
STATUTORY INSTRUMENTS

1994 No. 1884

WEIGHTS AND MEASURES

The Weights and Measures (Cosmetic Products) Order 1994

Made - - - - - *13th July 1994*

Coming into force - - - - - *31st July 1994*

Whereas the Secretary of State pursuant to section 86(2) of the Weights and Measures Act 1985⁽¹⁾ has consulted organisations appearing to him to be representative of interests substantially affected by this Order and has considered the representations made to him by organisations with respect to the subject matter of this Order:

And whereas a draft of this Order has been laid before Parliament and approved by resolution of each House of Parliament under section 86(5) of that Act:

Now, therefore, the Secretary of State in exercise of the powers conferred on him by sections 22(1) and (2), 24(1) and 86(1) of that Act and of all other powers enabling him in that behalf, hereby makes the following Order:—

Citation and commencement

1. This Order may be cited as the Weights and Measures (Cosmetic Products) Order 1994 and shall come into force on 31st July 1994.

Amendment of the Weights and Measures Act 1985

2. In Schedule 6 to the Weights and Measures Act 1985 for Part V there shall be substituted the following Part—

“Part V

COSMETIC PRODUCTS

15. In this Part of this Schedule, “cosmetic product” means any substance or preparation intended to be placed in contact with the various external parts of the human body (that is to say, the epidermis, hair system, nails, lips and external genital organs) or with the teeth and the mucous membranes of the oral cavity with a view exclusively or mainly to cleaning them, perfuming

them, changing their appearance, correcting bodily odours, protecting them or keeping them in good condition.

16.—(1) Subject to sub-paragraph (2) below, cosmetic products shall be pre— packed only if the container is marked with an indication of quantity either by net weight or by volume.

(2) There shall be exempted from the requirements of sub-paragraph (1) above—

- (a) cosmetic products in quantities of less than 5 grams or 5 millilitres;
- (b) cosmetic products in sachets or other containers for single use only; and
- (c) cosmetic products normally sold as a number of items for which particulars of weight or volume are not significant if—
 - (i) the number of items is marked on the package, or
 - (ii) the number of items may readily be seen without opening the package, or
 - (iii) the items are normally sold only individually.

(3) Cosmetic products which are not pre-packed shall be sold only by quantity expressed as net weight, volume or number.”.

3. In Part VI of Schedule 6 to the Weights and Measures Act 1985 before paragraph 17 there shall be inserted the following paragraph—

“**16A.** In this Part of this Schedule “soap” does not include any soap which is a cosmetic product as defined in paragraph 15 above.”.

4. The Weights and Measures Act 1963 (Dentifrices) Order 1974(2) is hereby revoked.

Strathclyde
Minister of State for Consumer Affairs and
Small Firms,
Department of Trade and Industry

13th July 1994

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends Schedule 6 to the Weights and Measures Act 1985 (“the Act”) which, among other things, lists products which shall be pre-packed only if the container is marked with a quantity or which must be sold by quantity if not made up in a container.

The amendments made by the Order implement, in part, article 1 of Council Directive [76/768/EEC](#) on the approximation of the laws of member States relating to cosmetic products (O.J. No. L262, 27.9.76, p.169) (“the Cosmetics Directive”) as substituted by article 1 of Council Directive No. [93/35/EEC](#) (O.J. No. L151, 23.6.93, p.32) and article 6 of the Cosmetics Directive as substituted by article 1 of Council Directive [88/667/EEC](#) (O.J. No. L382, 31.12.88, p.46).

The principal changes—

- (a) revise the current scope of Schedule 6 to the Act by substituting the definition of “cosmetic products” contained in the amended article 1 of the Cosmetics Directive for that of “perfumery and toilet preparations” for the purposes of the Act;
- (b) specify the threshold above which quantity has to be marked on pre-packed cosmetic products as 5g or 5ml;
- (c) make provision for cosmetic products which are sold by number;
- (d) require cosmetic products which are not pre-packed to be sold by quantity expressed by net weight, volume or number.

The Order also revokes the Weights and Measures Act 1963 (Dentifrices) Order 1974 which made special provision in relation to dentifrices pre-packed in tubes.