



Queensland

# Fair Trading Amendment Regulation (No. ..) 2008

## Subordinate Legislation 2008 No. ...

made under the

*Fair Trading Act 1989*

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**1 Short title**

This regulation may be cited as the *Fair Trading Amendment Regulation (No. ..) 2008*.

**2 Commencement**

This regulation commences on 1 July 2009.

**3 Regulation amended**

This regulation amends the *Fair Trading Regulation 2001*.

**4 Insertion of new pt 2, div 1 hdg**

After part 2, heading—

*insert—*

**‘Division 1 Information standards for specified kinds of goods’.**

**5 Insertion of new pt 2, div 2 hdg**

After section 8—

*insert—*

**‘Division 2 Commonwealth consumer product information standards’.**

**6 Insertion of new pt 2, div 3**

Part 2, after section 9—

*insert—*

**‘Division 3 Information standard for supply of grocery products’.**

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## **‘Subdivision 1 Preliminary**

### **‘9AA Definitions for div 3**

‘In this division—

*character* includes a letter, figure and symbol.

*consumer* includes prospective consumer.

*damaged product* means a grocery product that is supplied to consumers by a grocery retailer with a selling price that is less than the selling price at which the product is ordinarily supplied by the grocery retailer because the product or any package containing the product is damaged.

*Example—*

a can of baked beans that is dented

*excluded product* means—

- (a) a product mentioned in schedule 3A; or
- (b) a damaged product; or
- (b) a last-minute markdown; or
- (c) a mixed pack; or
- (d) a multi-buy discount offer; or
- (e) a product sold in bulk.

*final price*, of a grocery product, means the price at which the product is supplied by a grocery retailer to consumers including GST and all other taxes.

*grocery product* means any product, other than an excluded product, supplied by a grocery retailer to consumers.

*Examples—*

- food, including, for example, bread, breakfast cereals, butter, confectionary, eggs, flour, fresh fruit and vegetables, meat, milk, non-alcoholic beverages, packaged foods, snacks and sugar
- baby supplies, including, for example, nappies and baby wipes

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- cosmetic products and toiletries
- haberdashery
- household cleaning products
- household goods, including, for example, batteries, bin liners, food wraps, light bulbs, paper towels, pet supplies and tissues
- pharmaceutical products

**grocery retailer** see section 9AB.

**in-store retailer** see section 9AB(a).

**last-minute markdown** means a product that is supplied to consumers by a grocery retailer with a selling price that is less than the selling price at which the product is ordinarily supplied by the grocery retailer because the product is likely to deteriorate if it is not used before a particular date.

*Example—*

milk supplied at a lower selling price the day before its use-by date

**mixed pack** means a pack—

- (a) containing 2 or more products of different classes each of which is separately packed in its own package; and
- (b) that is supplied to consumers with 1 selling price.

*Examples—*

- a Christmas hamper
- a pack containing a coffee maker and a promotional package of ground coffee

**multi-buy discount offer** means 2 or more products of the same kind that are supplied to consumers with 1 selling price if the products are not packed together in a single package and the unit price for 1 of the products is less than the unit price for 1 of the products when supplied as a single item.

*Example—*

3 cans of baked beans supplied with 1 selling price if the 3 cans are not packed together in a single package and the unit price for 1 can of baked beans is less than the unit price for 1 can of baked beans supplied as a single item

**online retailer** see section 9AB(b).

**online shop**, of an online retailer, means a website or websites by which the online retailer supplies to consumers a range of grocery products.

**price sign**, for a grocery product, means a sign that displays information about the selling price of the product including a shelf label for the product, but not including a price label attached to, or a price marking made on, the product or any package containing the product.

**product sold in bulk** means a product that is not pre-packaged and ordinarily weighed or measured at the request, and in the presence of, the consumer of the product.

**range**, of grocery products, means at least 7 of the following grocery products—

- (a) bread;
- (b) breakfast cereal;
- (c) butter;
- (d) eggs;
- (e) flour;
- (f) fresh fruit and vegetables;
- (g) fresh milk;
- (h) meat;
- (i) rice;
- (j) sugar;
- (k) packaged food, other than food mentioned in paragraphs (a) to (j).

**retail premises** means—

- (a) premises that have a contiguous internal floor area of at least 200m<sup>2</sup> that is used for the display of grocery products for supply to consumers in a way that includes

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the use of computerised shelf labels and barcode scanners at the checkout; or

- (b) premises that are used for the display of grocery products for supply to consumers in a way that shows to consumers the unit price of more than half of the grocery products displayed in the premises.

**selling price**, of a grocery product, means the final price for 1 unit of the product, or for a particular quantity of the product.

**supply** includes offer for supply.

**unit price** means—

- (a) for a grocery product supplied by number to consumers—
  - (i) if the product is supplied in lots of 1 to 9 units—the final price for 1 unit of the product; or
  - (ii) if the product is supplied in lots of 10 to 99 units—the final price for 10 units of the product; or
  - (iii) if the product is supplied in lots of 100 or more units—the final price for 100 units of the product; or

*Examples of grocery products supplied by number—*

batteries supplied in lots of 3

toilet paper supplied in lots of 100 sheets

- (b) for a grocery product supplied by mass or volume to consumers—
  - (i) generally—the final price for each 1kg or 1L of the product; or
  - (ii) if the final price for each 1kg or 1L of the product is more than \$99—the final price for each 100g or 100ml of the product; or
  - (iii) if the final price for each 100g or 100ml of the product is more than \$99—the final price for each 10g or 10ml of the product; or



- (iv) if the final price for each 10g or 10ml of the product is more than \$99—the final price for each 1g or 1ml of the grocery product; or

*Examples of grocery products supplied by mass or volume—*

- apples supplied in bags of 1.35 kg
- fruit juice supplied in containers of 675ml
- potato chips supplied in packages of 25g

- (c) for a grocery product supplied by linear or cubic measurement to consumers—the final price for 1m, 1m<sup>2</sup> or 1m<sup>3</sup> of the product.

**‘9AB Who is a *grocery retailer***

A *grocery retailer* is—

- (a) a person (an *in-store retailer*) who supplies to consumers, in retail premises, a range of grocery products; or
- (b) a person (an *online retailer*) who supplies to consumers, by an online shop, a range of grocery products.

**‘Subdivision 2 Requirements to provide information in retail premises and on online shops**

**‘9AC Requirement to provide information about unit pricing**

‘A grocery retailer must give consumers information about unit pricing by—

- (a) for an in-store retailer—displaying posters and pamphlets about unit pricing in its retail premises in compliance with sections 9AG and 9AH; or
- (b) for an online retailer—displaying information about unit pricing on its online shop in compliance with section 9AI.

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**‘9AD Requirement to display selling price**

‘A grocery retailer must show the selling price of a grocery product supplied by the grocery retailer to consumers by—

- (a) for an in-store retailer—displaying the selling price in its retail premises in compliance with section 9AJ; or
- (b) for an online retailer—displaying the selling price on its online shop in compliance with section 9AJ.

**‘9AE Requirement to display unit price**

‘(1) A grocery retailer must show the unit price of a grocery product supplied by the grocery retailer to consumers by—

- (a) for an in-store retailer—displaying the unit price on any price sign for the grocery product in compliance with sections 9AJ and 9AK; or
- (b) for an online retailer—displaying the unit price on its online shop in compliance with sections 9AJ and 9AK.

‘(2) Subsection (1) does not apply if the grocery product is a single unit supplied by the grocery retailer to consumers by number.

*Example—*

a single light bulb

**‘Subdivision 3 Requirement to provide information in printed advertisements**

**‘9AF Requirement to display unit price in particular printed advertisements**

‘If a person who supplies to consumers a range of grocery products publishes a printed advertisement for a grocery product that displays the selling price of the product, the person must also display the unit price for the product in the advertisement in compliance with sections 9AJ and 9AK.

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## **‘Subdivision 4    Ways of providing information**

### **‘9AG    Providing information in posters**

‘A poster about unit pricing must—

- (a) state that—
  - (i) unit prices are displayed for grocery products supplied in the retail premises; and
  - (ii) a pamphlet is available in the retail premises containing information about unit pricing; and
- (b) be printed in a way that—
  - (i) provides a distinct contrast between the colour of the characters on the poster and the colour of the background of the poster; and
  - (ii) is unambiguous, easily identifiable and clearly legible to consumers; and
- (c) be displayed—
  - (i) in 3 or more prominent locations in the retail premises, including at or near each public entrance of the retail premises; and
  - (ii) in a way that makes the characters on the poster clearly legible from a distance of 4.5m away from the poster.

### **‘9AH    Providing information in pamphlets**

‘A pamphlet about unit pricing must—

- (a) state—
  - (i) the general purpose and function of unit pricing; and
  - (ii) how the unit price of a grocery product relates to the selling price of the grocery product; and

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- (iii) how consumers can use unit pricing to compare the price per unit of different brands, grocery products and sizes; and
  - (iv) how consumers can use unit pricing to consider value for money; and
  - (v) that the information is for the guidance of consumers only; and
- (b) be printed in a way that is unambiguous, easily identifiable and clearly legible to consumers.

**'9AI Providing information on websites**

'Information about unit pricing on an online shop must—

- (a) include the information mentioned in section 9AH(a); and
- (b) be displayed—
  - (i) on the home page, or on a page prominently linked to the home page, of the on-line shop; and
  - (ii) in a way that is unambiguous, easily identifiable and clearly legible to consumers.

**'9AJ Displaying selling prices and unit prices**

'A selling price or unit price for a grocery product must be displayed—

- (a) in a form in which any unit of measurement is expressed in the way it is ordinarily written in the English language; and
- (b) in a way that is unambiguous, easily identifiable and clearly legible to consumers.

**'9AK Displaying unit prices**

'A unit price for a grocery product must be displayed—

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- (a) in a form in which the price is preceded by a dollar sign; and
  - (b) if the unit price has a decimal sub-multiple—in a form in which the price is preceded by a zero or other numeral; and
  - (c) in a form in which any unit of measurement is preceded by the word ‘per’; and

*Example of unit price for paragraphs (a) to (c)—*

\$0.76 per kg

- (d) in characters of a height that is—
  - (i) for a unit price for a grocery product displayed on a price sign—the greater of 10mm or 50% of the height of the characters of any selling price displayed for the grocery product on the price sign; or
  - (ii) for a unit price for a grocery product displayed on an on-line shop or in a printed advertisement—at least 50% of the height of the characters of any selling price displayed for the grocery product on the on-line shop or in the printed advertisement; and
- (e) in close proximity to any display of the selling price for the grocery product.

## **‘Subdivision 5      Miscellaneous**

### **‘9AL    Working out and rounding of unit prices**

‘The unit price of a grocery product must be worked out to the nearest 1 cent (rounding 0.5 cent upwards).

*Example—*

If the approximate unit price of a grocery product is 94.7c, the unit price is 95c.

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**‘9AM Interaction with trade measurement legislation**

- ‘(1) This division applies in addition to the *Trade Measurement (Prepacked Articles) Regulation 1991*.
- ‘(2) If there is an inconsistency between this division and the *Trade Measurement (Prepacked Articles) Regulation 1991*, this division prevails to the extent of the inconsistency.’.

**7 Insertion of new sch 3A**

After schedule 3—

*insert—*

**‘Schedule 3A Excluded products**

section 9AA

audio tapes  
books  
clothing  
compact discs  
electrical appliances  
flowers  
gardening equipment  
greeting cards  
kitchen hardware  
magazines  
newspapers  
plants  
tobacco and tobacco products  
toys

video tapes’.

## **8 Amendment of sch 6 (Dictionary)**

Schedule 6—

*insert—*

*‘character*, for part 2, divison 3, see section 9AA.

*consumer*, for part 2, divison 3, see section 9AA.

*damaged product*, for part 2, divison 3, see section 9AA.

*excluded product*, for part 2, divison 3, see section 9AA.

*final price*, for part 2, divison 3, see section 9AA.

*grocery product*, for part 2, divison 3, see section 9AA.

*grocery retailer*, for part 2, divison 3, see section 9AB.

*in-store retailer*, for part 2, divison 3, see section 9AB.

*last-minute markdown*, for part 2, divison 3, see section 9AA.

*mixed pack*, for part 2, divison 3, see section 9AA.

*multi-buy discount offer*, for part 2, divison 3, see section 9AA.

*online retailer*, for part 2, divison 3, see section 9AB.

*online shop*, for part 2, divison 3, see section 9AA.

*price sign*, for part 2, divison 3, see section 9AA.

*product sold in bulk*, for part 2, divison 3, see section 9AA.

*range*, for part 2, divison 3, see section 9AA.

*retail premises*, for part 2, divison 3, see section 9AA.

*selling price*, for part 2, divison 3, see section 9AA.

*supply*, for part 2, divison 3, see section 9AA.

*unit price*, for part 2, divison 3, see section 9AA.’.

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ENDNOTES

- 1 Made by the Governor in Council on . . .
- 2 Notified in the gazette on . . .
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Justice and Attorney-General.