

TRADING STANDARDS



Changes to New Zealand's Weights and Measures Legislation

What Trading Standards does

Trading Standards, a unit within the Ministry of Business, Innovation and Employment, administers and enforces New Zealand's system of trade measurement. Our role is to ensure that weighing and measuring instruments and the quantity in packaged goods are accurate.

Trading Standards also works with businesses of all sizes, offering guidance and advice to achieving legal compliance and on reducing production losses.

Trading Standards Officers

Trading Standards Officers (also known as Weights and Measures Inspectors) administer and enforce the Weights and Measures Act 1987 (the Act) and the Weights and Measures Regulations 1999 (the Regulations). Officers routinely inspect weighing and measuring instruments and goods that have been manufactured, packed or imported to ensure compliance with the Weights and Measures legislation. These inspections can be routine or in response to consumer complaints.

Officers make routine inspections at retail, manufacture, importation and storage sites. There is no charge for these inspections, which can be undertaken without advance notice. You are required to provide an Officer with information they need for their inspection, which may include giving them access to goods and weighing or measuring equipment to examine.

Enforcement option available if you breach the Act or Regulations

Provide
advice

Write
letter of
warning

Seize non-
compliant goods
and instruments

Issue
Infringement
Offence Notice
(fee)

Prosecute
offender
(fine)

Changes to weights and measures legislation

The Act and Regulations have both recently been changed (18th December 2013 and 23rd May 2014 respectively) as part of recent consumer law reform.

Most the changes to the Act and Regulations were technical updates with minor downstream effects for retailers, manufacturers or importers. For a full list of the changes, see:

- [Weights and Measures Amendment Act 2013](#)
- [Weights and Measures Amendment Regulations 2014](#).

Summary of the Act and Regulations changes

Note: The term 'pre-package' used below means a package filled to a predetermined constant quantity of goods, without the purchaser being present.

You must provide the purchaser with an invoice or delivery note (section 13)

When you deliver goods sold by weight or measure to a purchaser outside your business premises, you must deliver or send them an invoice or delivery note as soon as possible. The note or invoice must show the true quantity of goods and your contact details.

An invoice or delivery note is not required where the goods are:

- weighed and measured at the purchaser's premises, while they are present
- enclosed in a package that is marked or labelled with a statement of the net quantity.

Counting of goods sold by retail (section 15)

If goods are not pre-packaged, you must ensure that they are counted:

- before or at the time of sale, and
- by or in the presence of the purchaser.

If you pre-package and count the goods where they are offered or displayed for sale, you must count the goods with the purchaser present if they ask you to do this.

Weighing and measuring of goods sold by retail (section 15A)

If goods are not pre-packaged beforehand, or if pre-packaged and the purchaser wants to confirm the net quantity, all measurements must be done by or in the presence of the purchaser before or at the time of sale. Weighing and measuring must be done where the purchaser can easily see:

- the weighing or measuring instrument
- any necessary weights or measures, and
- the recorded or indicated weight or measurement of the goods.

If you do not comply with requirements in the Act and Regulations, you will commit an offence and may be issued with an Infringement Offence Notice or prosecuted.

Increase in prosecution penalties (section 33)

The following penalties apply if you plead guilty or are found to be guilty of an offence by a court:

- All offences that are infringement offences – fine not exceeding \$10,000
- An offence against section 32(a) of the Act (impersonating an Inspector of Weights and Measures) – imprisonment for a term not exceeding 3 months or a fine not exceeding \$10,000.
- All other offences listed in the Act:
 - fine not exceeding \$10,000 for an individual
 - fine not exceeding \$30,000 for a body corporate.

Some new offences that can be issued with an Infringement Offence Notices (fee)

The infringements below marked with an (x) are new:

Source	Description	Fee (\$)
Section 8 (x)	Failing to comply with prescribed obligation to use metric system of weights and measures	500
Section 10	Failing to comply with prescribed obligation to use metric system in advertising goods for sale	200
Section 14	Failing to comply with prescribed requirement to— <ul style="list-style-type: none">• sell, offer, or expose goods for sale by net weight or measure• send or deliver prescribed invoice or delivery note	200
Section 15 (x)	Failing to comply with prescribed requirement to count goods offered or exposed for retail sale	200
Section 15A (x)	Failing to comply with prescribed requirement to weigh or measure goods offered or exposed for retail sale	200
Section 16	Delivering lesser quantity of goods than purchased where goods sold by weight, measure, or number	500
Section 16A	Supplying packaged goods where weight, measure, or number is less than that stated on the package or label	500
Section 17	Purchaser incorrectly determining weight, measure, or number	500
Section 18 (x)	Failing to provide seller with statement of true weight, measure, or number	500
Section 21	Using for trade, or possessing for use for trade, any weight, measure, or weighing or measuring instrument that is not stamped with prescribed verification mark	200
Section 22B	Using for trade, or possessing for use for trade, any specified weighing or measuring instrument without current certificate of accuracy	500
Section 24	Using for trade, or possessing for use for trade, any false or unjust weight, measure, or weighing or measuring instrument	500
Regulation 7	Failing to comply with condition or limitation prescribed in certificate of approval	200
Regulation 80	Selling or exposing for sale any goods or package of food that is not marked as prescribed	200
Regulation 84	Failing to comply with prescribed requirement relating to solid fuel	200
Regulation 85	Using or having in any abattoir a weighing instrument that does not indicate and record the true weight of goods weighed	200

Relevant material

- [Manufacturers and packers guide to package goods](#) – (requirements for goods packed to the same quantity)
- [Selling goods by weight, measure or number](#) - (compliance for supermarkets, butchers, fishmongers, markets etc.)

For more information

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