



FACT SHEET

Selling Fruit and Vegetables



If you are buying or selling fruit and vegetables by measurement, you need to know about Australia's trade measurement laws.

For example, you must make sure:

- packages are correctly labelled – with measurement statements and packer identification;
- the net contents of the package (excluding packaging material) are not less than the stated measurement; and
- measuring instruments used for sales direct to the purchaser are approved and have been verified by a licensed technician (servicing licensee) or trade measurement inspector.

If you are caught short-measuring your customers, you could be fined up to \$180,000 per offence.

Details of these rules are set out in the *National Measurement Act 1960* and the *National Trade Measurement Regulations 2009*.

What if I sell pre-packed fruit and vegetables?

These are fruit and vegetables that are packed in advance ready for sale (pre-packed) in bags, trays or any other form of packaging.

The packages must be marked with a statement of the measurement (excluding packaging material) on the principal display panel. Measurement statements should be printed, either on labels attached to the package or directly on the package itself. When the produce is packed and sold on the same premises, however, the measurement statement can be hand-written.

The measurement statement must be:

- clear to read, at least 2 mm from the edge of the principal display panel and at least 2 mm from other graphics;
- in the same direction as the brand or product name; and
- in a colour that provides a distinct contrast with the colour of the background.

All pre-packed fruit and vegetables not packed and sold on the same premises must be clearly marked with the name and street address of the packer or party accepting responsibility for packing. The use of a post office box, locked bag, telephone number, website, or email is not acceptable.

Pre-packed fruit and vegetables must not contain less than the stated amount at all times prior to sale

If the fruit and vegetables are likely to lose weight over time, through evaporation, dehydration or other means, the packer must make allowance for any expected losses in the measurement when packaging the produce.

More information about the rules for pre-packed goods can be found at: <http://www.measurement.gov.au/Industry/Business/Pages/Pre-packedGoods.aspx>

Some pre-packed produce may be sold by number or bunch. If you sell fruit and vegetables by count, the packaging must be marked with the accurate count except when:

- the package is transparent; and
- contains less than nine (9) items.

For more information on selling items by count, see:

<http://www.measurement.gov.au/Industry/business/Documents/ApprovalSaleProductsNumberLinearAreaMeasurement.pdf>

What if I sell fruit and vegetables by \$/kg?

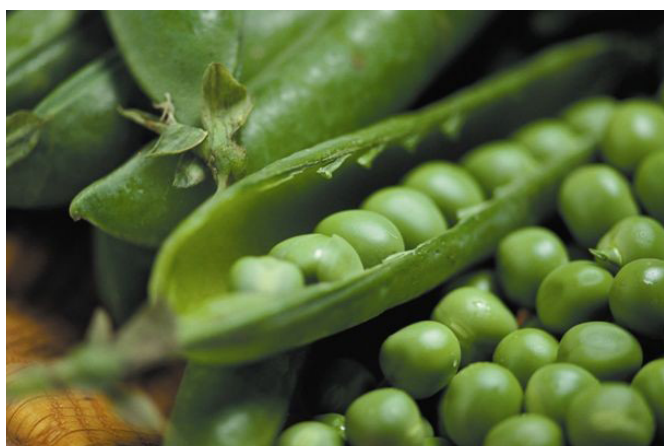
If the fruit and vegetables you're selling are measured in the presence of the customer, the customer must have an unobstructed view of the weighing process — including the readings on the measuring instrument or indicator. Otherwise, a written statement identifying the item's weight must be provided to the customer.

When measuring the weight of fruit and vegetables, you must ensure that the customer only pays for the product and not the packaging material. When selling a quantity of a good by weight, the weight of any packaging (the tare) should not be included. This process is called 'taring off'. Charging a customer for the weight of fruit and vegetables without subtracting the weight of the packaging is an offence and could result in a costly financial penalty.

What if I use a measuring instrument to sell fruit and vegetables?

If you use a measuring instrument such as a scale to sell goods, you must make sure it is:

- an approved type, that is suitable for its intended purpose;
- verified by a servicing licensee or inspector;
- used in the correct manner (e.g. level and indicating zero before use);
- positioned so that the customer can easily see the measurement process (unless you provide a written statement of the measurement);
- kept clean and in good working order; and
- verified after each repair or adjustment.



It is your responsibility to make sure the measuring instrument is correct at all times.

NMI recommends that you have all your measuring instruments used for trade checked regularly by a technician licensed by NMI (servicing licensee). You can get a list of servicing licensees by contacting NMI's Licensing Team on 1300 686 664 (option 2) or tmlicensees@measurement.gov.au.

How do I find out more about trade measurement law?

Visit: www.measurement.gov.au

Call: 1300 686 664

Email: infotm@measurement.gov.au

The purpose of this communication is to provide you with general information. Nothing in this communication shall be taken in any way to replace the provisions of the National Measurement Act 1960, the National Trade Measurement Regulations 2009 or any other legislative instruments made pursuant to the National Measurement Act 1960, which you should refer to for complete information. You must exercise your own judgement in whether you need to seek independent professional advice relevant to your particular circumstances.