Circular No. 21/2008-Customs

F.No.450/142/2008-Cus.IV
Government of India
Ministry of Finance
(Department of Revenue)
Central Board of Excise & Customs

159-A, North Block,
New Delhi-110 001.
18th December, 2008.

To

All Chief Commissioners of Customs / Customs (Prev.).
All Chief Commissioners of Customs & Central Excise.
All Commissioners of Customs / Customs (Prev.).
All Commissioners of Customs & Central Excise.
The Director General of Revenue Intelligence.
The Director General of Central Excise Intelligence.

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Subject: Import of toys - Compliance with labeling requirements under Standards of Weights and Measures (Packaged Commodities) Rules, 1977 - Instructions - reg.

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Sir / Madam,

Your attention is invited to the Board's Circular No.32/2001-Customs dated 31.5.2001 on the subject mentioned above, wherein, it was stated that import of packaged products covered by the Standards of Weights & Measures Act, 1976 (SWMA) or the Rules made thereunder or any other law, and DGFT's Notification No.44 (RE-2000)/1997-2002 dated 24.11.2000, cannot be allowed clearance into the country unless the Maximum Retail Price (MRP) / Retail Sale Price in India and certain other particulars have been declared on the package. Further, reference is also invited to Board's Circular No.99/2003-Customs dated 27.11.2003, wherein it was also instructed that import of non-standard tapes / measuring instruments which do not conform to the standards of Weights or Measures established by or under the SWMA, is not permitted and on import, these may either be confiscated absolutely or allowed re-export only.

2. The Ministry of Consumer Affairs and Public Distribution, Department of Consumer Affairs has again brought to the notice of the Board about the need to comply with the requirement of Standards of Weights and Measures (Packaged Commodities) Rules, 1977, in specific reference to import of toys.

3. The matter has been examined by the Board. It has been observed that the provisions relating to import of packaged commodities are governed by the Standards of Weights and Measures (Packaged Commodities) Rules, 1977. As per Rule 6 of the said Rules, read with para 5 of the Chapter 1A: General Notes regarding Import Policy, ITC(HS) Schedule 1 of the

Foreign Trade Policy, no pre-packaged commodity shall be allowed entry into the country, unless such packages comply with all of the provisions of the said Rules and in particular carry the declarations regarding name and address of the importer, name of the commodity, net quantity in terms of standard unit of weights and measures, month and year of packing or importation and maximum retail sale price. Further, certain products have also been specified in Appendix-V to the Notification No.44 (RE-2000)1997-2002 dated 24.11.2000 issued by the DGFT which are subjected to compliance of mandatory Indian quality standards along with the requirement of registration of exporters of these products with Bureau of Indian Standards (BIS).

4. In view of the above legal position and as there has been greater concern about sub-standard toys containing toxic and poisonous materials being imported into the country, the Board reiterates that import of all pre-packaged commodities, inter alia, import of toys in packaged form, shall be subjected to compliance of all the provisions of the Standards of Weights and Measures (Packaged Commodities) Rules, 1977. It may also be ensured that import of toys or similar imported packaged commodities is not allowed clearance for home consumption unless such pre-packaged toys carry the mandatory declarations as specified in the DGFT's above mentioned notification. In case, it is found that the importers are unable to fulfill the requirement of mandatory declarations under Rule 6 before clearance by Customs for home consumption, the imported goods shall either be confiscated absolutely or allowed re-export only as well as necessary penal action taken against the importer for non-compliance with the existing legal provisions as applicable on import of goods.

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5. The field formations as well as trade and industry may be suitably informed.

6. Hindi version will follow.

Yours faithfully,

(M.M. Parthiban)
Director (Customs)

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