

## Labelling of pre-packaged commodities in India

### Introduction

The Ministry of Consumer Affairs, Food and Public Distribution (**Ministry**), amended the Legal Metrology (Packaged Commodities) Rules, 2011 (**Rules**) on June 28, 2017 by notifying the Legal Metrology (Packaged Commodities) Amendment Rules, 2017 (**Amendment Rules**). These Rules regulate the labelling of pre-packaged commodities in India. In order to give the sellers/ manufacturers adequate time to comply with the Amendment Rules and dispose of their existing inventories, the Ministry has declared January 1, 2018, to be the effective date for the Amendment Rules.

The legislative intent behind introducing the Amendment Rules is to protect the consumers against variable retail prices for the same products, to streamline the disclosure of additional information relating to pre-packaged commodities and to explicitly bring within its ambit the pre-packaged commodities that are displayed/ sold through e-commerce platforms. Some of the key amendments are as follows:

#### 1. Products sold on e-commerce platforms

The Amendment Rules require an E-Commerce entity to ensure that pre-packaged products displayed on digital/ electronic platforms for e-commerce transactions in India are labelled with the name and address of the manufacturer and packer/ importer, name of commodity, net content, maximum retail price (MRP) and consumer care contact details. In the case of an e-commerce website/ platform which is based on a marketplace model, the responsibility to disclose correct information on the labels lies with the seller/ manufacturer/ dealer/ importer of the product.

#### 2. Particulars to be mentioned on label of products sold in India

As per the provisions of the Food Safety and Standards Act, 2006 and related rules (**FSSA**), pre-packaged food products must contain a 'best before' or 'use by date, month and year' information on the label. The Amendment Rules have now extended this labelling criteria to all pre-packaged commodities that may become unfit for consumption after a certain period of time. The retail price of the product must also clearly indicate that the MRP is inclusive of all taxes.

#### 3. Labelling requirements for medical devices

Medical devices which have been notified as "drugs" under the Drugs and Cosmetics Act, 1940, (including stents, valves, orthopaedic implants, syringes, operating tools, etc.), must declare their MRP in addition to the other declarations as required under the Amendment Rules.

#### 4. No dual MRP

The Amendment Rules prohibit a manufacturer/ dealer/ importer from declaring different MRPs on identical pre-packaged commodities. This is intended to benefit consumers at large from

paying different prices for the same product sold at different locations; for example a particular brand of bottled water is priced differently in a mall as compared to a store at the airport.

## 5. Increased penalties

The fine for contravention of the provisions of the Rules has been enhanced from INR 2000-4000 to INR 5000 under the Amendment Rules.

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