality and technical supervision at or above the county level shall exercise supervision and administration over the metrological work of prepackaged commodities within their respective jurisdiction.

**Article 4 (obligations of producers and sellers)** The producers and sellers of prepackaged commodities should strengthen their metrological management, be equipped with metrological inspection instrument suitable for the prepackaged commodities they produce, and guarantee the prepackaged commodities they produce or sell are in compliance with the provisions of these Measures.

The State encourages producers of prepackaged commodities to use metrological capacity-guaranteed labels, to enhance their metrological assurance, and to guarantee metrological trustworthiness.

**Article 5 (requirements for single prepackaged commodity)** The actual content of a single prepackaged commodity should accurately reflect its labeled net content, and the difference between the net content labeled and the actual content must not exceed the allowable deviation specified in Appendix Table 1 of these Measures.

**Article 6 (requirements on a batch of prepackaged commodities)** The average actual content of a batch of prepackaged commodities should be greater than or equal to the labeled net content.

If sampling method is used for the assessment of a batch of prepackaged commodities, the inspection and calculation should follow the stipulations of Table 2 of these Measures. The number of individually prepackaged commodities from the sample with a difference between its labeled net content and the actual content greater than allowable deviation; and the average actual content of the sample should all comply with the stipulations of Table 2 of these Measures.

**Article 7 (general requirements on net content labeling)** The producers and sellers of prepackaged commodities should correctly and clearly label the net content of a prepackaged commodity on a visible part of the package.

The net content label should include three components, namely net content (in Chinese), a numeral and the statutory measurement unit (or use measuring unit in Chinese). The selection of statutory measurement unit should comply with the stipulations of Table 3 of these Measures.

Prepackaged commodities that use length, area, or counting units to indicate net content are not required to label "net content" in Chinese but only the numeral and statutory measurement unit (or use counting unit in Chinese).

**Article 8 (height of letters/characters of the net content labeling)** The minimum height of the letters/characters in the net content labels of prepackaged commodities should comply with the provisions of Table 4 of these Measures.

**Article 9 (labeling for a commodity with multiple packages)** In the event that a package contains multiple pieces of prepackaged commodities of the same kind and quantity, the net content of each piece and the total number of pieces should be labeled, or the net total content should be labeled.

In the event that a package contains multiple pieces of prepackaged commodities of different kinds and quantities, the net content of each piece from these different kinds of prepackaged commodities and the number of pieces of each kind should be labeled, or the total net content of each kind of prepackaged commodity should be labeled respectively.

**Article 10 (mandatory standards)** In the event that mandatory national/industry standards on allowable deviation and selection of statutory measurement units for

prepackaged commodities exit, these mandatory standards shall apply; in the absence of such standards, these Measures shall be implemented.

**Article 11 (misleading packaging)** Producers or sellers of prepackaged commodities shall not use false bottle bottoms, bottle bodies, caps or covers, or other forms of structure or stuffing to cheat the consumers. The making, shape, and stuffing of a commodity package should not be misleading.

Loose stuffing may be used due to following reasons:

- (I) Protection of prepackaged commodities;
- (II) Necessary sealing for the goods inside the prepackaged commodities.
- (III) Necessary treatment for the prepackaged commodities in the course of transportation and marketing;
- (IV) Protection of the natural properties of the prepackaged commodities deemed necessary.

**Article 12 (metrological supervision)** The department of quality and technical supervision at or above the county level should conduct metrological supervision and inspection on the production and marketing of prepackaged commodities.

Metrological supervision and inspection conducted on prepackaged commodities shall follow the Metrological Inspection Rules on Net Contents of Prepackaged Commodities.

Inspection of prepackaged commodities should take into consideration the reasonable changes in the net content likely caused by environmental factors such as storage and transportation.

For prepackaged commodities whose net content changes considerably due to factors like moisture change, the quality and supervision department should conduct metrological supervision and inspection in the field of production, and the producers should adopt measures to guarantee the accuracy of the net content under specified conditions.

**Article 13 (legal liabilities)** Producers and sellers of prepackaged commodities found violating Article 6 of these Measures should be ordered to correct their practices and fined up to three times the value of the batch of commodities being inspected with a maximum amount of no more than 30,000 yuan.

**Article 14 (responsibility of labeling)** Anyone who violates Articles 7, 8, or 9 of these Measures in the production and marketing of prepackaged commodities should be ordered to correct his/her wrongdoings within a given time period, or he/she will be fined up to 1,000 yuan.

**Article 15 (entity empowered to impose penalty)** Local quality and technical supervision departments at or above the county level determine the administrative penalties specified in these Measures.

When the local departments of quality and technical supervision at or above the county level impose administrative penalties according to these Measures, they must observe state laws, regulations, and relevant AQSIQ stipulations on the procedures of handling administrative cases.

**Article 16 (remedy clauses)** If a party disagrees with an administrative penalty, the party may, according to the law, call for administrative reconsideration or file an administrative accusation.

**Article 17 (responsibilities of administrative personnel)** If any government employee who is engaged in metrological supervision and administration of prepackaged commodities abuses his power, neglects his duties, or practices favoritism for personal gain,

an administrative penalty should be given thereto if the consequence is minor; and be investigated for criminal liabilities according to law if his act constitutes a crime.

**Article 18 (responsibilities of the metrological inspection agencies and personnel)** If any metrological inspection agency or person who is responsible for metrological inspection of prepackaged commodities commits any of the following acts, the department of quality and technical supervision at or above the provincial level shall order a correction; and in case of serious consequences, revoke their qualifications of conducting metrological inspection on prepackaged commodities, impose administrative penalties to the responsible persons; and investigate for criminal liability according to the law if a crime is committed:

(I) Falsifying inspection data;

(II) Conducting metrological inspection in violation of the Metrological Inspection Rules on Net Content of Prepackaged Commodities;

(III) Conducting metrological inspection by using a measuring instrument without inspection or having failed in inspection or inspection period has expired;

(IV) Disclosing without authorization the inspection results and relevant materials, or using the inspection results for commercial activities.

**Article 19 (terminology)** The following terms in these Measures are defined as follows:

(I) Prepackaged commodity refers to a commodity that is packaged with packaging materials or containers prior to sale, and its quantity, volume (or number) is also pre-determined.

(II) Net content refers to the quantity of a commodity without a container and other packaging materials.

(III) Actual content refers to the actual quantity contained in a prepackaged commodity determined through metrological inspection under legitimate rules and procedures by a

metrological inspection agency authorized by the quality and technical supervision departments.

(IV) Labeled net content refers to the net content indicated on the label of a prepackaged commodity by the packer.

(V) Allowable deviation refers to the maximum allowable quantity between the labeled net content of a single packaged commodity and its actual content.

(VI) Inspection batch refers to a certain amount of prepackaged commodities under metrological inspection, which are produced by the same producer under the same production conditions, or the same kind of prepackaged commodities at the seller's site where inspection samples are being collected.

(VII) The same prepackaged commodity refers to the prepackaged commodity produced by the same producer with identical category, labeled net content, packaging size, and packaging material.

(VIII) Metrological capacity-guaranteed label refers to a nationally unified measurement guarantee label "C" being placed on the package of a prepackaged commodity. When a prepackaged commodity producer has met the requirements for guaranteed metrological capacity verified by the provincial quality and technical supervision department, he will be granted permission to use the label on the commodity he produces.

**Article 20 (right of interpretation)** The General Administration of Quality Inspection, Supervision and Quarantine is responsible for the interpretation of these Measures.

**Article 21 (effective date)** These Measures enter into force on \_\_\_ month \_\_\_day, \_\_\_year. The Metrological Supervision Rules for Prepackaged Commodities issued by the former State Administration of Quality and Technical Supervision (Decree No. 42, State Administration of Quality and Technical Supervision), will be annulled upon publication of these Measures.

Table 1

**Allowable deviation**

Labeled net content of prepackaged commodity in quality or volume ( $Q_n$ ) g or ml	Allowable deviation ( $T$ ) *	
	$Q_n$ percentage	g or ml
0~ 50	9	—
50~ 100	—	4.5
100~ 200	4.5	—
200~ 300	—	9
300~ 500	3	—
500~ 1000	—	15
1000~ 10 000	1.5	—
10 000~ 15 000	—	150
15 000~ 50 000	1	—
Labeled net content for prepackaged commodity in length( $Q_n$ )	Allowable deviation( $T$ ) M	
$Q_n=5m$	No deviation allowed	
$Q_n>5m$	$Q_n \times 2\%$	
Labeled net content for prepackaged commodity in area( $Q_n$ )	Allowable deviation( $T$ )	
Total $Q_n$	$Q_n \times 3\%$	
Labeled net content for prepackaged commodity in numeral( $Q_n$ )	Allowable deviation( $T$ )	
$Q_n=50$	No deviation allowed	
$Q_n>50$	$Q_n \times 1\%$ **	

Note: \* For allowable deviation( $T$ ), when  $Q_n$  is smaller than or equals to 1kg(L), the 0.01g (ml) digit of the T value should be adjusted to 0.1g(ml); when  $Q_n > 1\text{kg(L)}$ , the 0.1g (ml) digit of the T value should be adjusted to g (ml);

\*\* If a decimal appears using the labeled net content multiplying 1%, the said digit of the number should be carried to the next immediate integer. This value could then be bigger than 1%, but it is acceptable because the number of pieces of commodities should be an integer without decimal numbers.

Table 2

**Sampling Plan for Metrological Inspection**

1 <sup>st</sup> column	2 <sup>nd</sup> column	3 <sup>rd</sup> column		4 <sup>th</sup> column	
Inspection batch N	Sampling amount n	Adjusted value of average actual content of the samples ( ? ·s)		Allowable deviation (pieces) for greater than one times, but less than or equivalent to two times	Allowable deviation (pieces) for greater than two times
		Adjusted factor $?\ = t_{0.995} \times \frac{1}{\sqrt{n}}$	Standard variation of the actual content of samples S		
1~ 10	N	\	\	0	0
11~ 50	10	1.028	s	0	0
51~ 99	13	0.848	s	1	0
100~ 500	50	0.379	s	3	0
501~ 3200	80	0.295	s	5	0
Bigger than 3200	125	0.234	s	7	0

The average actual contents of the samples should be bigger or equivalent to the adjusted value by minus average content from the labeled net content (?·s)

That is  $\bar{q} = (Q_n - ? \cdot s)$

Including:  $\bar{q}$  means the average actual content of the samples  $\bar{q} = \frac{1}{n} \sum_{i=1}^n q_i$

$Q_n$  — Net content marked

? — Adjustment factor

s — Standard deviation of actual content of samples  $s = \sqrt{\frac{1}{n-1} \sum_{i=1}^n (q_i - \bar{q})^2}$

Note: 1. The trustworthiness of this sampling plan is 99.5%;

2. Under this sampling plan, for prepackaged commodities with batch number ranging from 1 to 10, only the actual content of single prepackaged commodity is to be inspected, and the average actual content will not be computed;

Table 3

## Selection of statutory measurement unit

	Quantity limit for labeled net content ( $Q_n$ )	Measurement unit
Quality	$Q_n < 1000g$	g( g)
	$Q_n = 1000g$	kg( kg)
Volume	$Q_n < 1000ml$	mL (ml)
	$Q_n = 1000ml$	L (l)
Length	$Q_n < 100cm$	? ( mm) or(cm)
	$Q_n = 100cm$	m( m)
Area	$Q_n < 100$ square centimeter	mm <sup>2</sup> ( square millimeter) or cm <sup>2</sup> (square centimeter)
	1 square centimeter= $Q_n < 100$ square decimeter	d? (square decimeter)
	$Q_n = 1$ square meter	? (square meter)

Table 4

**Height of labeled letters/characters**

Labeled net content ( $Q_n$ )	Minimum height of letter/character( mm)
$Q_n=50g$ $Q_n=50mL$	2
$50g < Q_n=200g$ $50mL < Q_n= 200mL$	3
$200g < Q_n=1000g$ $200mL < Q_n=1000mL$	4
$Q_n > 1kg$ $Q_n > 1L$	6
Labels in length, area and numeral	2

END TRANSLATION