

**MERCHANDISE MARKS (PREPACKED GOODS) (MARKING AND QUANTITIES)
ORDER
1973**

I, PATRICK J. LALOR, Minister for Industry and Commerce, after consultation with such persons as appear to me to be substantially interested in the general subject-matter of the Order following and after compliance with subsection (10) of section 2 of the Merchandise Marks Act, 1970 (No. 10 of 1970), hereby, in exercise of the powers conferred on me by the said section 2, order as follows:

REG 1

1. (1) This Order may be cited as the Merchandise Marks (Prepacked Goods) (Marking and Quantities) Order, 1973.
- (2) This Order shall come into operation on the first day of October, 1973.

REG 2

2. Goods of any kind specified in the First, Second or Third Schedule to this Order shall not be packed in a container or imported by way of trade or sold by retail packed in a container unless the container or (if there is an inner container or containers and an outer container) at least one container bears a notice which complies with the provisions of this Order.

REG 3

3. Goods of any kind specified in column (1) of the First Schedule to this Order shall not be packed in a container or imported by way of trade or sold by retail packed in a container in any quantity other than—
 - (a) if the goods are of a kind specified in Part I of the said Schedule, a quantity specified in column (2) of the said Part I, and
 - (b) if the goods are of a kind specified in Part II of the said Schedule, a quantity specified in column (2) of the said Part II or, if the goods are cooking oil, salad oil or other edible oils or detergent liquids, $\frac{4}{5}$ pint or $\frac{13}{5}$ pints.

REG 4

4. The notice borne on a container pursuant to Article 2 of this Order shall be in a form that complies with the following provisions:
 - (a) the notice shall be on the container itself or on a label securely attached to the container,
 - (b) the notice shall be easily visible without removing or opening any container,
 - (c) the notice shall be clearly legible and placed in a prominent position on the container, and the colour of the writing

- in the notice shall be in clear contrast with its background,
- (d) the notice shall not be obscured by a stamp or sticker or in any other way,
- (e) (i) the writing in the notice shall be in letters and figures of a height not less than the height specified in column (2) of the Fourth Schedule to this Order opposite the mention in column (1) of that Schedule of the category of container to which the container aforesaid belongs,
- (ii) for the purposes of subparagraph (i) of this paragraph, a fraction written in figures shall be deemed to be a single letter the height of which shall be measured from the top of the upper figure to the bottom of the lower figure,
- (iii) where the notice is on the closure of a bottle and the bottle has writing incorporated in its structure by fusing or by any other process of manufacture, carried out before the 1st day of January, 1973, the writing in the notice shall be deemed to comply with subparagraph (i) of this paragraph if its letters and figures are of a height of not less than 1·5 millimetres,
- (f) the notice shall state clearly—
- (i) in case the goods in the container are of a kind specified in Part I of the First Schedule to this Order, the quantity by weight of the goods of that kind in the container,
- (ii) in case the goods in the container are of a kind specified in Part II of the said First Schedule, the quantity by liquid measure of the goods of that kind in the container,
- (iii) in case the goods in the container are of a kind specified in Part I of the Second Schedule to this Order, the quantity by weight or liquid measure of the goods of that kind in the container,
- (iv) in case the goods in the container are of a kind specified in Part II of the said Second Schedule, if the notice does not state the quantity by weight or liquid measure of goods produced when the goods of that kind in the container are reconstituted or made-up, the quantity by weight or liquid measure of the goods of that kind in the container,
- (v) in case the goods in the container are of a kind specified in Part I of the Third Schedule to this Order, the quantity by number of the goods of that kind in the container, and
- (vi) in case the goods in the container are of a kind specified in Part II of the said Third Schedule, the quantity by length of goods of that kind in the container,
- (g) the meaning of the notice shall be plain and unambiguous.

REG 5

5. In a notice borne on a container pursuant to Article 2 of this Order—

- (a) quantities of less than 1 ounce expressed by weight in imperial weights shall be expressed as a fraction or decimal of 1 ounce,
- (b) quantities of 1 ounce or more and less than 1 pound expressed by weight in imperial weights shall be expressed in units of ounces (including, where appropriate, fractions or decimals of 1 ounce) or as a fraction or decimal of 1 pound,
- (c) quantities of 1 pound or more and less than 2 pounds

expressed by weight in imperial weights shall be expressed in units of ounces or in units of 1 pound and ounces (including in each case, where appropriate, fractions or decimals of 1 ounce) or units of 1 pound and fractions or decimals of 1 pound,

(d) quantities of 2 pounds or more expressed by weight in imperial weights shall be expressed, as the case may require, in units of pounds or units of pounds and ounces (including, in each case, where appropriate, fractions or decimals of 1 ounce) or units of pounds and fractions or decimals of 1 pound,

(e) quantities of less than 1 fluid ounce expressed by measure in imperial measures shall be expressed as a fraction or decimal of 1 fluid ounce,

(f) quantities of 1 fluid ounce or more and less than 1 pint expressed by measure in imperial measures shall be expressed in units of fluid ounces (including, where appropriate, fractions or decimals of 1 fluid ounce), or as fractions or decimals of 1 pint,

(g) quantities of 1 pint or more and less than 2 pints expressed by measure in imperial measures shall be expressed in units of fluid ounces or in units of 1 pint and fluid ounces (including in each case, where appropriate, fractions or decimals of 1 fluid ounce) or units of 1 pint and fractions or decimals of 1 pint,

(h) quantities of 2 pints or more expressed by measure in imperial measures shall be expressed, as the case may require, in units of pints or units of pints and fluid ounces (including in each case, where appropriate, fractions or decimals of 1 fluid ounce) or units of pints and fractions or decimals of 1 pint.

REG 6

6. (1) In a notice borne pursuant to Article 2 of this Order on a container to which the said Article applies—

(a) a quantity expressed by weight shall be expressed in terms of the metric system and, if the quantity is not a quantity specified in terms of the metric system in column (2) of the First Schedule to this Order, in its equivalent in imperial weight,

(b) a quantity expressed by length or volume shall be expressed in terms of the metric system and, if the quantity is not a quantity specified in terms of the metric system in the said column (2), in its equivalent in imperial measure, and the indications of quantity shall be placed in close proximity to, but shall be distinct from, one another.

(2) This Article does not apply in relation to a notice borne pursuant to Article 2 of this Order on a transparent wrapper in which cheese or meat is packed if the quantity of cheese or meat in the wrapper is expressed in the notice either in imperial weight or in terms of the metric system.

REG 7

7. (1) Where the quantity of goods of any kind specified in the First, Second or Third Schedule to this Order packed in a container is greater by not more than 10 per cent. or, in the case of biscuits, 25 per cent. than the quantity of goods of that kind indicated in the notice borne by the container pursuant to Article

2 of this Order, the quantity so packed shall be deemed, for the purposes of paragraphs (a) and (c) of section 2 (1) of the Merchandise Marks Act, 1970, to be the same as the quantity so indicated.

(2) Where the quantity of goods of any kind specified in column (1) of the First Schedule to this Order packed in a container is greater by not more than 10 per cent., than a quantity specified in column (2) of the Part of the said Schedule in which the goods are mentioned, the quantity so packed shall be deemed, for the purposes of paragraphs (b) and (d) of the said section 2 (1), to be the same as the quantity so specified.

REG 8

8. (1) (a) This Order shall not apply in relation to goods specified in Part I of the First Schedule to this Order or Part I or II of the Second Schedule to this Order that are packed in containers of 14 grams or less or of more than 4 kilograms,

(b) This Order shall not apply in relation to goods specified in Part II of the said First Schedule or the said Part I or II of the said Second Schedule that are packed in containers of 14 millilitres or less or of more than 5 litres.

(2) (a) Article 3 of this Order shall not apply in relation to goods specified in the said Part I of the said First Schedule that are packed in containers of 50 grams or less or of more than 4 kilograms.

(b) The said Article 3 shall not apply in relation to goods specified in the said Part II of the said First Schedule that are packed in containers of 50 millilitres or less or of more than 5 litres.

(3) This Order shall not apply in relation to goods packed in a container in respect of which it is shown by the defendant in a prosecution for a contravention of this Order that the goods were so packed or were imported so packed before the commencement of this Order.

FIRST SCHEDULE.

PART I.

Articles 2 and 3.

Goods	Quantity by Weight	(1)	(2)
Tea, coffee, cocoa, drinking chocolate,	500 grams	62·5 grams	125 grams
Sugar, salt,	750 grams	250 grams	375 grams
Butter, margarine, cooking fat,	1 kilogram		
Breakfast cereals (in the form of flakes),	1·5 kilograms		
Jam, marmalade, jelly,	2 kilograms		
"Run" or liquid honey, golden syrup, treacle,	3 kilograms		
Flour, wheatenmeal, oatmeal,	4 kilograms		
Barley, rice, sago, tapioca, semolina, cornflour	2 ounces (not in cans),	4 ounces	8 ounces (not in cans),
Macaroni, spaghetti, vermicelli, noodles	8 ounces (not in cans),	12 ounces	1 pound
Dried fruit,	1 pound		
Frozen or dried peas,	1½ pounds		
Soap (other than toilet soap).	2 pounds	3 pounds	4 pounds
	5 pounds	6 pounds	7 pounds

PART II.

Goods Quantity by Measure (1) (2) 62·5 millilitres 125 millilitres 250 millilitres 500 millilitres 1 litre 1·5 litres 2 litres 2·5 litres Milk, condensed milk, cream, yoghurt 3 litres (not in cans), 4 litres Cooking oil, salad oil, or other edible oils, 5 litres Detergent liquids, 1/8 pint Turpentine and white spirits. 1/4 pint 1/3 pint 1/2 pint 1 pint 1 1/3 pints 2 pints 4 pints 8 pints

SECOND SCHEDULE.

Articles 2 and 4 (f).

PART I.

Breakfast cereals, in form other than flakes,
Cheese,
Meat,
Sausages, pressed meats, and other meat preparations,
Frozen foods (other than peas),
Canned vegetables,
Fresh vegetables (other than potatoes) not sold by count,
Dried vegetables (other than peas),
Fish or preparations of fish,
Sauce, salad cream, sandwich spread,
Spices, condiments etc.,
Baby food,
Biscuits,
Barley, rice, sago, tapioca, semolina, cornflour (in cans),
Macaroni, spaghetti, vermicelli, noodles, (in cans),
Canned fruit,
Non-alcoholic drinks, whether or not fruit flavoured or aerated,
Baking powder,
Pet foods,
Inks and dyes,
Polishes in paste, powder or liquid form,
Household disinfectants,
Toilet soap,
Soap powders and flakes,
Detergent powders granules or pastes,
Paint, paint solvents and paint strippers,
Lubricating Oil,
Potatoes.

PART II.

Powdered soups,
Custard powder, instant pudding powder, jelly,
Fruit juice concentrates, squashes.

THIRD SCHEDULE.

Articles 2 and 4 (f).

PART I.

Eggs,

Cigarettes,
Matches,
Firelighters,
Clothes pegs,
Razor blades,
Metal foil containers,
Covers for preserve containers,
Toilet paper, not in rolls,
Paper handkerchiefs or tissues,
Writing paper by piece,
Envelopes.

PART II.

Adhesive paper or plastic rolls,
Aluminium foil,
Thread,
Toilet paper in rolls.

FOURTH SCHEDULE.

Article 4 (e).

Categories of Container	Minimum Height of Letters and Figures on Container
(1) Containers none of whose dimensions exceed 120 millimetres	1·5 millimetres
(2) Containers one or more of whose dimensions exceed 120 millimetres but none of whose dimensions exceed 300 millimetres	2·5 millimetres
Containers one or more of whose dimensions exceed 300 millimetres but none of whose dimensions exceed 450 millimetres	4·0 millimetres
Containers one or more of whose dimensions exceed 450 millimetres but none of whose dimensions exceed 600 millimetres	8·0 millimetres
Containers one or more of whose dimensions exceed 600 millimetres	12·5 millimetres

In this Schedule "dimensions" means the height, length and breadth of a rectilinear or approximately rectilinear container, and the height and maximum diameter of a container with a curvilinear or approximately curvilinear cross-section.

GIVEN under my Official Seal, this 29th day of January, 1973.

PATRICK J. LALOR,
Minister for Industry and Commerce.

EXPLANATORY NOTE.

This Order provides that goods of the kinds listed in the first three Schedules must be marked with an indication of quantity of contents when prepacked in quantities of more than 14 grams or 14 millilitres and up to 4 kilograms or 5 litres inclusive. The marking must be expressed in terms of the metric system and must be accompanied by the imperial equivalent if the quantity involved is not one of the metric quantities specified in the First Schedule. This Order also provides that goods of the kinds listed in the First Schedule, may be packed only in the quantities prescribed, unless they are in quantities of 50 grams or 50 millilitres or less, or of more than 4 kilograms or 5 litres. A tolerance upwards of 10% is allowable (25% for biscuits). The

minimum size of lettering is also prescribed.
The Order comes into force on 1st October, 1973.