



# Trade Descriptions Act 1968

## 1968 CHAPTER 29

### *Prohibition of false trade descriptions*

#### **2 Trade description**

- (1) A trade description is an indication, direct or indirect, and by whatever means given, of any of the following matters with respect to any goods or parts of goods, that is to say—
  - (a) quantity, size or gauge;
  - (b) method of manufacture, production, processing or reconditioning ;
  - (c) composition;
  - (d) fitness for purpose, strength, performance, behaviour or accuracy;
  - (e) any physical characteristics not included in the preceding paragraphs;
  - (f) testing by any person and results thereof;
  - (g) approval by any person or conformity with a type approved by any person ;
  - (h) place or date of manufacture, production, processing or reconditioning;
  - (i) person by whom manufactured, produced, processed or reconditioned;
  - (j) other history, including previous ownership or use.
- (2) The matters specified in subsection (1) of this section shall be taken—
  - (a) in relation to any animal, to include sex, breed or cross, fertility and soundness;
  - (b) in relation to any semen, to include the identity and characteristics of the animal from which it was taken and measure of dilution.
- (3) In this section " quantity " includes length, width, height, area, volume, capacity, weight and number.
- (4) Notwithstanding anything in the preceding provisions of this section, the following shall be deemed not to be trade descriptions, that is to say, any description or mark applied in pursuance of—
  - (a) the Seeds Act 1920 ;
  - (b) section 2 of the Agricultural Produce (Grading and Marking) Act 1928 (as amended by the Agricultural Produce (Grading and Marking) Amendment

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*Status: This is the original version (as it was originally enacted).*

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Act 1931) or any corresponding enactment of the Parliament of Northern Ireland;

- (c) the Plant Varieties and Seeds Act 1964 ;
- (d) the Agriculture and Horticulture Act 1964 ;
- (e) the Seeds Act (Northern Ireland) 1965 ;
- (f) the Horticulture Act (Northern Ireland) 1966 ;

any description applied in pursuance of the Fertilisers and Feeding Stuffs Act 1926 to an article included in the first column of Schedule 1 to that Act, and any mark prescribed by a system of classification compiled under section 5 of the Agriculture Act 1967.

- (5) Notwithstanding anything in the preceding provisions of this section, where provision is made under the Food and Drugs Act 1955, the Food and Drugs (Scotland) Act 1956 or the Food and Drugs Act (Northern Ireland) 1958 prohibiting the application of a description except to goods in the case of which the requirements specified in that provision are complied with, that description, when applied to such goods, shall be deemed not to be a trade description.