

PACKAGING AND LABELLING - A CONSUMER VIEW

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Packaging and Labelling -  
A Consumer View

INTRODUCTION

The topic of packaging has in the last few years caused dissatisfaction and indignation to many in the community. The eventual result was the Government's assurance that it would endeavour to bring down a Bill on the subject in the last Parliamentary session in 1967. Unfortunately this was not done, but the Government did give a first reading to a private member's Bill (Mr G. Gair) - the Consumer Information Bill which had been introduced earlier in the year. The Consumer Council is pleased that a start has been made and earnestly hopes that worthwhile protection for the consumer in this field will be speedily forthcoming. The Council believes that many manufacturers have gone altogether too far in their efforts to gain competitive advantage by means of artfully-contrived packages that give a misleading impression of their contents.

It was not always so. Within the last 40 years marketing and selling techniques have undergone substantial changes. There was a time when a package was little more than an afterthought - a simple container for the product in the form of a box, can, jar or wrap designed solely to hold the goods. More often than not goods were delivered in bulk, in barrels, sacks and boxes to the local store where they would be broken down and weighed or measured out as and when the consumer requested them. Selection of a brand was normally made on the shop-owner's recommendation. Such advice was usually given freely for the shop-owner was involved personally with his customer and a definite tie of communication existed between vendor and consumer.

The concentration of population in urban areas accompanied by increases in labour and transport costs has encouraged the growth of large shopping centres, self-service stores and the supermarket. The direct personal link between shop assistant and customer has been largely lost; the role of the shop assistant has become an impersonal one - he maintains shelf stock, mans the cashout desk and keeps a watchful eye for shoplifting. Product information is now supplied by the manufacturer rather than the retailer and in this package design and labelling play an increasingly important part.

Instead of being able to ask the family grocer for advice, the customer now has to rely on the information on the packet and in product advertisements - which more often than not are highly slanted and spiced with strident attention-getting slogans, e.g. NEW IMPROVED!! DOES TWICE THE JOB!! POWERISES OUT STAINS!! LIQUID LIGHTNING!! Product information has been largely replaced by emotional appeals.

Gone is the concept of the packet as an accessory to the goods. The manufacturer now views the packet and label as super salesmen. Packaging is attempting a dual role, its traditional function and to an increasing degree an advertising function.

The consumer is tempted on all sides by offers of "extra", "jumbo size", "cents off", "best buy", "contains the wonder oil X", "kills B.O.", "promotes regularity", and so on. Relentlessly and insidiously the consumer is wooed by such frothy claims. The old style of communication between the vendor and consumer has gone and in its place each individual manufacturer seeks to brainwash the prospective purchaser to buy his product which he knows is virtually no different from his competitors'. As the clamouring for the customer's attention increases, the true facts about the commodity concerned are submerged. The consumer is unable to extract from the "silent salesman" what is fact and what is fiction.

Consumers, daily faced with the need of making increasingly more complicated buying decisions, have indicated that they want some

form of regulatory legislation to enable them to simplify the difficulty of choosing between confusing or dubious claims.

When faced with criticism of the confusion created in day to day shopping by modern packaging practices, trading interests are wont to indulge in fulsome praise of the inherent good sense and marketing ability of the housewife. The following advertisement illustrates this point of view:

A strange change comes over a woman in the store; the soft glow in the eye is replaced by a steely financial glint, the graceful walk becomes a panther stride among the bargains. A woman in a store is a mechanism, a prowling computer, jungle-trained, her bargain hunter senses razor sharp for the sound of the dropping price.<sup>1</sup>

However, at a recent Congressional hearing in the U.S.A. on packaging none of the "prowling panther" computers came forward. Consumers who testified were fully aware of the jungle aspects of their experiences but had failed to undergo the change to a computer so necessary for successful shopping in today's supermarkets.

This is supported by tests carried out by consumer groups. One in the United Kingdom required a number of academically qualified women to choose the best value for money from a selected list of 25 commodities. None of these achieved 100% correctness in what was essentially an exercise in arithmetic and very few even achieved 75%. How then can a busy housewife, perhaps harassed with young children, mentally calculate the most economic buy - difficult enough if basic information is given on the package; but more often it isn't - and the bewildering variety of package sizes further complicates her shopping problems.

#### SCOPE

The term "packaging" covers a wide field (e.g. packaging for export) but for the purpose of this paper our comments are concerned only with the form in which the consumer meets it - at the retail level. For that reason we propose to confine the discussion of packaging and deceptive practices to the following six headings:

- Packaging - Its purposes and benefits
- Progression from a simple container to a promotional device
- Abuses arising from promotional devices
- Practices that mislead or deceive
- Current position in New Zealand
- Conclusion

We do not intend to delve into matters of advertising in general except that we will touch on them in relation to what is contained on the packet or closely related through associated promotional devices.

At this stage we would make it clear that the Consumer Council is not against modern packaging as such. It is essential for proper merchandising and even were it possible to turn the clock back many of the present day commodities could not be retailed loose or in bulk form. The Council's firm view is that the package should protect, preserve or contain the commodity without adding unnecessarily to the cost. The size of the container should bear a reasonable relationship to the quantity of the contents, the information contained on the label should be adequate and factual, and the range of package weightings should be limited. If the package can also brighten our shops with gay colours, so much the better provided the gaiety does not deceive.

#### PACKAGING - ITS PURPOSE AND BENEFITS

The package has always been a container with the purpose of avoiding spillage, leakage, or damage and to facilitate handling.

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1. "Consumer Reports" July 1965, p.343.

Today, this protective function remains in most instances. Not only that, but many modern packages present goods more hygienically - pre-packed foods are an example. New transparent wrappings where used sometimes help the customer to see the quality of the contents before he buys.

There is no doubt that good packaging prevents breakage and spillage, aids hygiene, and prevents attack by vermin or deterioration by exposure to the light. And there can be no argument either that these functional benefits have been enhanced by new ideas, materials and machines.

But though there are benefits, there are disadvantages too; the package has become a second product (indeed at times almost the main product) designed with the purpose of "selling" the product. In size and construction the package is often excessive - too big for the small amount it contains, or full of a needless amount of fancy paper. And in an effort to attract the customer, the illustrations and slogans on the packet often overdescribe if not misrepresent the contents.

#### PROGRESSION FROM A SIMPLE CONTAINER TO A PROMOTIONAL DEVICE

Modern packaging as we know it is not the cause but the effect of modern marketing methods. Supermarkets as such originated in the United States in the years of the 1930 depression. A method of distributing goods at a faster and more economical rate was desired instead of requiring 20% or 25% on turnover to break even. It was discovered that by allowing the consumer to serve himself from an open display labour costs could be lowered and turnover increased - thus enabling the goods to be sold at a cheaper rate. As the population became more urban, and labour costs increased, the idea of the supermarket and the self-service store gained ground.

The manufacturer found himself challenged by his competitors for the limited shelf space in stores. Packaging, stimulated by the advent of self-service, underwent startling changes. The old-style drab container and drab label were replaced by bright, eye-catching containers designed to charm even the varriest customer, aimed at the impulse buyer who simply walked down the aisles and idly succumbed to the more eye-catching displays. To keep up with the more successful experimenters, other manufacturers adopted similar methods and every package was trying to make itself more ostentatious than any other.

The manufacturer was soon forced to put as much, if not more, effort and ingenuity into the designing of his packets and labels as he did into the production of the goods. New forms of packaging and labelling did indeed help the consumer to make his purchases without the advice of the grocer or his sales assistant, but with the increase of such methods the information supplied by many manufacturers became less factual and more titillating. Pictorial representations on many of today's packages and cartons are without doubt attractive to the consumer but far too many misrepresent the contents.

This change of purpose of the package from a container to a selling device has brought in its train many of the practices to which my Council objects: the overlarge package to squeeze competitors off limited shelf space and/or to suggest the buyer will get a lot for his money; the pictured succulent meal of luscious pieces of meat and vegetables that turns out to be nothing more than bumpy gravy; the six generous servings (for what? - sparrows?); the expensive boxes, pins, ribbons, medals and the gew-gaws with shirts that add nothing to the garment but extra to its cost; the exaggerated claims for what the article can do - but no frank admission of what it can't do.

#### ABUSES ARISING FROM PROMOTIONAL DEVICES

An American study of buying habits in a supermarket revealed

that:

- 35% of consumers planned their purchases;
- 26% had a general idea;
- 39% unplanned.

So at least 65% were influenced in some way by the packaging, labelling or associated advertising of a product. No longer are the decisions to buy based on the advice and help of the shop assistant. The manufacturer tries to make his package stand out from myriad other packets on the shelves to catch the fleeting glance of the shopper. Decisions are therefore too often made first from the eye appeal of the packet and secondly from what the manufacturer chooses to depict or tell on it.

In fact, with the thousands of items stocked it is virtually impossible for the retailer to advise from personal experience on the merits of brands. This is in sharp contrast to that bygone era when a grocer often knew from personal trial most of the brands and goods he stocked and with the more stable clientele knew and could recommend according to his customers' personal tastes.

#### PRACTICES THAT MISLEAD OR DECEIVE

No longer do the blurbs tempt us with simple factual statements as to quantity and quality. They appeal to our sense of vanity, pride, status, and consistently and grubbily to the sex instinct. It is suggested, however, that we will continue to be sufficiently attractive to the opposite sex to ensure the perpetuation of the human race even if we don't brush our teeth with gunk, or remove that sweaty smell with prize toilet soap, or use wamho the after-shave lotion with the oh so masculine smell. In their efforts to woo the prospective purchaser competing manufacturers jostle to make their products most eye-catching - and their statements more nonsensical and less informative.

From the period January 1963 to June 1967 packaging complaints received by Consumers' Institute were of the following kinds:

- 32% were about slack fill;
- 28% were about misleading labels;
- 14% were about packets which were excessively large;
- 13% were about double-wall containers;
- 13% miscellaneous

These are some of the worst types of misleading packaging.

1. Slack Fill (i.e., containers less than three-quarters full). Various brands of cleaning agents, patent medicines, toiletries and cosmetics, packaged foods, and gardening requisites draw frequent complaints. The worst example was a tin of lawn grass seed containing 80% fresh air. Two large companies each marketing scouring powders have attracted vehement criticism mainly because the containers are normally 30-40% larger than the contents. This fact is not readily discoverable by the consumer because the products are packed in cardboard canisters or opaque plastic containers with sprinkler tops. Officers of the Institute who called upon the manufacturers were told that technical difficulties made a certain amount of head space necessary, and that after all the weight was printed on the containers and this was strictly adhered to. The Council is grateful for this small mercy but wonders that, if the weight is of such value on the scouring powders, why they have not extended it to their other products, namely soap powders. And while a certain amount of head space may be unavoidable, is not 30%-40% too much?

It is perhaps appropriate here to quote a significant extract in relation to detergent powders taken from an article in the American "Manufacturing Chemist and Aerosol News" of January 1967:<sup>2</sup>

The fact that the (detergent) company has chosen to market the product in even weight sizes is in itself remarkable. Most U.S.

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2. The author of the article "Detergent Review U.S.A." is the editor of "Detergent Age".

producers favour odd weight sizes, the odder the better. Unless the Fair Packaging and Labelling Act upsets the pattern it is doubtful if too many products will follow Omo's lead, for even weight sizes facilitate price comparisons of products which is an anathema to U.S. detergent producers.

2. Double Walls (i.e. two containers, one inside the other and joined together).

Cosmetic pots are the worst example - widespread throughout the industry here and overseas. Various unconvincing answers were given by six manufacturers asked by Consumers' Institute to explain - though one did admit that the purpose of the double wall was to make the product look bigger on the retailer's shelf.

One firm marketed a face cream both in an aluminium tin containing 137 grams retailing at 75c, and in a double-walled plastic pot which gave the impression of holding far more than the aluminium container but in fact contained 42 grams less and sold at the higher price of 78c. The manufacturer's explanation was simply that the plastic pot is designed for people who are prepared to pay a premium for an attractive container. But he didn't explain why the attractive container is double-walled.

One of our complainants, a retailing pharmacist, informed the Institute that he became aware of the use of double skins only when one of the plastic pots smashed. He stated that he felt strongly that his customers were being subjected to dishonest and misleading packaging (a claim often voiced by other correspondents who have also accidentally uncovered the subterfuge). When he asked the manufacturer's representative for the reason the matter was shrugged off as simply modern packaging techniques or that they have to buy their containers in New Zealand (double walls are used overseas too!).

Other cosmetic manufacturers who were approached gave varying explanations which indicated that the type of container was in general use and they claimed it was not their intention to mislead customers.

Often there is less than half the amount of product in the container than the exterior dimensions would suggest. Since the weight of the contents is not required to be marked on the exterior (this awaits the passing of the proposed new Food and Drug Regulations) two containers of equal external size can contain very different amounts of product - but the buyer has no way of knowing this without forcibly slicing between the containers in two to discover how much fresh air is enclosed between the double walls.

3. Excessive Packaging

Often a labelled bottle is placed inside a packet for no apparent reason other than that the packet looks bigger. Worse still, the packet may be over-size, so that the bottle rattles around inside it.

The confectionery trade too often uses excessive or costly packaging. The amount, for example, used in chocolates is often much in excess of that needed for tasteful presentation and to protect the contents from damage. One example of wrapped toffees is sold by a manufacturer in a small plastic bag or in the same plastic bag enclosed in a carton but selling at something like 3-4c more.

In some cases in this and other fields articles are "gift wrapped". A buyer is often prepared to pay a little more when making a gift for it to be "prettied" up but it seems that in many cases "gift wrapped" is becoming the norm and no alternative is provided.

In other fields many smaller items of haberdashery are becoming overprotected which, while keeping the goods in a fresh unshopped condition, prevents proper examination. Many shirts are in this category while others are sold in a simple plastic bag which is eminently adequate for the purpose. Even simple items such as socks are now sold with cardboard stiffeners and cardboard backs and heavy plastic covers.

#### 4. Misleading Labels

Illustrations and written descriptions on the packet often unduly glamorise the contents. This happens very often with packaged and tinned foods. The coloured illustration presents a sumptuous meal which the buyer is unable to duplicate using the contents.

In the October 1966 issue of "Consumer" we published the findings of our investigation into a brand of chicken curry and rice. On the cover was an attractive pictorial representation of a delicious looking meal prominently figuring long pieces of chicken. When this dish was prepared it bore little or not resemblance to the pictorial display. Locating the chicken was a job that would have tried the patience of a pathologist let alone the average consumer. When we asked for an explanation the manufacturer replied that it was not his intention to mislead the consumer. Intended or not, it was fairly obvious that the consumer had been deceived.

#### 5. Spurious Reductions

It is a fairly old device to mark the price up before marking it down again to a so-called bargain price. The deception may not always be easily discoverable by the customer, but when the "5 CENTS OFF!!" announcement is printed on the packet it is surely clear to even the most slow-witted of us that there is nothing special about the "special" price. Since printing of new supplies of a package must be arranged many months ahead of need, such "reductions" are obviously well-planned promotional devices. But even though most of us know what is going on, true prices are obscured by this practice.

Other devices are to tape "free" teaspoons, ballpoint pens or other items to the package. Well, of course, nothing is free - ultimately the customer always pays. And most of us would prefer to choose our own teaspoon or ballpoint pen since we will be paying for it anyway. It is indisputable that if manufacturers saved the money spent on giveaways the prices of their products could be lowered accordingly.

Still another gimmick is to fix a "normal" price which is never actually charged. Then what is actually the everyday price can be called a "special reduction" - and it can also be varied by a few cents from week to week, which further confuses the matter of what is the true price.

Variations of these practices include competitions (which often involve such expensive prizes as cars and world trips), redeemable cash coupons, and "instant rebate" coins accompanying the package. Surely this last is the most ridiculous example of the pointless "reductions". It would clearly be much cheaper, and more sensible, for the manufacturer to reduce his price by 5c than to employ someone to tape 5c coins to the packages. Of course, the bewildered customer can't tell whether to accept such bait or not - because he does not know the regular per-ounce price of the various brands of the product concerned. He has no way of working out whether this shiny new 5c coin represents a true saving or whether actually he pays a high price for it.

"Cash reduction" vouchers and free samples sent through the post are a variation of the above promotional devices, though there is evidence that oft-bitten consumers tend to shy clear of them nowadays. Service stations and petrol companies appear to be as active as the grocery chains with promotional devices - often aimed at the children of the customer.

The Consumer Council believes that promotional schemes are ultimately paid for by the consumer and that they obscure true prices and make comparisons of value difficult.

#### 6. False Claims of Superiority

Some products carry written descriptions on the packet which exaggerate quality or performance. This is bad enough but worse still in the Consumer Council's view are the statements that make false claims of superiority over other similar products which in fact



do virtually the same job.

There is, of course, an unwritten agreement that no manufacturer will pointedly disparage the product of any other. This club-like arrangement protects the participants from the perils of open warfare and also avoids the prospect of subsequent legal battle. Nevertheless many manufacturers quite normally disparage competing products as a class - though usually only by implication ("... has a porcelain liner - not plastic"). The method is not to criticise directly the other fellow but to overpraise yourself.

Thus we find basically similar products each claiming mystical advantages derived from special ingredients with impressive, often pseudo-scientific, names. Dental experts and overseas consumer organisations have pretty well established that all toothpastes do virtually the same job, and that the same job could be done with a mixture of salt and water plus vigorous application of a suitable brush. What a different story is told by the advertising for the various toothpastes concerned!

In fact, most toothpastes are made from the same basic recipe, as the United Kingdom consumer magazine "Focus" has pointed out (March 1967). They contain: a detergent, usually non-soapy, which provides cleansing foam; an abrasive, usually a fine phosphate chalk powder, sometimes known as a "polishing agent"; a humectant, a glycerine or waxy base which gives the paste consistency; and usually flavouring, antiseptic, preservative, tragacanth water. In nearly all cases the lauded special ingredients turn out to be nothing more than the scientific or adopted names of one of the basic ingredients. "Irium" and "Gardol" are cases in point - they are detergents.

The Consumer Council believes that toothpastes, like many other products, are greatly over-glamorised, often by the use of impressive sounding terms and expressions that are in fact meaningless nonsense.

Our own Consumers' Institute in New Zealand has tested soaps and has given its opinion that for all circumstances where normal hygiene is called for the cheapest toilet soap can be bought with confidence, for used vigorously with plenty of hot water practically any brand of soap will get you clean. Further tests also refuted the claims of some "medicated" soaps - of 20 brands tested only one had very good germ-killing power. Yet prices vary greatly - and the self-congratulatory trumpeting of the manufacturers in newspaper and T.V. advertising are what the customer is paying for. Generally speaking, the more the advertising the bigger the price.

Much the same results were given by a test of flake-type ready-to-eat breakfast cereals - all brands were of similar nutritional value but prices per ounce varied greatly, as did the packet sizes. Weights were not marked conspicuously on many of the packets either.

With many types of cosmetics too there is little difference in the job done, as is the case with various types of aspirin - overseas consumer organisations have established this fact repeatedly. Yet the wording on the packages, which is simply an extension of the media advertising, tells a very different story.

In motor spirits and oils considerable ingenuity is devoted to advertising and supposed advantages of various additives - some of which are present in other brands.

Car advertising too largely limits itself to blowing up minor differences over last year's model or some other brand - basically and functionally the differences are insignificant.

What is the consumer to do? Armed with lamentably few facts he must somehow decide between the conflicting claims of competing

manufacturers. Is it surprising, therefore, that he should yearn for some sort of regulatory apparatus that would require disclosure of the simple truth.

#### CURRENT POSITION IN NEW ZEALAND

There is at the present time a certain amount of legislation partially covering some of the things which, in the Council's view, should in fairness to the consumer be more adequately regulated. But much of the legislation in the consumer field is old, fragmented and difficult to understand.

The main one is the Food and Drug Act 1947 and its Regulations. These meet some of the needs in the particular fields covered by that legislation but in our view there are far too many exemptions - often products such as aerated waters and alcoholic beverages are excluded for no clear reason. It is to be hoped that the proposed redrafting of this legislation will be carried through and that it will close many of the gaps.

The Weights and Measures Act 1947 also requires marking of weights on pre-packaged goods but again exemptions destroy much of its possible usefulness.

The Merchandise Marks Act 1954 is mainly concerned with trade descriptions and origin of goods and it provides by means of Order in Council for classes of goods to show their country of origin.

A number of other acts, for example, the Dangerous Goods Act 1957, the Poisons Act 1960, the Explosives Act 1957, etc., make provision for certain information or cautionary statements to be made in respect of specific types of goods. These are, of course, not only desirable but essential. However, they are not intended or designed to regulate the types of practices outlined in this paper.

In many countries the need for comprehensive legislation in this field has been recognised and steps have been, or are being, taken to remedy the situation.

In the United States of America after a somewhat rough passage during which some highly desirable provisions were lost overboard the Fair Packaging and Labelling Act was passed last year. While recognising that the Act even in its final form was a major step forward, consumer organisations have been openly disappointed and critical over the deletions and watering down from the original draft because of heavy lobbying and pressure.

In the United Kingdom the Consumer Protection Bill at present under Parliamentary process carries consumer protection a good deal forward by regulating many of the practices we have referred to.

In Australia, while as yet nothing really concrete has emerged, they are at least aware and moves are being made toward better regulation. An inquiry into False and Misleading Advertising in Victoria in 1965 (the Cuthill Report) pointed out much the same things which concern us in New Zealand. The difficulty in Australia as we understand it is due to the need to first achieve some uniformity between the legislation of the various States and we believe this is under active examination.

The current position in New Zealand is, as we have endeavoured to point out in this paper, not by any means as good as it should be. Only some of the practices are regulated and these frequently are fragmentary and there is too much of a grey area which allows sufficient latitude for the consumer to be confused either deliberately or accidentally.

The Government, following its assurance that a Bill would be introduced on deceptive packaging, prepared proposals for a draft bill. Unfortunately this draft bill did not reach the House before the close of the last session.

The Government did, however, revive Mr Gair's Bill and this was referred to a Parliamentary Committee along with terms of reference which allowed it to enquire into many of the matters of concern to us.

It remains to be seen whether the Bill, when reintroduced into the

House for its second reading, will have been substantially amended. While this Bill in its present form is a step in the right direction it does fall a good deal short of what the Consumer Council considers necessary to ensure the buyer is fully aware of what he is getting and that he has the essential information necessary for him to compare worth with worth and is not being diverted from these rights through slick practices.

## CONCLUSION

The Consumer Council believes that marked weights would go a long way toward helping the purchaser to make important decisions regarding value for money. Many manufacturers disagree. They claim that quality is as important as weight in determining value for money. This may well be so in some cases - but with fewer products than manufacturers would have us believe - and how often does he give a quality rating, apart from mere puffery?

Consumer organisations throughout the world have proved repeatedly that with certain products there is little or no difference in the job done by different brands. Knowing the weight of the contents therefore becomes vital. In any case, even when quality is a factor the customer must also know the weight - the extra quality may not be worthwhile if he has to pay too much for it. It is quite true that 5 ounces of a concentrated product may be better value than 10 ounces of a different brand that is greatly diluted - but to determine value for money the customer must know about both weight and quality. The first step the Council firmly believes is to know the weight of the contents - then if possible the quality should be shown, though admittedly this is not always easy in the absence of any yardsticks. The housewife can often tell by making commonsense comparisons which brand is of the better quality; in other cases impartial testing by a consumer organisation or some other body may be necessary. But when weight and quality are known value for money can be assessed.

Weight alone, of course, does not tell the buyer the whole story. The amount or volume of the commodity is also important but not many will know whether say a point of potato chips should fill the packet in which they are sold - although they expect it to do so or at least reasonably so. This is the reason the customer feels cheated when she buys a packeted item which turns out to be only half full when opened. The Consumer Council strongly supports the idea that the package should always reflect the real volume of its contents.

Standardization of weights would, of course, strip away much of the confusion surrounding the purchase of such items as detergents, soap powders and scouring powders. Already there is some degree of standardization of quantity, especially in milk, tea, sugar and biscuits.

The Consumer Council considers there is really no good reason why many goods should not be marketed in 1/4lb, 1/2lb, 3/4lb, 1 lb and 2lb lots - with the weights clearly marked on the package.

Smaller items might be sold in standard multiple amounts of so many ounces. The important thing is to do away with the odd sizes and odd weights that make comparison so difficult.

Standardization would mean that packaging would be in uniform weights and sizes. It would, of course, be desirable if the size description were either small, medium or large. At present, of course, these have been mystically transformed into king, jumbo and mammoth. Practically nothing is marked a small size these days. One commentator addressing the second of these Business Law Symposiums stated: "I was interested to hear that the Department of Agriculture in the United States puts out a handy table of designations for, amongst other products, olives. Jumbo is larger than giant, giant is larger than mammoth which in turn is larger than extra large. But jumbo is not the largest; bigger still is colossal,

and there are two sizes even more colossal than that - super-colossal and special-super-colossal. And the old familiar sizes, small, medium and large? If you want to know where they have gone to, they are the three smallest sizes, and in some products large is the term used for the smallest size. Such descriptions are clearly misleading."

How is the consumer to know whether "economy size" is larger than "family size" similarly blazoned across many packets here in New Zealand? In our washing powder test in 1964 the "large economy size" in one brand was smaller and lighter than another's "standard size". Packets labelled "serves four" contain three scarcely satisfying portions; again such claims are not informative. They may well be classified as motivational techniques but techniques which misrepresent the true position to the consumer.

We quote again from the article by the editor of "Detergent Age" previously referred to. When speaking on the American Fair Packaging Act (in the section dealing with limitations on size terminology) he said:

If ever enforced, this section of the Act would cause a major upheaval in the detergent industry. No two producers agree what constitutes small, medium, large, king size, economy size, home laundry size and the host of other package descriptions now in use.

And to quote from Duncan and Phillips, authors of "Retailing Price and Methods", "Detergents may soon come in four box sizes - regular, giant, colossal and full!"

The American consumer magazine "Consumer Reports" makes this comment:

The burden placed upon consumer sovereignty by the free enterprise system is a heavy one, growing heavier as products and markets reflect the mounting complexity of technology and the increasing power of sellers to manipulate demand. But the priceless ingredient of effective competition remains a free and rational consumer choice. Any marketing practice that renders rational choice more difficult is a subversion of the economy.<sup>3</sup>

The Consumer Council finds itself in agreement with this statement. Indeed, as will be obvious from the points we have raised in this paper, we feel that comprehensive legislation regulating packaging practices is overdue. Such legislation in our view should cover the following points:

1. The name and address of the manufacturer, his agent, packer or importer to be carried on the packet.
2. The packet to carry a statement of net weight, volume or count displayed in appropriate type sizes and on a contrasting background on the chief face of the package.
3. If the weight or volume is under 3lb or 1/2 gallon, the net weight or volume should be expressed in ounces.
4. Standardize the description of package sizes so that small, medium and large are associated with a weight or product range. This would then eliminate the need for such descriptions as "jumbo", "king size", "family", "economy", etc. If, however, these terms were not excluded then the net weight, volume or count to be placed immediately adjacent to them.
5. Prohibition of words or phrases such as "new", "improved" or others implying a change in the ingredients or characteristics of a commodity unless the changes or improvements are of substantial significance to the product's purpose.
6. Where the term "serving" or "portion" or another term that refers to the division of the contents into parts is used it should be accompanied by either a statement of net weight, volume or count of each division or the total net weight, volume or count of the contents. This information should be placed immediately below the words used.

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3. July 1965, page 346.

7. The label should carry a list of the chief ingredients showing the percentage total or in descending order of quantity.
8. Canned or bottled goods which are a mixture of solids and liquids (or semi-liquids) such as fruit, stews, fish, meat preparations, etc. should be required to show drained weight as well as total net weight.
9. The contents should be classified on the label, artificial, natural or synthetic as to their composition, colouring and additives.
10. The amount of head space or slack fill to be reduced or regulated. If head space is unavoidable a fill line or a settling area could be marked prominently to indicate where the level of fill is.
11. The outside packet should not be excessively larger than the contents except where it is necessary for established essential reasons.
12. The prohibition or regulation of terms such as "cents off" or "special" that purport to be bargains or reductions as compared to the usual or normal selling price.
13. The standardization of packages and cans where a great proliferation of sizes exists.
14. The regulation of misleading and exaggerated advertising claims associated with or appearing on any product, label or package that do not give the consumer a true or fair guide as to the properties, characteristics or use of the product.
15. The regulation of any illustration that is used to represent the contents so that it gives a true and fair picture as to colour, quality and composition of the prepared contents.

While the primary function and concern of the Consumer Council is and must remain the welfare and protection of the consumer, we feel that an effective packaging act would also afford valuable protection to the fair and honest trader.

Consumer Council