STATUTORY INSTRUMENTS

1978 No. 1081

WEIGHTS AND MEASURES

The Weights and Measures Act 1963 (Coffee Extracts and Chicory Extracts) Order 1978

Laid before Parliament in draft

Made - - - - 27*th July* 1978

Coming into Operation 1*st July* 1979

Whereas the Secretary of State pursuant to section 54(2) of the Weights and Measures Act 1963(**a**) (hereinafter referred to as "the Act") has consulted with organisations appearing to him to be representative of interests substantially affected by this Order and considered the representations made to him by such organisations with respect to the subject matter of this Order:

And whereas a draft of this Order has been laid before Parliament and approved by resolution of each House of Parliament pursuant to section 54(3) of the Act:

Now, therefore, the Secretary of State in exercise of the powers conferred by section 21(2), (3) and (5) of the Act and now vested in him(**b**) and of all other powers enabling him in that behalf, hereby makes the following Order:—

1. This Order may be cited as the Weights and Measures Act 1963 (Coffee Extracts and Chicory Extracts) Order 1978 and shall come into operation on 1st July 1979.

2.—(1) In this Order—

"instant coffee" means coffee extract in powder, granular, flake, cube or other solid form, of which the coffee-based dry matter content is not less than 96% by weight and which is obtained by using for its manufacture a quantity of raw coffee of at least 2.3 kg per 1 kg of finished product;

"coffee extract paste" means coffee extract, in paste form, of which the coffee-based dry matter content is not more than 85% and not less than 70% by weight and which is obtained by using for its manufacture a quantity of raw coffee of at least 2.3 kg per 0.960 kg of coffee-based dry matter in the finished product;

"liquid coffee extract" means coffee extract in liquid form, of which the coffee-based dry matter content is not more than 55% and not less than 15% by weight and which is obtained by using for its manufacture a quantity of raw coffee of at least 2.3 kg per 0.960 kg of coffee-based dry matter in the finished product;

(**a**) 1963 c. 31. (**b**) S.I. 1970/1537.

"instant chicory" means chicory extract in powder, granular, flake, cube or other solid form, the chicory-based dry matter content of which is not less than 96% by weight;

"chicory extract paste" means chicory extract in paste form, of which the chicory-based dry matter content is not more than 85% and not less than 70% by weight;

"liquid chicory extract" means chicory extract in liquid form, of which the chicory-based dry matter content is less than 50% and not less than 16% by weight;

"solid and paste coffee and chicory products" means instant coffee, coffee extract paste, instant chicory, chicory extract paste, and blends thereof, and extracts of blends of roasted coffee and roasted chicory;

"liquid coffee and chicory products" means liquid coffee extract and liquid chicory extract, and blends thereof.

(2) The Interpretation Act 1889(**a**) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

3. Parts VIII and XI of Schedule 4 to the Act shall cease to apply to solid and paste coffee and chicory products and to liquid coffee and chicory products.

4. Solid and paste coffee and chicory products which are not pre-packed shall, when sold by retail, be sold only by net weight.

5.—(1) Solid and paste coffee and chicory products shall be pre-packed only if they are made up in one of the following quantities by net weight, that is to say—

(i) 1 oz, 2 oz, 4 oz, 8 oz, 12 oz, 1 lb, 1½ lb or a multiple of 1 lb.

(ii) 50 g, 100 g, 200 g, 300 g, 500 g, 750 g, 1 kg, 1.5 kg, 2 kg, 2.5 kg, 3 kg and multiples of one kilogram.

(2) There shall be exempted from the requirements of paragraph (1) above products made up in quantities of 25 g or less and more than 10 kg.

6.—(1) Subject to paragraphs (2) and (3) below solid and paste coffee and chicory products shall be pre-packed or otherwise made up in a container for sale only if the container is marked with an indication of quantity by net weight.

(2) Where solid and paste coffee and chicory products are made up in a container for sale (whether or not pre-packed) to a net weight of 5 kg or more the container need not be marked with an indication of quantity by net weight if—

(i) the products are not sold by retail, and

(ii) at a time when they are sold, a document containing such an indication expressed in both imperial and metric units of measurement accompanies the container.

(3) There shall be exempted from the requirement in paragraph (1) above—

(i) instant coffee and coffee extract paste in quantities of less than 5 g;

(**a**) 1889 c. 63.

(ii) instant chicory and chicory extract paste in quantities of less than 8 g;

(iii) blends of products referred to in (i) and (ii) above in quantities of less than 5 g if the blend consists mainly of the products referred to in (i), or less than 8 g if the blend consists mainly of the products referred to in (ii).

7. Liquid coffee and chicory products shall be pre-packed or otherwise made up in a container for sale only if the container is marked with an indication of quantity by volume or capacity measurement.

8.—(1) Where the contents of a container in which solid and paste coffee and chicory products or liquid coffee and chicory products are pre-packed or otherwise made up for sale consists of packs of such products not intended for individual sale, the container shall, in addition to any marking required by Articles 6 or 7 above, be marked with the total number of such packs.

(2) Where solid and paste coffee and chicory products are made up in a container for sale (whether or not pre-packed) to a net weight of 5 kg or more, the information required by paragraph (1) above to be marked on the container may if the products are not sold by retail, be given in a document accompanying the container.

9.—(1) (*a*) Where two or more identical containers are enclosed within an outer container, nothing in Articles 5, 6 or 7 above shall require the outer container to enclose goods of a particular weight or to be marked with any information as to quantity if either—

(i) the marking of the net quantity on at least one of the inner containers, and the total number of such inner containers, is clearly visible and capable of being easily counted through the outer container; or

(ii) information as to the matters mentioned in (i) above is marked on the outer container.

(*b*) For the purposes of sub-paragraph (*a*) above containers shall be taken as being identical if the goods in each container are the same and of the same quantity.

(2) When the provisions of both Article 6(2) above and paragraph (1) of this Article apply in a particular case, the information permitted by paragraph (1)(*a*)(ii) to be marked on the container may be given in a document accompanying the container.

10. Section 22(2) of the Act, insofar as it applies for the purposes of section 21(2)(*b*) of the Act in relation to a contravention of Article 6 above in a case mentioned in paragraph (2) of that Article or in relation to a contravention of Article 8 above in a case mentioned in paragraph (2) of that Article, shall have effect subject to the modification that the following provisions shall be omitted, that is to say—

(*a*) in paragraph (*a*), the words "has in his possession for sale,";

(*b*) paragraph (*b*);

(*c*) in paragraph (*c*), the words "have in his possession for sale or for delivery after sale,"; and

(*d*) the words "whether the sale is, or is to be, by retail or otherwise".

John Fraser,
Minister of State,
Department of Prices and
Consumer Protection.

27th July 1978.

EXPLANATORY NOTE

(*This Note is not part of the Order.*)

This Order implements the requirements of Council Directive No. 77/436/EEC (O.J. No. L 172, 12.7.77, p. 20) as to the prescribed range of metric quantities, and the quantity marking, relating to coffee extracts and chicory extracts, and with other requirements, supersedes Parts VIII and XI of Schedule 4 to the Weights and Measures Act 1963 which will cease to have effect as respects the products covered. The products covered by the Order are instant coffee, instant chicory, coffee extract paste, chicory extract paste, and blends thereof ("solid and paste products"), and liquid coffee extract and liquid chicory extracts, and blends thereof ("liquid products").

The principal requirements of the Order are:—

(*a*) solid and paste products which are not pre-packed shall, when sold by retail, be sold only by net weight (Art 4);

(*b*) solid and paste products weighing more than 25 g (approximately 9/10 oz) and not more than 10 kg (approximately 22 lbs) are to be pre-packed only in prescribed imperial and metric weights (Art 5);

(*c*) where solid and paste products are made up in containers they must be marked with net weight (in quantities of 5 kg (approximately 11 lb) or more not sold by retail, the net weight may be stated in an accompanying document) (Art 6);

(*d*) liquid products, if pre-packed, must be marked with quantity by volume or capacity measurement (Art 7);

(*e*) where a container encloses packs which are not in themselves intended for individual sale, the container must also be marked with the total number of packs (Art 8);

(*f*) where identical containers are enclosed in an outer container, the outer container must be marked with the total number of inner containers, and their net weight, unless the net weight of at least one of the inner containers, and their total number can be easily seen from outside (Art 9);

(*g*) section 22 of the Act is modified to take account of the case where the information required by the Order may be given in an accompanying document (Art 10)

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