

**John Barker, 03:24 PM 10/17/02 +1300, Public Forum on Metric Unit Use on Product Labels**

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To: "'NIST Metric Program'" <metric-prg@nisl.gov>

Subject Public Forum on Metric Unit Use on Product Labels

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Attention: James McCracken

Hi James

Attached is the draft paper. Please let me know if it is helpful/ what you expected. If so please treat it as a final. Otherwise I can amend if you would like me to address something particular to issues in the USA that I have not considered.

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## **SUBMISSION TO NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY (NIST)**

### **Voluntary labeling of Packages with Only Metric Units**

From John Barker, Manager Trade Measurement, Ministry of Consumer Affairs New Zealand and Chair Asia Pacific Legal Metrology Forum working group on Goods Packed by Measure

Thank you for inviting me to attend the public forum on the efforts to update Federal and State packaging and labeling laws and regulations in the USA to give manufacturers the option to voluntarily label packages with only metric units. I am sorry that I am unable to attend, you will appreciate that it is a long way from New Zealand. I hope the following comments on the experience in New Zealand and the work we are doing in the Asia Pacific rim to harmonize the regulatory environment will be helpful.

#### **New Zealand**

Is an independent member of the British Commonwealth situated in the South Pacific. New Zealand has a population of 4 million made up predominately of 88% European (Pakeha), 12% Maori and Polynesian. New Zealand has a single chamber national Parliament based on the Westminster system. Although we have a system of local government it does not enforce weights and measures legislation. This is administered and enforced by the Ministry of Consumer Affairs, a central government agency.

The GDP of New Zealand is US\$85 billion. Our major industries are food processing, wood and paper products, wool, textiles, dairy products, iron and steel. Our major trading partners are Australia, Japan and the USA.

#### **The New Zealand experience**

New Zealand made a decision to go metric in 1970. The change was a progressive change mostly done on a voluntary basis. In 1976/7 amendments to the weights and measures legislation provided that all non metric weighing and measuring devices would not be accepted for trade use and that marking on packaged goods must be in metric only units. One exception to this rule was that dual marked packages could be authorized for sale. Interestingly from an American viewpoint the legislation talked about allowing dual marking with 'imperial' units. Subsequently it was realized that dual marking metric with 'American' units (e.g. US pint) was not allowed.

The weights and measures legislation was reviewed and re-written in 1987. We still provide that dual marking is acceptable including 'American' units. The conditions on the use of dual marking are:

- that the non metric unit is additional to the metric marking, and
- the figures the non metric unit is marked in are no larger than the metric marking, and
- the packages have been imported into New Zealand, or
- the packages are part of a production originally designated for export to a country requiring the non metric marking.

The rationale for this legislation is that goods produced in New Zealand for New Zealand consumption must use metric only marking. However, we do not wish to unreasonably limit goods imported into New Zealand nor do we wish our regulations to be viewed as a Technical Barrier to Trade (TBT) under the World Trade Organization's TBT rules. Therefore, we allow the importation of dual marked packages that comply with the above criteria.

There will also be occasions when a New Zealand manufacturer cannot fill an order for a specific market that required non metric marking or that the costs of supplying goods to both metric and non metric markets does not warrant separate production lines. In these cases if the product is dual marked as set out in the legislation the packages can be accepted for sale on the New Zealand market.

The New Zealand legislation on metric marking applies to all packages supplied in trade whether they are consumer packages or supplied for further processing or non-consumer use.

For the sake of this discussion I would like to place goods in 3 categories that operated at the time we switched to metric markings, namely; unit priced goods, those packed in standard sizes and those neither unit priced or standard sized.

#### Unit priced packages

This category included mostly 'catchweight' products in supermarkets, large grocery stores and meat markets. As these items were unit priced there were no concerns over comparing value because of metric only marking.

#### Standard sized packages

At the time that metric only marking came onto the shop shelves some product was regulated in standard sizes (i.e. coffee, tea, butter, margarine, milk, pasta, honey, pepper, rice, salt, sugar, paint, nails and tobacco). Interestingly as we worked through developing new regulated metric sizes for these products, the exercise led us to consider whether regulating for standard sizes was appropriate. The requirement to standard size listed products was revoked in 1987. It is possible that by this time consumers became better educated on or able to accept metric only marking.

#### Packages neither unit priced or standard sized

A large range of packages on sale at the time metric only marking was introduced were neither unit priced or sold in regulated standard sizes. Providing metric only marking for this category of packages appears not to have been a problem for New Zealand consumers.

The issue of whether consumers were unable to make value comparisons simply because the packages are only marked in metric units was not raised at the time of metrication or at the time standard size requirements were revoked. The issue of whether standard sizes enabled consumers to make value judgements was an issue at the time deregulation was considered but the prevailing view was that consumers and manufacturers were more better placed than regulators to make marketing decisions on sizes of packages.

### Other assistance for consumers

The Government set up a Metric Advisory Board to make recommendations on the changeover and oversee it. The Metric Advisory Board circulated a considerable amount of information to assist in the metric changeover. This included information to assist industry, traders and consumers and I think included in this was literature (pamphlets and posters) on conversion factors.

### **Trade implications**

Access to the US market for New Zealand manufacturers is an objective that all New Zealand regulators are keen to promote and fits well in the overall objectives that the New Zealand Government has set. There is discussion under way about a bilateral free trade agreement between the USA and New Zealand, as there is between the USA and other countries. The implications of such an agreement usually mean that goods that can legally be sold in one economy can be legally sold in the other economy. Obviously if regulatory requirements are reasonably harmonized the free trade agreement will work much better and cause less 'local' difficulty.

New Zealand is a member of the Asia Pacific Legal Metrology Forum (APLMF) and works in that forum with our colleagues from NIST. One of the objectives for APLMF is to harmonize requirements on the OIML recommendations. For a country the size of New Zealand harmonization of regulatory requirements has major advantages. The Asia Pacific rim also provides a substantial trading area even to an economy the size of the USA. Moving towards metric only marking will be one small step in the progress to harmonization. Such a major step by the USA will also assist other economies in that it will remove the excuse to dual marked goods. This will ensure that we complete the world-wide move to a metric trading environment.

In summary New Zealand would support moves within the USA to voluntary metric only labeling of packages. While no problems occurred in New Zealand when metric only marking was introduced some goods were at the time regulated in standard sizes. We are not able to ascertain whether this was helpful to the move to metrics but no concern was evident with non standard sized packages.