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# 3HR Legal Weekly

Commercial

## EU and UK Laws on the Packaging and Labelling of Consumer Goods (Part 2)

Businesses that sell consumer products to the public in the UK or elsewhere in the European Union must comply with certain rules on packaging, labelling and safety instructions. Goods need to be safe for use, and the information included with consumer products such as instructions must be clear in addition to warning about potential hazards. Furthermore all statements made to the public and advertising slogans about the goods need to be truthful and not misleading.

### **Packaging and Labelling**

Under EU Directive 2001/95/EC on general product safety all products must include information about their intended and safe use (in a safety instruction manual or on the product itself).

The labels for the product must describe methods and conditions for safe use, identify conditions for unsafe use or reuse, and warn of particular hazards to be avoided. However it is generally unnecessary to warn of facts that are common knowledge (such as that razors are sharp).

### **Safety Instructions**

User instructions, as noted above, should clearly state what to do and avoid, and the nature of any hazards and unsafe conditions. Such instructions need to be maintained as current and updated as necessary. The consumer must have complete and accurate information on the safe use of the product and how to avoid risks, as well as warnings prominently displayed, unambiguous and easily understandable in the language of every country where the product is intended to be used. Further information can be found about labelling at the following websites:

<http://www.eubusiness.com/topics/single-market/labelling>

<http://www.conformance.co.uk/adirectives/doku.php?id=generalprod>

### **Description of the Product**

Any statements about the product should be true and not misleading. Criminal liability can be imposed on traders for using false or misleading statements to sell products to UK consumers. A copy of the UK Consumer Protection from Unfair Trading Regulations 2008 (SI 2008/1277) can be found at [http://www.legislation.gov.uk/uksi/2008/1277/pdfs/uksi\\_20081277\\_en.pdf](http://www.legislation.gov.uk/uksi/2008/1277/pdfs/uksi_20081277_en.pdf)

It is important for any description of goods to be accurate. Statements about the product on its packaging or in advertising campaigns must truthfully describe the product's features. This type of information is not necessarily required to be provided but if it is, you must include all details that are relevant to a consumer: the quantity or size of the product, its composition, method of manufacture, place and date of manufacture, fitness for stated purpose and any endorsements.

The EU and UK rules on consumer safety and product descriptions can be difficult to navigate and penalties may include criminal prosecution and large fines. It is important for companies that plan to sell products to consumers in the United Kingdom or elsewhere in Europe to be properly advised as to which information must be included with the products. Should your business require expert advice in this area please contact our commercial team who can advise you accordingly.

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