



# MEDIA RELEASE

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## Nougat manufacturer fined for underweight products

West Gosford nougat manufacturer Bon Fleur Australia Pty Ltd (Bon Fleur) has been fined \$14,000 after being convicted of packing and selling underweight products in breach of trade measurement law.

Magistrate Greg Grogin imposed the fine in the Downing Centre Local Court on 6 December 2016 after the Commonwealth Director of Public Prosecutions prosecuted the company on behalf of the National Measurement Institute (NMI).

The court was told that on 13 August 2013 NMI trade measurement inspectors tested sample packages of two different nougat products offered for sale at a stall operated by Bon Fleur at the EKKA showgrounds in Brisbane. Seventeen of 24 packages tested were found to be up to 10 per cent underweight, contrary to section 18JU(2) of the National Measurement Act 1960. As a result the defendant was issued a notice of non-compliance without a pecuniary penalty attached.

On 3 December 2013 an NMI inspector at the Aldi Salisbury store in Queensland tested seven packages of nougat, packed by Bon Fleur and sold to Aldi Store Ltd on 15 November 2013, and found one package that was 11 per cent underweight, contrary to section 18JS(2) of the National Measurement Act 1960.

A director of Bon Fleur, Andrew Yiasemides, was interviewed by NMI inspectors on 7 March 2014 and allegedly admitted producing underweight products. As a result, the defendant company was issued an infringement notice with a penalty of \$850. This infringement notice remained unpaid, so a prosecution ensued.

National Measurement Institute General Manager Legal Metrology, Bill Loizides, said that the prosecution was launched because the company continued to produce underweight products after an initial warning and failed to pay the fine for a subsequent offence.

“The law is clear, when packaged goods are marked with a measurement or a minimum measurement, the package should contain at least that amount of product,” Mr Loizides said.

“In this case the defendant had ample opportunity to review their manufacturing processes after the initial warning but continued to produce underweight product.”

Mr Loizides said that shoppers who were concerned that products had been weighed incorrectly or had incorrect measurement labels should contact the National Trade Measurement hotline on 1300 686 664 or [infotm@measurement.gov.au](mailto:infotm@measurement.gov.au). **(ENDS)**

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