

**LEGAL METROLOGY (PACKAGED COMMODITIES) RULES, 2011**

Rule 6 - Declarations to be made on every package

[Back](#) [Next](#)

(1) (a) the name and address of the manufacturer, or where the manufacturer is not the packer, the name and address of the manufacturer and packer and for any imported package the name and address of the importer shall be mentioned on every package.

Explanation I.- If any name and address of a company is mentioned on the label without any qualifying words 'manufactured by' or 'packed by', it shall be presumed that such name and address shall be that of the manufacturer and the liability shall be determined accordingly;

Explanation II. - If the brand name and address of the brand owner appear on the label as a marketer, then the brand owner shall be held responsible for any violation of these rules and action as may be required shall be initiated against the deemed manufacturer and in the event of more than one name and address appearing in the label, prosecution shall be launched against the manufacturer indicated on the label in the first place and not against all of them.

¹[Explanation III.-In respect of packages containing food articles, the provisions of this clause shall not apply, but the provisions of, and the requirements specified in the Food Safety and Standards Act, 2006 (34 of 2006) and the rules made thereunder shall apply;]

²[(aa) The name of the country of origin or manufacture or assembly in case of imported products shall be mentioned on the package;]

(b) The common or generic names of the commodity contained in the package and in case of packages with more than one product, the name and number or quantity of each product shall be mentioned on the package.

(c) The net quantity, in terms of the standard unit of weight or measure, of the commodity contained in the package or where the commodity is packed or sold by number, the number of the commodity contained in the package shall be mentioned.

(d) The month and year in which the commodity is manufactured or pre-packed or imported shall be mentioned in the package.

Provided that for packages containing food articles, the provisions of the Prevention of Food Adulteration Act 1954 (37 of 1954) and the rules made there under shall apply;

Provided further that nothing in this sub-clause shall apply in case of packages containing seeds which are labeled and certified under the provisions of the Seeds Act, 1966 (54 of 1966) and the rules made there under;

³[***]

Provided also that for packages containing cosmetics products, the provisions of the Drugs and Cosmetics Rules, 1945 shall apply.

⁴[(da) If a package contains a commodity which may become unfit for human consumption after a period of time, the 'best before or use by the date, month and year' shall also be mentioned on the label:

Provided that nothing in this clause shall apply if a provision in this regard is made in any other law.

Explanation.-1. For the purposes of this sub-rule,-

(a) the expression "best before" means the date which signifies the end of the period under any stated storage conditions during which the product shall remain fully marketable and shall retain any specific qualities for which tacit or express claims have been made and beyond the date commodity may still be safe for consumption;

(b) the expression "Use by Date" means the date which signifies the end of the estimated period under any stated storage conditions after which the product shall not have the quality attributes normally expected by the consumers and after this date, the commodity should not be regarded as marketable.]

(e) the retail sale price of the package ⁵[shall clearly indicate that it is the maximum retail price inclusive of all taxes and the price in rupees and paise be rounded off to the nearest rupee or 50 paise;

Illustrations.-for declaration of retail sale price:

(a) Maximum or Max. retail price Rs. or ₹ xx.xx (inclusive of all taxes), or

(b) Maximum or Max. retail price Rs. or ₹ xx.xx inclusive of all taxes, or

(c) MRP Rs. or ₹ xx.xx incl. of all taxes, or

(d) MRP Rs. or ₹ xx.xx (incl. of all taxes):]

Provided that for packages containing alcoholic beverages or spirituous liquor, the State Excise Laws and the rules made there under shall be applicable within the State in which it is manufactured and where the state excise laws and rules made there under do not provide for declaration of retail sale price, the provisions of these rules shall apply.

⁶[Provided further that if the retail sale price of any essential commodity is fixed and notified by the Competent Authority under the Essential Commodities Act, 1955 the same shall apply.]

(f) Where the sizes of the commodity contained in the package are relevant, the dimensions of the commodity contained in the package and if the dimensions of the different pieces are different, the dimensions of each such different piece shall be mentioned.

(g) such other matter as are specified in these rules:

Provided that --

(A) no declaration as to the month and year in which the commodity is manufactured or pre-packed shall be required to be made on--

(i) any package containing bidis or incense sticks;

(ii) any domestic liquefied petroleum gas cylinder of 14.2kg or 5kg, bottled and marketed by a public sector undertaking;

(B) where any packaging material bearing thereon the month in which any commodity was expected to have been pre-packed is not exhausted during that month, such packaging material may be used for pre-packing the concerned

commodity produced or manufactured during the next succeeding month and not there after, but the Central Government may, if it is satisfied that such packaging material could not be exhausted during the period aforesaid by reason of any circumstance beyond the control of the manufacturer or packer as the case may be extend the time during which such packaging material may be used, and, where any such packaging material is exhausted before the expiry of the month indicated thereon, the packaging material intended to be used during the next succeeding month may be used for pre-packing the concerned commodity;

Provided that the said provision shall not apply to the packages containing food products, where the 'Best before or Use before' period is ninety days or less from the date of manufacture or packing.'

(C) no declaration as to the retail sale price shall be required to be made on

(i) any package containing bidi;

(ii) any domestic liquefied petroleum gas cylinder of which the price is covered under the Administrative Price Mechanism of the Government.

Explanation I: The month and the year in which commodity is pre-packed may be expressed either in words, or by numerals indicating the month and the year, or by both.

Explanation II: Liquid milk does not include condensed milk.

⁷[(2) Every package shall bear the name, address, telephone number, e-mail address of the person who can be or the office which can be contacted, in case of consumer complaints.]

(3) It shall not be permissible to affix individual stickers on the package for altering or making declaration required under these rules:

Provided that for reducing the Maximum Retail Price (MRP), a sticker with the revised lower MRP (inclusive of all taxes) may be affixed and the same shall not cover the MRP declaration made by the manufacturer or the packer, as the case may be, on the label of the package.

(4) Where a commodity consists of a number of components and these components are packed in two or more units, for sale as a single commodity, the declaration required to be made under sub-rule (1) shall appear on the main package and such package shall also carry information about the other accompanying packages or such declaration may be given on individual packages and intimation to that effect may be given on the main package and if the components are sold as spare parts, all declarations shall be given on each package.

⁸[(4A) Nothing in this rule shall preclude a manufacturer or packer or importer to declare the following on the package, in addition to the mandatory declarations-

(a) Barcode or GTIN or QR Code;

(b) 'e-code' for net quantity assurance of the commodity and other required declarations, after obtaining the same in the manner as specified by the Central Government;

(c) logos of Government schemes, such as Swatch Bharat Mission, where such use is authorised by the Central Government.]

⁹[(6) Any packaging material or wrapper which could not be exhausted by the manufacturer or packer may be used for packing of the material ¹⁰[upto 31st March, 2012] or till such date the packaging material of wrapper is exhausted, whichever is earlier, after making the corrections required under these rules by way of stamping or putting sticker or online printing, as the case may be.]

¹¹[(7) Every package containing the genetically modified food shall bear at the top of its principal display panel the words "GM"]

¹²[(8) Every package containing soap, shampoos, tooth pastes and other cosmetics and toiletries shall bear at the top of its principal display panel a red or as the case may be, brown dot for products of non-vegetarian origin and a green dot products of vegetarian origin.]

¹³[(9) Without prejudice to the provisions contained in this rule, it shall be permissible to affix a label on imported packages for making the declarations required under these rules.]

¹⁴[(10) An E-Commerce entity shall ensure that the mandatory declarations as specified in sub-rule (1), except the month and year in which the commodity is manufactured or packed, shall be displayed on the digital and electronic network used for e-commerce transactions:

Provided that in case of market place model of e-commerce, responsibility of the correctness of declarations shall lie with the manufacturer or seller or dealer or importer if,-

(a) the function of the e-commerce entity is limited to providing access to a communication system over which information made available by the manufacturer or seller or dealer or importer is transmitted or temporarily stored or hosted; or

(b) the entity does not-

(i) initiate the transmission;

(ii) select the receiver of the transmission; and

(iii) select or modify the information contained in the transmission;

(c) the entity observes due diligence while discharging its duty as an intermediary under the Information Technology Act, 2000 and also observes such other guidelines as the Central Government may prescribe in this behalf:

Provided further that there shall not be any protection to the market place e-commerce entity if,-

(a) the entity has conspired or abetted or aided or induced, whether by threats or promise of otherwise in the commission of the unlawful act;

(b) upon receiving actual knowledge, or on being notified by the appropriate Government or its agency that any information, data or communication link residing in or connected to a computer resource controlled by the entity is being used to commit the unlawful act, the entity fails to expeditiously remove or disable access to that material on that resource without vitiating the evidence in any manner.

Explanation.-For the removal of doubts it is hereby clarified that the provision of this sub-rule shall not provide exemption from the declarations required to be made under these rules on pre-packaged commodities delivered to the consumers.]

1. Substituted by the Legal Metrology (Packaged Commodities) Amendment Rules, 2017 vide Notification No. GSR629(E) dated 23.06.2017 w.e.f. 01.01.2018 for the following:-

2. Inserted by the Legal Metrology (Packaged Commodities) Amendment Rules, 2017 vide Notification No. GSR629(E) dated 23.06.2017 w.e.f. 01.01.2018.

3. Omitted by the Legal Metrology (Packaged Commodities) Third Amendment Rules, 2011 vide Notification No. GSR784(E) dated 24.10.2011 w.e.f. 01.07.2012 for the following : -
4. Inserted by the Legal Metrology (Packaged Commodities) Amendment Rules, 2017 vide Notification No. GSR629(E) dated 23.06.2017 w.e.f. 01.01.2018.
5. Inserted by the Legal Metrology (Packaged Commodities) Amendment Rules, 2017 vide Notification No. GSR629(E) dated 23.06.2017 w.e.f. 01.01.2018.
6. Inserted by the Legal Metrology (Packaged Commodities) (Amendment) Rules, 2016.
7. Substituted by the Legal Metrology (Packaged Commodities) (Amendment) Rules, 2015, for the following:-
8. Inserted by the Legal Metrology (Packaged Commodities) Amendment Rules, 2017 vide Notification No. GSR629(E) dated 23.06.2017 w.e.f. 01.01.2018.
9. Inserted by the Legal Metrology (Packaged Commodities) (Amendment) Rules, 2011 vide Notification No. GSR318(E) dated 13.04.2011 w.e.f. 13.04.2011.
10. Substituted by the Legal Metrology (Packaged Commodities) Second Amendment Rules, 2011 vide Notification No. GSR734(E) dated 30.09.2011 w.e.f. 30.09.2011 for the following : - "up to 30th September, 2011"
11. Inserted by the Legal Metrology (Packaged Commodities) Amendment Rules, 2012 vide Notification No. GSR427(E) dated 05.06.2012 w.e.f. 01.01.2013.
12. Inserted by the Legal Metrology (Packaged Commodities) (Amendment) Rules, 2014 vide Notification No. GSR137(E) Dated 16.06.2014 w.e.f. 1st July, 2014.
13. Substituted by the Legal Metrology (Packaged Commodities) (Amendment) Rules, 2015, for the following:-
14. Inserted by the Legal Metrology (Packaged Commodities) Amendment Rules, 2017 vide Notification No. GSR629(E) dated 23.06.2017 w.e.f. 01.01.2018.

[Back](#) [Next](#)**Disclaimer :**

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