

**MERCHANDISE MARKS (PREPACKED GOODS) (MARKING AND QUANTITIES)
(AMENDMENT) ORDER 1985**

I, JOHN BRUTON, Minister for Industry, Trade, Commerce and Tourism, 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, as adapted by the Trade, Commerce and Tourism (Alteration of Name of Department and Title of Minister) Order, 1983 (S.I. No. 384 of 1983), order as follows:

REG 1

1. This Order may be cited as the Merchandise Marks (Prepacked Goods) (Marking and Quantities) (Amendment) Order, 1985.

REG 2

2. This Order shall come into operation on the 20th day of December, 1985.

REG 3

3. The Merchandise Marks (Prepacked Goods) (Marking and Quantities) Order, 1973 (S.I. No. 28 of 1973), is hereby amended by—

(a) the substitution in subarticle (1) of Article 8 of the following paragraph for paragraph (b)

"(b) This Order shall not apply in relation to goods specified in—

(i) Part II of the said First Schedule (other than wine of fresh grapes; fresh grape must with fermentation arrested by the addition of alcohol including wine made of unfermented grape juice blended with alcohol, except for wines included in subheadings 22.05A and B of the Common Customs Tariff of the European Economic Community and liqueur wines (subheading ex 22.05C of the said Common Customs Tariff); grape must, in fermentation or with fermentation arrested otherwise than by the addition of alcohol (heading No. 22.04 of the said Common Customs Tariff) and "Yellow" wines entitled to use the following designations of origin:

"Côtes du Jura", "Arbois", "L'Étoile" and "Château-Chalon"), or

(ii) 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", and

(b) the substitution in subarticle (2) of Article 8 of the following paragraph for paragraph (b)—

"(b) The said Article 3 shall not apply in relation to goods specified in the said Part II of the said First Schedule (other than wine of fresh grapes; fresh grape must with fermentation arrested by the addition of alcohol including wine made of unfermented grape juice blended with alcohol, except for wines included in subheadings 22.05A and B of the Common Customs Tariff of the European Economic Community and liqueur wines (subheading ex 22.05C of the said Common Customs Tariff); grape must, in fermentation or with fermentation arrested otherwise than by the

addition of alcohol (heading No. 22.04 of the said Common Customs Tariff) and "Yellow" wines entitled to use the following designations of origin:

"Côtes du Jura", "Arbois", "L'Étoile" and "Château-Chalon") that are packed in containers of 50 millilitres or less or of more than 5 litres.", and

(c) by the insertion in column (1) of Part II of the First Schedule of—

"wine of fresh grapes; fresh grape must with fermentation arrested by the addition of alcohol including wine made of unfermented grape juice blended with alcohol, except for wines included in subheadings 22.05A and B of the Common Customs Tariff of the European Economic Community and liqueur wines (sub-heading ex 22.05C of the said Common Customs Tariff); grape must, in fermentation or with fermentation arrested otherwise than by the addition of alcohol (heading No. 22.04 of the said Common Customs Tariff) and "Yellow" wines entitled to use the following designation of origin; "Côtes du Jura", "Arbois", "L'Étoile" and "Château-Chalon.".

REG 4

4. The said Merchandise Marks (Prepacked Goods) (Marking and Quantities) Order, 1973, shall, insofar as it applies to wines (other than the said "Yellow" wines) and grape must of a kind specified in Part II of the First Schedule thereto (as amended by Article 3(c) of this Order) have effect as if—

(a) the following were substituted for the matter in column (2) of that Schedule:

"100 millilitres

187 millilitres (for consumption on board aircraft and ships only)

250 millilitres

350 millilitres

375 millilitres

500 millilitres

700 millilitres

750 millilitres

1 litre

1.25 litres

1.5 litres

2 litres

3 litres

5 litres

6 litres

9 litres

10 litres", and

(b) on and from the 1st January, 1989, the following were deleted from column (2) of the Schedule: "350 millilitres

700 millilitres

1.25 litres".

REG 5

5. The said Merchandise Marks (Prepacked Goods) (Marking and Quantities) Order, 1973, shall, insofar as it applies to "Yellow" wines of a kind specified in Part II of the First Schedule thereto

(as amended by Article 3(c) of this Order) have effect as if the following were substituted for the matter in column (2) of that Schedule:
"620 millilitres".

REG 6

6. The Merchandise Marks (Prepacked Goods) (Marking and Quantities) (Amendment) Order, 1983 (S.I. No. 367 of 1983), is hereby amended by the insertion in Article 3(b)(ii) after "liquids" of "not".

GIVEN under my Official Seal, this 5th day of September, 1985.

JOHN BRUTON
Minister for Industry, Trade, Commerce
and Tourism.

EXPLANATORY NOTE.

This Order amends the Merchandise Marks (Prepacked Goods) (Marking and Quantities) Order, 1973 (as amended) so as to prescribe the sizes in which prepacked wine may be sold with effect from 20th December 1985. In so doing it implements the provisions of Directive 75/106/EEC as amended by Directives 79/1005/EEC and 85/10/EEC on the approximation of the laws of Member States relating to prepacked liquids, insofar as wine is concerned.