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Shri Rohit Kumar Singh, IAS
Secretary (CA)
Department of Consumer Affairs

Subject: Request regarding the requirements for Principal Display Panel including Font Height and Spacing requirement under the Legal Metrology (Packaged Commodities) Rules, 2011

Respected Sir,

Greetings from MAIT!

At the outset, Manufacturers' Association for Information Technology ("**MAIT**") commends and appreciates the Department of Consumer Affairs ("**DoCA**") for its concerted efforts to engage with stakeholders on the issue of decriminalization of the provisions of the Legal Metrology Act, 2009 ("**LM Act**") read with the Legal Metrology (Packaged Commodity) Rules, 2011 ("**LMPC Rules**").

Currently, brand owners, manufacturers, and importers of electronic products such as smartphones, laptops, tablets, Printers, Cameras, etc. that are offered for retail sale/distribution in a pre-packaged form are required to comply with the provisions of the LMPC Rules that lays down the standards of weights and measures, and the mandatory labelling requirements for pre-packaged commodities.

MAIT, through the present representation, seeks to highlight certain issues pertaining to complying with the certain provisions in relation to the minimum Font Height of the Numerals and Letters to be maintained for declaring mandatory information based on the area of Principal Display Panel ("**PDP**") and spacing to be maintained surrounding the quantity declaration as per the LMPC Rules which impacts relevant stakeholders of the industry who wish to conduct their business in India as manufacturers/importers/brand owners of electronic goods.

While DoCA has taken positive steps for enabling the ease of doing business, however, of late, many of the industry players are facing issues with seizure of goods leading to obstructions in business and the threat of prosecution and imprisonment in case of subsequent offences for trivial issues based on strict enforcement of font height and spacing requirement as mentioned above even in the cases where the contents on the MRP declaration are clearly visible and readable to the consumer without any ambiguity.

Background:

Under Rule 6 of the LMPC Rules, various mandatory declarations are required to be displayed on a label affixed on the package of pre-packaged commodities such as name and complete address of manufacturer, importer, packer, the net quantity, the MRP, etc. **In case of consumer electronic goods, under Rule 6 of the LMPC Rules, there are 11 (in some cases more) mandatory declarations to be displayed on the label of every pre-packaged commodity with several lengthy declarations such as name and complete address of manufacturer, importer and packer, and consumer complaint details.**

Further, as per the Rule 8(1) of the LMPC Rules, the mandatory declaration is required to be displayed on the PDP of the pre-packaged commodity. As per Rule 2(h), a **PDP in relation to a package means the total surface area of the package where the information required to be provided under the LMPC Rules is to be given.** Therefore, a conjoint reading of above stated provisions suggests that the **mandatory declarations under Rule 6 of the LMPC Rules must be displayed on a label affixed on the PDP of the package.**

Additionally, Rule 7 of the LMPC Rules requires height of numeral and letters in the declaration required under these rules shall be as per below table:

Sl No.	Area of Principal Display Panel in square cm (A)	Minimum height of numerals and letters in millimetres	Minimum height of numerals and letters when blown, formed or molded on surface of container in millimeters
1	$A \leq 50$	1.0	2.0
2	$50 < A \leq 100$	1.5-1.5	3.0
3	$100 < A \leq 500$	2.5	4.0
4	$500 < A \leq 2500$	4.0	6.0
5	$2500 < A$	6.0	6.0

Hence, Rule 7 of the LMPC Rules provides the manner of calculation of the PDP area as well as the minimum height and width i.e. font size of any numerals and letters for printing the mandatory declarations, which is subject to the size (surface area in square centimeters) of the PDP.

Further, Rule 8 of LMPC Rules specifies the spacing requirement to be maintained around the quantity declaration (**Spacing**) as per below:

Rules 8

- (1) Every declaration required to be made under these rules shall appear on the principal display panel.

Provided that the area surrounding the quantity declaration shall be free from printed information.

- (a) above and below by a space equal to at least the height of the numeral in the declaration, and
- (b) to the left and right by a space at least twice the height of the numeral in the declaration.

The above stated requirements under the extant LMPC Rules regarding the PDP area and the corresponding font size requirement for the numerals and letters and Spacing requirements are leading to practical issues in complying with and displaying the mandatory declarations on the commodity in the prescribed manner.

Object of the LMPC Rules read with the LM Act is to ensure that the consumer gets all the information in a clear and concise manner in the legally prescribed units of weights & measures with the object of ensuring public guarantee from the point of view of accuracy and security.¹ Clearly, the intent of the legislature is not to confuse consumers with oversized and lengthy declarations, or to make the compliance requirements onerous, or in some cases categories of electronics (compact devices like mobile phones, cameras and phablets) unviable. The unviable PDP dimensions and font size requirements coupled with the spacing requirement around quantity declaration under the LMPC Rules, render it difficult to incorporate declarations required by the Bureau of Indian Standards ("**BIS**") and other consumer centric information. This is against the spirit of the consumer-interest intent of the LM Act, which is to give consumers all relevant information in a uniform, legible, clear, concise and prominent manner.

Therefore, it is important that appropriate changes be requested from the DoCA regarding the relevant provisions of the LMPC Rules for the font size (height) and spacing requirement around quantity declaration. This is to ensure that the requirements become feasible and viable for manufacturers/importers/brand owners that are packaging and labelling electronic goods in India and also to ensure that the requisite information is displayed to the consumer in the most uniform, legible, clear, concise and prominent manner, keeping in line with the stated objects of the LM Act and the LMPC Rules.

In this context, it is essential that the DoCA appreciates that the prevalent issues relating to the compliance requirements for the PDP, font height and spacing requirement around quantity declaration under the LMPC Rules which will undoubtedly have long-term detrimental effects on manufacturers/importers/brand owners of electronic goods due to its unviability/tediousness and in turn leading to potential non-compliance.

This representation aims to detail the relevant challenges faced by industry relating to the compliance requirements for the PDP, font height and spacing requirement under the LMPC Rules and proposes corresponding recommendations to address the said issue with the DoCA –

- 1. Minimum font size requirements for making mandatory declaration provided in Rule 7 coupled with spacing requirement around quantity declaration are disproportionately large for certain packages of consumer electronic goods:**
 - a) We humbly request the DoCA to carefully consider revising the minimum font size requirement (height and width) of numerals and lettering as prescribed under Table-I of Rule 7 as well as spacing requirement around quantity declaration of the LMPC Rules from a viability and execution perspective, particularly for compact electronic goods
 - b) Under the LMPC Rules, there are 11 (or more) mandatory declarations that must be displayed in relation to electronic goods with several lengthy mandatory declarations such as name and complete address of manufacturer, importer & packer and consumer complaint details. **Fitting all 11 (plus) mandatory declarations in the disproportionately large font sizes coupled with spacing requirement around quantity declaration as prescribed by the LMPC Rules in the limited PDP area available, is neither feasible nor viable.**

¹ Section 2(g), Legal Metrology Act, 2009

- c) **Using such large font sizes coupled with spacing requirement around quantity declaration for the mandatory declarations on the label will either make it impossible to fit the label on the PDP or lead to the label covering the entire PDP, leaving no room for other important information to be displayed to the consumer.**
- d) This requirement for having one entire side to be the PDP side and not leaving any room for other crucial information such as BIS related markings and information under BIS-Conformity Assessment Scheme ("**BIS-CAS**") and the Compulsory Registration Scheme ("**Scheme II**") thereunder, and other critical consumer centric information, is not in the interest of the consumer. Clearly, markings and information relating to product technical safety and other consumer centric information is as important as the LMPC Rules declarations and the intent of the LMPC Rules will clearly not be sidelined or impinge on other statutorily required declarations or relevant consumer-interest related information. These legislations and the importance of providing crucial information to the end consumer must be read harmoniously and pre-suppositions of dedicating an entire side of a pre-packaged commodity merely for LMPC Rules declarations is unviable from a practical perspective.
- e) **There are other Indian laws that have labelling requirements which clearly specifies a limited area as PDP -**
- i. The Food Safety and Standards (Labelling and Display) Regulations, 2020² in India limits the PDP Area in the case of a rectangular package to be forty percent of the product of height and width of the panel of such package having the largest area³, instead of the entire side as required under the LMPC Rules.
 - ii. Cigarettes and Other Tobacco Products (Packaging and Labelling) Amendment Rules 2014⁴ further provides that in the case of box/carton type packaging, specified health warnings shall cover at least 85% of the principal display area and appear on both sides of the package on the largest panels out of which 25% shall be textual health warning.⁵
- f) These regulations referenced in paragraph 2 (f) above are critical and highly sensitive since they directly pertain to health & safety of consumers as they are regarding food safety and cigarette products, and still the requirements under these regulations are more liberal and practical in comparison to the PDP requirements under the LMPC Rules. Therefore, the LMPC Rules PDP requirements, which are arguably less sensitive and less critical in comparison to food safety and tobacco products' PDP requirements, should ideally be more liberal in comparison to the above-stated regulations.
- g) Similarly, laws and regulations in several jurisdictions restrict the applicability of minimum height requirements for letters and / or numerals to only certain specific mandatory declarations such as the quantity of a product and not all declarations:
- i. United Kingdom: The Weights and Measures (Packaged Goods) Regulations 2006⁶ prescribes a minimum height for words or figures only with regard to marking of quantity of foodstuff.⁷

² Available at https://www.fssai.gov.in/upload/uploadfiles/files/Compendium_Labelling_Display_23_09_2021.pdf

³ Rule 6(2)(a), Food Safety and Standards (Labelling and Display) Regulations, 2020

⁴ Cigarettes and Other Tobacco Products (Packaging and Labelling) Amendment Rules 2014 available at <https://egazette.nic.in/WriteReadData/2014/161364.pdf>

⁵ Rule 3(i)(b), Cigarettes and Other Tobacco Products (Packaging and Labelling) Amendment Rules 2014 available at <https://egazette.nic.in/WriteReadData/2014/161364.pdf>

⁶ Available at <https://www.legislation.gov.uk/uksi/2006/659>

⁷ Regulation 8, of The Weights and Measures (Packaged Goods) Regulations 2006

ii. United States of America: Under various laws and regulations in the United States of America, the requirement for letters and numerals appearing on the PDP to be of a certain type size or height, is confined to only certain specific declarations such as the quantity of contents and do not extend to other lengthy declarations such as the name and complete address of the manufacturer/importer. These laws are laid out below:

- The Fair Packaging And Labelling Program⁸ provides that the separate label statement of net quantity of contents appearing upon or affixed to any package shall contain letters or numerals in a type size to be established in relationship to the area of the principal display panel of the package.⁹
- The Fair Packaging and Labelling Act¹⁰ also provides for the statement of net quantity of contents to be in a type size established in relationship to the area of the principal display panel of the package or commodity.¹¹
- The Code of Federal Regulation, Title 9- Animals and Animal Products Chapter III--Food Safety and Inspection Service, Department of Agriculture¹² provides that the statement of net quantity of contents shall appear on the principal display panel of all containers to be sold at retail intact, in conspicuous and easily legible boldface print or type in distinct contrast to other matter on the container.¹³

iii. Canada: The Consumer Packaging and Labelling Regulations C.R.C., c. 417¹⁴ provide for a minimum height requirement for the numerical portion of the net quantity declaration and also requires that the said portion be in bold type face.¹⁵ All other information in the declaration of net quantity, other than numerical portion, are to be shown in letters of not less than 1.6 millimetres in height.¹⁶

iv. Australia: National Trade Measurement Regulations 2009¹⁷ provide for a minimum requirement for the size of characters to be used in measurement markings¹⁸ and not for any other declaration.

2. The range of PDP areas in Table-I of Rule 7 of the LMPC Rules prescribing minimum height of letters and numerals is extremely wide

8 Title 15, Chapter 39-Fair Packaging And Labelling Program , available at <https://uscode.house.gov/view.xhtml?path=/prelim@title15/chapter39&edition=prelim>

9 Section 1453, Title 15, Chapter 39-Fair Packaging And Labelling Program , available at <https://uscode.house.gov/view.xhtml?path=/prelim@title15/chapter39&edition=prelim>

10 Fair Packaging and Labelling Act, available at <https://www.ecfr.gov/current/title-16/chapter-I/subchapter-E/part-500/section-500.21>

11 Section 500.21(a), Regulations Under Section 4, The Fair Packaging And Labeling Act. Available at [https://www.ecfr.gov/current/title-16/chapter-I/subchapter-E/part-500/section-500.21#p-500.21\(a\)](https://www.ecfr.gov/current/title-16/chapter-I/subchapter-E/part-500/section-500.21#p-500.21(a))

12 Code of Federal Regulation, Title 9- Animals and Animal Products Chapter III--Food Safety and Inspection Service, Department of Agriculture, available at <https://www.ecfr.gov/current/title-9/chapter-III/subchapter-A/part-317>

13 Section 317.2 (h) (1), Code of Federal Regulation, Title 9- Animals and Animal Products Chapter III--Food Safety and Inspection Service, Department of Agriculture, available at <https://www.ecfr.gov/current/title-9/chapter-III/subchapter-A/part-317>

14 Consumer Packaging and Labelling Regulations C.R.C., c. 417 Available at https://laws-lois.justice.gc.ca/eng/regulations/C.R.C.%2C_c._417/

15 Section 14(2) Consumer Packaging and Labelling Regulations C.R.C., c. 417 Available https://laws-lois.justice.gc.ca/eng/regulations/C.R.C.%2C_c._417/page-2.html#h-556137

16 Section 14(4) Consumer Packaging and Labelling Regulations C.R.C., c. 417 Available at https://laws-lois.justice.gc.ca/eng/regulations/C.R.C.%2C_c._417/page-2.html#h-556137

17 National Trade Measurement Regulations 2009 Available at <https://www.legislation.gov.au/Details/F2019C00581>

18 Regulation 4.12, National Trade Measurement Regulations 2009 Available at <https://www.legislation.gov.au/Details/F2019C00581>

- a) We submit that the range of “Area of the PDP in sq cms” as provided in the second column of Table-I of Rule 7 of the LMPC Rules, based on which the font size requirement is prescribed in the third column, is extremely wide.
- b) The range of PDP Area increases disproportionately from ≤ 50 ; $50 \leq 100$; $100 \leq 500$; $500 \leq 2500$ and >2500 .
- c) Product packaging with a smaller PDP area that is at the start of a range is subject to the same compliance requirement as the product packaging with the largest PDP area at the end of the range. Given the extremely wide range for PDP area, font size requirements that can reasonably fit a PDP area at the end of a range are not feasible for a small PDP area at the start of the range. For example, the minimum font size requirement of a PDP of 500 cm² is the same as the font size requirement of a PDP for 101 cm², which as described above, is an extremely small space to declare all the mandatory declarations required in the given font size of 2.5 mm thereby leading to covering the entire PDP side or in some instances rendering the label larger than the PDP side. Accordingly, the ranges e.g. 100-500, 500-2500 and the corresponding required font size are completely disproportionate and irrational.
- d) Laws of other jurisdictions: A review of the regulations in other international jurisdictions indicates that the font requirements on PDP are purposely narrow to accommodate various packaging sizes and categories. For reference, relevant regulations in Australia and New Zealand have been described below –
 - i. Australia: The National Trade Measurement Regulations, 2009¹⁹ provide that every pre-packaged product’s principal display panel must contain a statement²⁰ that denotes the measurements of the product such as net quantity, etc. The minimum height requirements set out for the ‘measurement markings’ have been divided into narrow ranges, each of which does not exceed an increment of 150 mm from the last. For instance, where the maximum dimension of the package is set within the range of 120 mm and 230 mm, the minimum height of the characters is set to 2.5mm.²¹ The narrow demarcations set out by the regulations make it easier for pre-packaged products with similar principal display panel areas to be subject to the same compliance requirements.
 - ii. New Zealand: The Medicines Regulations, 1984²² govern the labeling of medicines, medical devices and related products. Under the regulations relating to minimum size of lettering to be used on the labels, the height of letters shall not be less than 1.5 millimeters²³ except in the cases of containers that are small enough in size to prevent the meeting of the height requirement. Hence, the regulations alternatively allow for the use of the largest size practicable in the case of small containers and packaging, which in any event cannot be less than 0.75 millimeters in height.²⁴

3. The strict interpretation / enforcement of Rule 8 by the Legal Metrology field officers with respect to Spacing requirement around the quantity declaration when there is no ambiguity and the quantity declaration is clearly visible and readable to end customers and not misleading is causing undue hardship to the industry.

¹⁹ The National Trade Measurement Regulations, 2009 available at <https://www.legislation.gov.au/Details/F2019C00581>

²⁰ Regulation 4.9(1), 4.10(1) The National Trade Measurement Regulations, 2009 available at <https://www.legislation.gov.au/Details/F2019C00581>

²¹ Regulation 4.12(3), The National Trade Measurement Regulations, 2009 available at <https://www.legislation.gov.au/Details/F2019C00581>

²² The Medicines Regulations 1984, available at <https://www.legislation.govt.nz/regulation/public/1984/0143/34.0/whole.html>

²³ Regulation 18(5), The Medicines Regulations 1984, available at <https://www.legislation.govt.nz/regulation/public/1984/0143/34.0/whole.html>

²⁴ Regulation 18(6), The Medicines Regulations 1984, available at <https://www.legislation.govt.nz/regulation/public/1984/0143/34.0/whole.html>

4. Impact on Ease of Doing Business

Legal Metrology field officers adopt an extremely strict interpretation / enforcement of the LMPC Rules despite the fact that the mandatory declarations as per Rule 6 and the quantity declaration are clearly visible and readable to the customer without any ambiguity.

Seizure of goods and stopping entire business operations for such a trivial issue is not in the interest of the customers and industry and overall impacting ease of doing business in India.

Further, in case of subsequent offences there is the threat of prosecution and imprisonment. This is a real matter of concern, in many instances due to practical reason such as label size, or label format or retail package having more than one item inside the package though the quantity declaration is made and clearly visible & readable to customers, but spacing requirement may not be complying based on a strict interpretation of the LMPC Rules.

Industry Request:

1. We request that the PDP area, Font height and spacing requirements should be removed and instead a flexible requirement be implemented instead of the current strict and onerous requirements. A general flexible requirement that the contents as per Rule 6 should be clearly visible/readable with naked eye, as the intent of the law that the customer should be knowing the details of the package, should instead be adopted.
2. Additionally, as per international standards, the application of the font size requirement should be limited to the important declarations relating to measurements of the commodity and MRP, and the requirement for the remaining declarations of the label should be flexible such that they are visible and legible without any minimum font size requirement. There should not be any spacing requirement around quantity declaration as it is practically not feasible to maintain, as the requirement should be that quantity should be clearly visible/readable with naked eye.

We look forward to your positive consideration on our request.

Your kind consideration will go a long way in enabling ease of doing business in the Information Technology and Electronics Sector.

Warm regards,



Col. AA Jafri, Retd.
Director General

CC: Shri Anupam Mishra, Jt. Secretary, Department of Consumer Affairs

CC: Shri Ashutosh Agarwal, Deputy Director (Metrology), Department of Consumer Affairs