

BIDCARBON™

# *Biochar Trade Measurement (Packaging) Rule 2025*

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# Part 1—Preliminary

## Division 1.1—Definitions

### 1.1. Name of Rule

This Rule may be cited as the Biochar Trade Measurement (Packaging) Rule 2025.

### 1.2. Definitions

In this Rule:

- (1) **actual quantity**, in relation to a prepackage, means the quantity of a product contained in the prepackage, as determined by:
  - (a) measurements made by a [Category B](#) in accordance with these Rules; or
  - (b) [self-declaration](#) made by a [self-declaration entity](#), provided that such [self-declaration](#) is supported by documented evidence of internal quality control procedures and records demonstrating compliance with the applicable tolerances set out in Schedule 2.
- (2) **Agriculture Department** has the same meaning as in the BidCarbon (Carbon Farming) Standard 2025.
- (3) **approved** means approved by the Working Body.
- (4) **approved printing device** means a printing device that conforms to a pattern.
- (5) **AQS mark** means a letter “e”:
  - (a) presented as a letter at least 3 mm high; and
  - (b) in the form set out in [Schedule 1](#).
- (6) **AQS threshold** is the threshold prescribed for the purposes of [section 1.46](#).
- (7) **AQS biochar** means a [prepackaged product](#):
  - (a) with a predetermined and constant [nominal quantity](#);
  - (b) consisting of a biobased product—biochar and marked with the [AQS mark](#); and
  - (c) bearing a packaging batch number with a validity period not exceeding the Rule specified in paragraph 24.(5)(c) of the BidCarbon (Pyrogenic Carbon Capture and Storage in Agricultural Systems) Methodology and Data Asset Value.
- (8) **characters** includes letters, figures and symbols.
- (9) **Category B** means a registered greenhouse and energy auditor registered as a Category B auditor under subsection 6.25.(3) of the Greenhouse Gas Reporting Rule 2025, who may enter business premises at any reasonable time without prior notice and, during such a visit, carry out the following activities:
  - (a) checking measuring instruments for accuracy and correct use;
  - (b) checking pre-packaged items for accuracy;
  - (c) checking private weighbridges;
  - (d) investigating specific consumer complaints;
  - (e) informing, monitoring and counselling businesses about their obligations; and
  - (f) taking action where breaches are discovered.
- (10) **fertiliser** means any substance containing one or more recognised plant nutrients that is used for its plant nutrient content and is designed for use, or claimed to have value, in promoting plant growth, but does not include unmanipulated animal or vegetable manures, marl, lime, limestone, wood ashes, or any other products exempted by regulation made by the Agriculture Department, or an equivalent authority.

- (11) ***inadequate prepackage*** means a prepackage with a deficiency greater than the [tolerable deficiency](#) for the prepackage.
- (12) ***inspection lot*** means a collection of prepackages that:
- (a) are available for inspection at the same time and place; and
  - (b) are of the same kind; and
  - (c) have the same predetermined quantity; and
  - (d) either:
    - (i) are produced or imported at the same time; or
    - (ii) if it is not possible for an [Category B](#) to determine a single production time— are selected by the [Category B](#);
- from which a sample of prepackages is drawn for testing in accordance with AQS test procedures.
- Note:** An inspection lot is also known as a batch.
- (13) ***label*** means any advertising, promotional, or promotion of any [AQS biochar](#) including but not limited to all written, printed, graphic or electronic communication used in promoting the sale of [AQS biochar](#).
- (14) ***measurement marking*** means the marking of measurement required by these Rule to be made on a [prepackaged product](#).
- (15) ***nominal quantity*** means the quantity of the product in a prepackage that is declared on the [label](#) by the packer.
- Note 1:** The symbol “*Q<sub>n</sub>*” is used to denote the [nominal quantity](#).
- Note 2:** The [nominal quantity](#) is declared in accordance with OIML Recommendation 79, *Labelling Rule for Prepackaged Products (1997)*.
- (16) ***off-taker*** has the same meaning as in the BidCarbon (Pyrogenic Carbon Capture and Storage in Agricultural Systems) Methodology and Data Asset Value.
- (17) ***OIML*** means the Organisation Internationale de Metrologie Legale (the International Organisation of Legal Metrology).
- (18) ***packing material***, in relation to a prepackage:
- (a) means the part of the prepackage that is meant to be left over after use of the product (including consumption or subjecting the product to a treatment); but
  - (b) does not include items that occur naturally in the product.
- Note:** Packing material is also known as individual package, tare, packaging or packaging material. It is generally used to contain, protect, handle, deliver, preserve, transport, inform about and serve as an aid (e.g., food serving tray) while using the product it contains.
- (19) ***permissible actual deficiency*** means the deficiency in actual measurement that is permitted for the purposes of [section 1.47](#).
- (20) ***permissible average deficiency*** means the deficiency in the average of the actual measurements of a number of [prepackaged products](#) of the same kind that is permitted for the purposes of [section 1.47](#).
- (21) ***prepackage*** means a combination of an article and the package in which it is packed in advance ready for sale, or 2 or more articles and the package in which they are packed in advance ready for sale as a single item.
- (22) ***prepackaged product*** means a single item:
- (a) that consists of a product and the packing material into which it was put before being offered for sale; and
  - (b) that is prepared for presentation to a consumer:
    - (i) as a single item, whether the packing material encloses the product completely or partially; and

- (ii) in a way in which the quantity of the product cannot be altered without opening or perceptibly modifying the packing material; and
  - (c) in relation to which the quantity has been determined before being offered for sale.
- (23) **Prepackaged Register** means the register kept under [section 1.62](#).
- (24) **principal display panel**, in relation to a package, means the part of the package that is most likely to be displayed under normal and customary conditions of display.
- (25) **purchaser**, in relation to the sale of [AQS biochar](#), includes an off-taker, and the representative of the purchaser or intending purchaser.
- (26) **Sampling and Testing Procedures** means the Sampling and Test Procedures for Prepackaged Products.
- Note :** For further information, please visit this methodology website at <https://www.bidcarbon.org/methods-bcm001>.
- (27) **soap:**
- (a) excludes each of the following:
    - (i) liquid soap;
    - (ii) detergent powder; and
  - (b) includes each of the following:
    - (i) bar soap;
    - (ii) personal medicinal soap tablets;
    - (iii) personal toilet soap tablets;
    - (iv) soap flakes;
    - (v) soap powder other than detergent powder.
- (28) **soil amendment** means any substance or a mixture of substances which is intended to improve the physical, chemical, biochemical, biological or other characteristic of the soil, except [fertiliser](#), agricultural liming materials, unmanipulated animal manures, unmanipulated vegetables manures, pesticides and other materials exempt by regulation.
- (29) **self-declaration entity** means the manufacturer or producer of a [prepackaged product](#) that makes a [self-declaration](#) in accordance with these Rules.
- (30) **self-declaration** means a formal statement made by the manufacturer, in accordance with these Rules, attesting that a [prepackaged product](#) meets the specified requirements, where such statement is:
- (a) based on documented evidence of internal quality control procedures and production records; and
  - (b) designate two authorised representatives to sign and attest to the accuracy of the self-declaration; and
  - (c) retain all supporting documentation for inspection by a Category B upon request; and
  - (d) ensure that any self-declaration made is accurate, verifiable, and not misleading.
- For the avoidance of doubt, a self-declaration does not replace or negate the requirement for verification by a Category B inspector where such verification is otherwise required by these Rules.
- (31) **tolerable deficiency** or *T* means the deficiency in a quantity of product permitted in a prepackage, as worked out under [table 1](#).
- Note:** The tolerable deficiency is also known as the tolerable negative error.
- (32) **weighted average quantity** has the meaning given by the [Sampling and Testing Procedures](#).
- (33) **Working Body** means the Technical Governance Committee, the Technical Governance Committee is an ad hoc committee of the Board of Trustees.

## Division 1.2—Operation of Part 1

### 1.3. Rule applicable to inner and outer packages

A Rule in this Part about the marking of a prepackage applies to:

- (a) the immediate package containing the product; and
  - (b) any other package containing that package (whether or not other packages are involved);
- unless the provision that imposes the Rule contains information to the contrary.

### 1.4. Marking Rule (name, address, measurement)

- (1) Divisions [1.3](#) and [1.4](#) do not apply to a prepackage containing a product specified in [Schedule 4](#):
  - (a) in the circumstances specified in [Schedule 4](#) in relation to the product; or
  - (b) if no circumstances are specified in [Schedule 4](#)—in all circumstances.
- (2) Despite subsection (1), if a package has a name and address or measurement marked on it, the way in which the name and address or measurement is marked on the package must comply with Divisions [1.3](#) and [1.4](#).
- (3) A product is not excluded from the description “General goods” in [Schedule 4](#) merely because it could be included in another description of goods in [Schedule 4](#).

## Division 1.3—Marking of name and address

### 1.7. Marking of name and address on packages

- (1) If a [prepackaged product](#) is packed or sold, the package containing the product must be marked with the name and address of the person who packed the product or on whose behalf it was packed.

**Note:** See [section 1.6](#) for exceptions to this Rule.

- (2) The marking must be:
  - (a) readily visible and legible; and
  - (b) appropriate to enable the person to be identified and located.
- (3) The address must be a location within the country where the document may be served in person to the relevant individual.

**Note:** A post office box address is not a place where a document may be served personally.

## Division 1.4—Marking of measurement

### Subdivision 1—General Rule for measurement marking

#### 1.8. Rule to mark measurement

- (1) If a [prepackaged product](#) is packed or sold, the package containing the product must be marked with a statement of the measurement of the product.

**Note:** See [section 1.6](#) for exceptions to this Rule.

- (2) The statement must be marked in a way that will be:
  - (a) clear; and
  - (b) conspicuous; and
  - (c) readily seen and easily read when the product is exposed for sale in the manner in which it is supposed to be exposed for sale.

#### 1.9. General position of measurement marking

- (1) A measurement marking on a package must be made on the principal display panel.
- (2) If there is more than 1 principal display panel, a measurement marking must be made on at least 2 of the principal display panels.
- (3) If the Working Body, by notice published in the [Prepackaged Register](#), specifies 1 or more other acceptable arrangements for the marking of a kind of package specified in the notice, the package may be marked in accordance with subsections (1) and (2) or any of the other arrangements.

#### 1.10. Set-out and form of measurement marking

- (1) The required measurement marking must be:
  - (a) close to any name or brand of the product to which it relates; and
  - (b) marked to be read in the same direction as any name or brand of the product to which it relates; and
  - (c) at least 2 mm from the limits of the package; and
  - (d) separated by at least 2 mm in all directions from other graphic matter or copy; and
  - (e) in a form in which units of measurement under the metric system are ordinarily written in the English language.
- (2) If the measurement is a decimal submultiple, the required measurement marking must also be preceded by a zero or other numeral.
- (3) If the package is entirely or substantially cylindrical, spheroidal, conical or of oval cross-section:
  - (a) the measurement marking must also be positioned so that no part of the marking is further than one-sixth of the circumference of the package from the line that vertically bisects the part of the package on which the marking is required to be made; and
  - (b) the circumference of the package is taken to be the circumference where the measurement marking is made.

#### 1.11. Size etc of characters in measurement marking

- (1) The [characters](#) used in a measurement marking must be:
  - (a) clear; and

- (b) stamped, printed, embossed, marked by an [approved printing device](#) or handwritten.
- (2) The [characters](#) must:
  - (a) be stamped or printed in a colour that provides a distinct contrast with the colour of the background, and be of at least the minimum height required by the table in subsection (3); or
  - (b) be stamped or embossed, and be of at least 3 times the minimum height required by the table in subsection (3); or
  - (c) be marked by an [approved printing device](#) in [characters](#) at least 3 mm high; or
  - (d) be legibly handwritten if permitted by subsection (5).
- (3) For paragraphs (2)(a) and (b), the table is as follows.

Item	If the maximum dimension of the package is ...	the minimum height of the characters is ...
1	120 mm or less	2.0 mm
2	Over 120 mm but not over 230 mm	2.5 mm
3	Over 230 mm but not over 360 mm	3.3 mm
4	Over 360 mm	4.8 mm

- (4) In the table in subsection (3):
  - (a) if the package is rectangular, the maximum dimension is the dimension of the greatest of the breadth, height and length of the package; and
  - (b) if the package is:
    - (i) cylindrical; or
    - (ii) spheroidal; or
    - (iii) conical; or
    - (iv) of an oval cross-section; or
    - (v) otherwise not rectangular;
 the maximum dimension is the dimension that is the greatest of the height, length and maximum diameter of the package; and
  - (c) the minimum height of a character is the height for each individual character, including each character in a symbol for a unit of measurement.
- (5) A measurement marking may be handwritten on a product only if:
  - (a) the product is packed to be sold on the premises on which it is packed; or
  - (b) the Working Body, declares, by notice published in the register that this subsection applies to the product, and any conditions or restrictions specified in the notice are complied with.

## 1.12.Type and units of measurement to be used

- (1) The measurement marking of a product that is solid (including in the form of powder or flakes), must be expressed by reference to mass.
- (2) However, a product to which subsection (1) applies may be sold by reference to one of the following methods:
  - (a) gravimetric mass method (see section 9.1 of the [Sampling and Testing Procedures](#));
  - (b) gravimetric volume method (see section 9.2 of the [Sampling and Testing Procedures](#));
  - (c) mass per unit method (see section 9.3 of the [Sampling and Testing Procedures](#));

- (d) counting method (see section 9.4 of the [Sampling and Testing Procedures](#)).
- if the Working Body is satisfied that a significant proportion of merchants selling the product in the country of sale use sell it by reference to that method.
- (3) The Working Body must publish and maintain on the *BidCarbon Data Limited* website, for each method mentioned in subsection (2), a list of products for which the Working Body is satisfied that a significant proportion of merchants selling the product in the country of sale use sell it by reference to that method.
  - (4) A measurement marking (other than a marking that is expressed by reference to number) must be expressed in terms of a unit of measurement that is permitted by [Schedule 4](#).
  - (5) In this section:  
*BidCarbon Data Limited* means the BidCarbon Big Data Chengdu Limited (Registered in the mainland of China, Taxpayer Identification Number 91510100MA65RX6J3L).

### 1.13. Fractions and significant figures

- (1) If a measurement marking includes a fraction of a unit of measurement, it must be expressed as a decimal submultiple of the unit.
- (2) A measurement marking that is a whole multiple or a submultiple, or a combination of both, must express a degree of accuracy to not more than 3 significant figures.

### 1.14. Special provision—marking by approved printing device

If a measurement marking is made by an [approved printing device](#):

- (a) the measurement marking may express a degree of accuracy to more than 3 significant figures if the certificate of approval approves use of the device to measure the degree of accuracy expressed; and
- (b) a measurement marking in terms of mass made by use of the device in accordance with the certificate of approval may be expressed in terms of grams.

### 1.15. mark—prescribed location

- (1) For [subsection 1.39\(1\)](#), the location at which an [AQS mark](#) is marked on a package is the principal display panel.

**Note 1:** For a representation of the [AQS mark](#), including the relative dimensions of the mark as a proportion of its width, see Schedule 1.

**Note 2:** For the definition of *principal display panel*, see [section 1.2](#).

## Subdivision 2—Special provision for measurement marking of certain products

### 1.16. Number of packages comprising 1 tonne

If:

- (a) a product is ordinarily sold by mass; and
- (b) 45 or fewer packages of the product have a total mass of 1 tonne;

the measurement marking of the mass of the product may be made on each package by referring to the number of packages to the tonne in a manner that implies that the mass of each package is 1 tonne divided by that number.

## Subdivision 3—Special provision concerning measurement marking of outer packages

### 1.18. Package containing packages of products of the same kind and measurement

- (1) This Rule applies to 2 or more products of the same kind, and which appear to have the same measurement, if:
  - (a) each of them is separately packed in its own package (an *inner package*); and
  - (b) all of them are also packed together in another package (the *outer package*).
- (2) The measurement marking on the outer package may:
  - (a) state the total measurement of all the products in the outer package; or
  - (b) state the number of packages in the outer package, and the measurement of each of them, as if the statement were a measurement marking.
- (3) A measurement marking need not be marked on the outer package if:
  - (a) the outer package contains not more than 8 inner packages; and
  - (b) the inner packages are ordinarily sold only while they are in the outer package; and
  - (c) the whole or part of the outer package is transparent; and
  - (d) the measurement marking on each of the inner packages is clearly visible through the packaging of the outer package.

### 1.19. Inner and outer packages of single product

- (1) This Rule applies to a prepackage that consists of a product contained in a package (the *inner package*) that is contained in another package (the *outer package*).
- (2) A measurement marking need not be marked on the outer package if:
  - (a) the inner package is ordinarily sold only while it is in the outer package; and
  - (b) the whole or part of the outer package is transparent; and
  - (c) the measurement marking on the inner package is clearly visible through the packaging of the outer package.

### 1.20. Package containing products of different kinds or different measurements

- (1) This Rule:
  - (a) applies to a prepackage consisting of a package (the *outer package*) containing at least 2 products of which at least 1 is a [prepackaged product](#); but
  - (b) does not apply if [section 1.20](#) applies.
- (2) None of the products in the outer package is required to be marked with a measurement marking if:
  - (a) all of the products in the outer package are ordinarily sold only while in the outer package; and
  - (b) the outer package is marked in the same way as a measurement marking, with a description of each product in the outer package and a statement of its measurement.
- (3) The provisions of [section 1.10](#) relating to the position of a measurement marking do not apply to a marking mentioned in paragraph (2)(b) if:
  - (a) the whole of the outer package is transparent; and
  - (b) all of the products in the outer package are clearly visible through the packaging of the outer package.

## Division 1.5—Marking packed articles

### Subdivision 1—Required package information

#### 1.21. Package must be marked with required package information— packer

- (1) The person must not do any of the following:
  - (a) the person packs an article; and
  - (b) the article is packed in advance ready for sale; and
  - (c) the packed article is of a class for which one or more of the following kinds of information is prescribed:
    - (i) the name and address of the person who packed the article or on whose behalf the article was packed;
    - (ii) the measurement of the article;
    - (iii) any other information prescribed for the purposes of this subparagraph; and
  - (d) the person does not mark the package with that information.

#### 1.25. Package must be marked with required package information-- seller

- (1) The person must not do any of the following:
  - (a) the person sells an article; and
  - (b) the article has been packed in advance ready for sale; and
  - (c) the packed article is of a class for which one or more of the following kinds of information is prescribed:
    - (i) the name and address of the person who packed the article or on whose behalf the article was packed;
    - (ii) the measurement of the article;
    - (iii) the price of the article;
    - (iv) any other information prescribed for the purposes of this subparagraph; and
  - (d) the package is not marked with that information.
- (2) Subsection (1) do not apply if a permit in relation to the packed article has been issued under [section 1.59](#).

#### 1.26. Package must be marked with required package information-- possession, offer or exposure for sale

- (1) The person must not do any of the following:
  - (a) the person possesses an article for sale, or offers or exposes it for sale; and
  - (b) the article has been packed in advance ready for sale; and
  - (c) the packed article is of a class for which one or more of the following kinds of information is prescribed:
    - (i) the name and address of the person who packed the article or on whose behalf the article was packed;
    - (ii) the measurement of the article;
    - (iii) the price of the article;
    - (iv) any other information prescribed for the purposes of this subparagraph; and
  - (d) the package is not marked with that information.

- (2) Subsection (1) do not apply if a permit in relation to the packed article has been issued under [section 1.59](#).

### **1.27. Package must be marked in prescribed manner**

- (1) The person must not do any of the following:
- (a) the person would commit an offence under section [1.23](#), [1.24](#), [1.25](#) or [1.26](#) unless the person marked a package with information; and
  - (b) the manner in which that information is to be marked on the package is prescribed by the Rule; and
  - (c) the person does not mark the package in that manner.
- Note:** For exceptions to this offence, see subsection (4) of this section and [subsection 1.32\(3\)](#).
- (2) The person must not do any of the following:
- (a) the person would commit an offence under section [1.23](#), [1.24](#), [1.25](#) or [1.26](#) unless the person marked a package with information; and
  - (b) the manner in which that information is to be marked on the package is prescribed by the Rule; and
  - (c) the person does not mark the package in that manner.
- (3) Subsections (1) and (2) do not apply if a permit in relation to the packed article has been issued under [section 1.59](#).

## **Subdivision 2—Prohibited expressions**

### **1.28. Using prohibited expressions--packer**

- (1) The person must not do any of the following:
- (a) the person packs an article; and
  - (b) the article is packed in advance ready for sale; and
  - (c) the packed article is of a class for which a prohibited expression in relation to the measurement of the article is prescribed for the purposes of this paragraph; and
  - (d) the person marks the package with the prohibited expression.

### **1.29. Using prohibited expressions--seller**

- (1) The person must not do any of the following:
- (a) the person sells an article; and
  - (b) the article has been packed in advance ready for sale; and
  - (c) the packed article is of a class for which a prohibited expression in relation to the measurement of the article is prescribed for the purposes of this paragraph; and
  - (d) the package is marked with the prohibited expression.

### **1.30. Using prohibited expressions--possession, offer or exposure for sale**

- (1) The person must not do any of the following:
- (a) the person sells an article; and
  - (b) the article has been packed in advance ready for sale; and
  - (c) the packed article is of a class for which a prohibited expression in relation to the measurement of the article is prescribed for the purposes of this paragraph; and
  - (d) the package is marked with the prohibited expression.

## Subdivision 3—Notices to remedy

### 1.31. Notices to remedy

#### *Category B may give notice to remedy*

- (1) A **Category B** may give a person a notice to remedy if permitted to do so under this Rule.
- (2) A **notice to remedy** is a notice that complies with subsections (3), (4) and (5).

#### *Rule for notice*

- (3) A notice to remedy must:
  - (a) be in writing; and
  - (b) set out the name of the person to whom it is given; and
  - (c) set out the name of the **Category B** who gave the notice; and
  - (d) state that the notice is a notice to remedy given under this Rule; and
  - (e) state the remedy period for the notice in accordance with subsection (5); and
  - (f) set out brief details of the reasons why the notice has been given; and
  - (g) specify the provision or provisions which the **Category B** reasonably believes has, or have, been contravened; and
  - (h) explain the consequences of failing to comply with the notice; and
  - (i) set out any other matters prescribed by the Rule.
- (4) A notice to remedy may include a condition permitted under this Rule.
- (5) The remedy period must:
  - (a) be a period of no more than 28 days; and
  - (b) begin the day after the notice to remedy is given.

#### *Effect of notice*

- (6) To avoid doubt, the giving of a notice to remedy to a person does not affect the liability of the person for a contravention of this Rule that is alleged to have occurred before or after the remedy period to which the notice to remedy relates.

#### *Definition--like articles*

- (7) For the purposes of determining if a notice to remedy may be given under a provision of this Rule for a contravention, an article (the **second article**) is a **like article** in relation to the article to which the contravention relates (the **first article**) if:
  - (a) the second article is the same as, or substantially similar to, the first article; and
  - (b) if the first article is packed in advance ready for sale:
    - (i) the second article is packed in advance ready for sale; and
    - (ii) the second article is packaged in the same way as, or a substantially similar way to, the first article; and
    - (iii) the markings on the package in which the second article is packed are the same as, or substantially similar to, the markings on the package in which the first article is packed.

### 1.32. Category B may give notice to remedy

#### *When a notice to remedy may be given*

- (1) A **Category B** may give a person a notice to remedy if:
  - (a) the **Category B** reasonably believes that the person has contravened a provision of this Division in relation to an article packed in advance ready for sale; and
  - (b) the **Category B** is satisfied that, despite the contravention:
    - (i) like articles could be sold during the remedy period for the notice without there being any material detriment to the purchaser; or

- (ii) like articles could be sold during the remedy period for the notice without there being any material detriment to the purchaser if conditions specified in accordance with subsection (2) are complied with.

**Note:** Like article has the meaning given by [subsection 1.31\(7\)](#).

*Notice may specify conditions*

- (2) A [Category B](#) may specify in the notice to remedy one or more conditions that must be complied with by the person during the remedy period for the notice. A condition may only be imposed by the [Category B](#) if compliance with the condition would be reasonably likely to ensure that a like article could be sold during the remedy period without there being any material detriment to the purchaser.

*Exception--all reasonable steps taken to remedy contravention etc.*

- (3) Offences against this Division do not apply to a person to whom a notice to remedy is given in relation to like articles during the remedy period for the notice if:
  - (a) where the [Category B](#), in accordance with subsection (2), specifies in the notice one or more conditions that must be complied with during the remedy period--those conditions are complied with during the remedy period; and
  - (b) during the remedy period, the person takes all reasonable steps to remedy the matters that gave rise to the contravention.

**Note:** A defendant who wishes to rely on any exception, exemption, excuse, qualification or justification provided by the law creating an offence bears an evidential burden in relation to the matters in subsection (3).

## Subdivision 4— Prescribed particulars

### 1.33. Marking of “mass when packed”

A prepackage of [AQS biochar](#) that is not a hermetically sealed prepackage may be marked:

- (a) “mass when packed”; or
  - (b) with other words that have a similar meaning;
- if it is marked in the same way, and as part of, the appropriate measurement marking.

### 1.34. Prohibition on use of “gross mass”

- (1) For [Subdivision 1](#) of [Division 1.5](#) of [Part 1](#):
  - (a) the expression “gross mass” is a prohibited expression; and
  - (b) an expression that has a similar meaning to the expression “gross mass” is a prohibited expression.
- (2) A package may be marked with the expression only:
  - (a) if the marking is permitted by a certificate issued by the Working Body in accordance with [section 1.59](#); or
  - (b) if:
    - (i) the package is used only for the purpose of transporting a product; and
    - (ii) the expression is immediately followed by the words “for transport purposes only” and a statement of the appropriate quantity; and
    - (iii) immediately below or following the expression the net mass is marked and designated as such or stated as a net amount in words that correspond to those used to express the gross amount.

### 1.35. Prohibited expressions

- (1) For [Subdivision 1](#) of [Division 1.5](#) of [Part 1](#), any expression that:

- (a) is not a marking that is required or permitted by the Rule; and
  - (b) directly or indirectly relates to, or qualifies, a measurement marked on the package; is a prohibited expression.
- (2) For [Subdivision 1](#) of [Division 1.5](#) of [Part 1](#), any expression that:
- (a) directly or indirectly relates or refers to:
    - (i) the measurement of the product; or
    - (ii) any ingredient or component of the product; or
    - (iii) any ingredient or component of any source from which the product is derived; and
  - (b) cannot be tested for its truth by testing the product; is a prohibited expression.

### 1.36.Prescribed particulars for register

For [subsection 1.60\(1\)](#), each of the following particulars relating to certificates issued under [section 1.59](#) is prescribed:

- (a) the name of the packer to whom the Working Body issued the certificate;
- (b) the address of the packer to whom the Working Body issued the certificate;
- (c) a description of the article to which the certificate relates;
- (d) the period the certificate is in force.

**Note:** For the publication Rule of the register, see [subsection 1.60\(2\)](#).

## Division 1.7—Shortfall

### Subdivision 1—Average quantity system (AQS)

#### 1.38. Interpretation

In this [Subdivision 1](#) of [Division 1.7](#) of [Part 1](#), a reference to a numbered table is a reference to the appropriate table in [Schedule 2](#).

#### 1.39. AQS mark must be used in accordance with Rule

- (1) The Rule may prescribe where an [AQS mark](#) is to be marked.
- (2) The person must not do any of the following:
  - (a) the person marks an [AQS mark](#) on a package; and
  - (b) the marking is not done in accordance with the rules in certain countries.

**Note:** For an exception to this subsection (2), see [subsection 1.32\(3\)](#).

#### 1.40. Using misleading marks

##### *Packer*

- (1) The person must not do any of the following:
  - (a) packs an article in advance ready for sale; and
  - (b) marks the article with a mark that is not an [AQS mark](#), but that is likely to give the impression that it is an [AQS mark](#).

**Note:** For an exception to this subsection (1), see [subsection 1.32\(3\)](#).

##### *Possession, offer or exposure for sale*

- (2) The person must not do any of the following:
  - (a) the person possesses an article for sale, or offers or exposes it for sale; and
  - (b) the article has been packed in advance ready for sale; and
  - (c) the article is marked with a mark that is not an [AQS mark](#), but that is likely to give the impression that it is an [AQS mark](#).

**Note:** For an exception to this subsection (2), see [subsection 1.32\(3\)](#).

##### *Seller*

- (3) The person must not do any of the following:
  - (a) the person sells an article; and
  - (b) the article has been packed in advance ready for sale; and
  - (c) the article is marked with a mark that is not an [AQS mark](#), but that is likely to give the impression that it is an [AQS mark](#).

**Note:** For an exception to this subsection (3), see [subsection 1.32\(3\)](#).

#### 1.41. Weight or measure of goods deemed to be in accordance with stated quantity

- (1) However, the Weight or measure of the goods in the package is deemed to be the same as that stated on the package or [label](#) if:

- (a) prescribing the conditions that a package must meet in order for the Weight or measure of the goods in the package to be deemed to be the same as that stated on the package or on a [label](#) attached to the package; or
  - (b) prescribing the conditions that a lot of packages must meet in order for the Weight or measure of the goods in each package in the lot to be deemed to be the same as that stated on any package in the lot or on a [label](#) attached to any package in the lot.
- (2) For the purposes of subsection (1), the Weight or measure of the goods in a package is deemed to be the same as that stated on the package or [label](#) attached to the package if the package is one package in a lot of packages:
- (a) for which a sample has been selected under [section 1.44](#); and
  - (b) the [weighted average quantity](#) of the packages in that sample is equal to, or greater than, the Weight or measure of goods stated on the package or [label](#); and
  - (c) the number of non-standard packages in that sample is equal to, or less than, the number of non-standard packages permitted for the sample as determined in accordance with subsection (3); and
  - (d) that sample contains no inadequate packages.
- (3) The number of non-standard packages permitted for the sample:
- (a) in the case of the minimum sample size being selected, is as set out in column 4 of [table 2](#) for the number of packages in the lot of packages as set out in column 1 of that table; or
  - (b) in the case of more than the minimum sample size being selected, is as set out in column 2 of [table 4](#) for the sample size as set out in column 1 of that table.

## 1.42. Non-standard package

For the purposes of these Rule, a package is a non-standard package if it is a package enclosing goods that contains less than the quantity stated on the package or a [label](#) attached to it and the deficiency:

- (1) for quantities stated by mass or volume, is more than the amount of error set out in column 2 or column 3 of [table 1](#), as appropriate, for the quantity stated on the package or on the [label](#) as set out in column 1 of that table, but not more than twice that specified amount of error; or
- (2) for quantities stated by length, width, area, or number, is more than the amount of error set out in column 2 of [table 3](#) for the quantity type stated on the package or on the [label](#) as set out in column 1 of that table, but not more than twice that specified amount of error.

## 1.43. Inadequate package

For the purposes of these Rule, a package is an inadequate package if it is a package enclosing goods that contains less than the quantity stated on the package or a [label](#) attached to it and the deficiency:

- (1) for quantities stated by mass or volume, is more than twice the amount of error set out in column 2 or column 3 of [table 1](#), as appropriate, for the quantity stated on the package or on the [label](#) as set out in column 1 of that table; or
- (2) for quantities stated by length, width, area, or number, is more than twice the amount of error set out in column 2 of [table 3](#) for the quantity type stated on the package or on the [label](#) as set out in column 1 of that table.

## 1.44. Selection of sample

- (1) For the purposes of [section 1.41](#), the minimum sample size for a lot of packages is set out in column 2 of [table 2](#) for the number of packages in the lot of packages as set out in column 1 of that table.
- (2) The sample must be selected from the lot of packages at random in accordance with generally accepted statistical sampling practice.

## Subdivision 2—Packages not marked with an AQS Mark

### 1.45. When is there a shortfall in the measurement of a packed article?

There is a *shortfall* in the measurement of an article that has been packed in advance ready for sale and that is not marked with an [AQS mark](#) if:

- (a) all of the following conditions are met:
  - (i) the package is one of a group of packages of the same kind that, at the time of possession, offer or exposure, are on the same premises or in the same vehicle;
  - (ii) the number of packages in the group equals or exceeds the [AQS threshold](#);
  - (iii) a sample of the group, selected in accordance with [Sampling and Testing Procedures](#), is tested in accordance with [Sampling and Testing Procedures](#) and the sample fails; or
- (b) the package is tested in accordance with [Sampling and Testing Procedures](#) and the package fails.

### 1.46. AQS thresholds

- (1) This section prescribes [AQS thresholds](#) for packages for the purposes of [section 1.45](#).
- (2) The number of like packages sampled must be at least 12.
- (3) However:
  - (a) if fewer than 6 packages have been packed in a production run, each package must be treated as a single article; and
  - (b) if more than 6 packages but fewer than 12 packages are available, the number of like packages sampled must be as many as are available, but at least 6.
- (4) If more than 12 packages are available, an [Category B](#) must determine the number to be tested.

### 1.47. Shortfall—packer

- (1) The person must not do any of the following:
  - (a) the person packs an article; and
  - (b) the article is packed in advance ready for sale; and
  - (c) the package is not marked with an [AQS mark](#); and
  - (d) the person:
    - (i) marks the package with a measurement or minimum measurement of the article contained in the package; or
    - (ii) marks the package with a representation (including a statement as to price) by which the measurement of the article contained in the package can be worked out; or
    - (iii) otherwise, by any document or statement, represents the measurement or minimum measurement of the article contained in the package, or makes a representation (including a statement as to price) by which the measurement of the article contained in the package can be worked out; and

- (e) there is a shortfall in the measurement of the article contained in the package.
- (2) Absolute liability applies to subparagraphs (a)(i) and (ii) of the definition of *shortfall* in [section 1.47](#) as applied for the purposes of paragraphs (1)(e).

## 1.51.Shortfall—possession, offer or exposure for sale

### *Marking on package*

- (1) The person must not do any of the following:
  - (a) the person possesses an article for sale, or offers or exposes it for sale; and
  - (b) the article has been packed in advance ready for sale; and
  - (c) the package is not marked with an [AQS mark](#); and
  - (d) the package is marked with:
    - (i) a measurement or minimum measurement of the article contained in the package; or
    - (ii) a representation (including a statement as to price) by which the measurement of the article contained in the package can be worked out; and
  - (e) there is a shortfall in the measurement of the article contained in the package.

### *Marking on receptacle containing package*

- (2) The person must not do any of the following:
  - (a) the person possesses an article for sale, or offers or exposes it for sale; and
  - (b) the article has been packed in advance ready for sale; and
  - (c) the package is not marked with an [AQS mark](#); and
  - (d) the packed article is contained in a receptacle; and
  - (e) either of the following is marked on or near the receptacle:
    - (i) a measurement or minimum measurement of the article contained in the package;
    - (ii) a representation (including a statement as to price) by which the measurement of the article contained in the package can be worked out; and
  - (f) there is a shortfall in the measurement of the article contained in the package.
- (3) Absolute liability applies to subparagraphs (a)(i) and (ii) of the definition of *shortfall* in [section 1.47](#) as applied for the purposes of paragraphs (1)(e) and (2)(f).

## 1.52.Shortfall—seller

### *Marking on package*

- (1) The person must not do any of the following:
  - (a) the person sells an article; and
  - (b) the article has been packed in advance ready for sale; and
  - (c) the package is not marked with an [AQS mark](#); and
  - (d) the package is marked with:
    - (i) a measurement or minimum measurement of the article contained in the package; or
    - (ii) a representation (including a statement as to price) by which the measurement of the article contained in the package can be worked out; and
  - (e) there is a shortfall in the measurement of the article contained in the package.

### *Marking on receptacle containing package*

- (2) The person must not do any of the following:
  - (a) the person sells an article; and
  - (b) the article has been packed in advance ready for sale; and
  - (c) the package is not marked with an [AQS mark](#); and
  - (d) the packed article is contained in a receptacle; and

- (e) either of the following is marked on or near the receptacle:
    - (i) a measurement or minimum measurement of the article contained in the package;
    - (ii) a representation (including a statement as to price) by which the measurement of the article contained in the package can be worked out; and
  - (f) there is a shortfall in the measurement of the article contained in the package.
- (3) Absolute liability applies to subparagraphs (a)(i) and (ii) of the definition of *shortfall* in [section 1.47](#) as applied for the purposes of paragraphs (1)(e) and (2)(f).

### 1.53. Test failure circumstances—groups

- (1) This Rule prescribes circumstances in which a group of packages is taken to have failed testing in accordance with [Sampling and Testing Procedures](#).
- (2) A circumstance is that the average of the [actual quantity](#) contained in the packages sampled is less than the [nominal quantity](#).
- (3) A circumstance is that the deficiency of any one of the sampled packages is greater than 5%.

### 1.54. Test failure circumstances—single article

- (1) This Rule prescribes circumstances in which a package is taken to have failed testing in accordance with [Sampling and Testing Procedures](#).
- (2) A circumstance is that:
  - (a) the package is measured; and
  - (b) the [actual quantity](#) is less than the [nominal quantity](#).

## Division 1.8—Miscellaneous provisions

### Subdivision 1—Weighing instruments

#### 1.55. Weighing instruments

A person must not use, or have in that person's possession for use, any weighing instrument that does not indicate and record only the true weight of the goods being weighed.

#### 1.56. Verify measuring instruments on request

A [Category B](#) may examine a measuring instrument and test its calibration:

- (a) for the purposes of another Rule; or
- (b) at the request of the person in possession of the measuring instrument; even if the measuring instrument is not required to be verified or re-verifying under this Rule.

#### 1.57. Application for record filing to sell certain articles

An application for a record filing under [section 1.59](#) for the sale of an article must:

- (a) be made to the Working Body in writing signed by or on behalf of the applicant; and
- (b) specify the grounds that are relied on by the applicant; and
- (c) give particulars of the facts justifying reliance on the grounds.

#### 1.58. Recorded to the Working Body

The Working Body may only issue a record filing under this section if the Working Body is satisfied that:

- (a) the breach is minor in nature; and
- (b) the markings on the package are not misleading; and
- (c) requiring rectification of the breach would impose an unnecessary cost on business.

## Division 1.9—Record filing

### 1.59. Record filing for certain packed articles

- (1) The Working Body may, in writing, issue a certificate for the sale of an article packed in advance ready for sale to which any of the following apply:
  - (a) the package does not include information of the kind prescribed for the purposes of [section 1.25](#);
  - (b) the package is not marked with information of the kind prescribed for the purposes of [section 1.25](#) in the manner prescribed for the purposes of [section 1.27](#);
  - (c) the package includes a prohibited expression of the kind prescribed for the purposes of [section 1.29](#).
- (2) The Working Body may, in writing, issue a certificate for the possession for sale, or offer or exposure for sale, of an article packed in advance ready for sale to which any of the following apply:
  - (a) the package does not include information of the kind prescribed for the purposes of [section 1.26](#);
  - (b) the package is not marked with information of the kind prescribed for the purposes of [section 1.26](#) in the manner prescribed for the purposes of [section 1.27](#);
  - (c) the package includes a prohibited expression of the kind prescribed for the purposes of [section 1.30](#).
- (3) The Working Body may only issue a certificate under this section if the Working Body is satisfied that:
  - (a) the breach is minor in nature; and
  - (b) the markings on the package are not misleading; and
  - (c) requiring rectification of the breach would impose an unnecessary cost on business.
- (4) A certificate under this section may be issued subject to such terms and conditions as are specified in the certificate.
- (5) Without limiting subsection (4), a certificate under this section is limited to the sale, possession for sale or offer or exposure for sale of the packed article within a specified period of no more than 6 months.
- (6) The Working Body may, by notice in writing, given to the person to whom the certificate was issued, extend that period.
- (7) The Working Body may amend or cancel a certificate by notice in writing given to the person to whom the certificate was issued.
- (8) If:
  - (a) a person sells a packed article for which a certificate has been issued under this section; and
  - (b) the purchaser of the packed article intends to sell the packed article to another person;

the first mentioned person must give a copy of the certificate and any notices under subsection (6) or (7) received by that person to the purchaser.

### 1.60. Register of record filing

- (1) The Working Body must keep a register of prescribed particulars relating to certificates issued under [section 1.59](#).
- (2) The register must be published on the [Prepackaged Register](#).

## **1.61.Evidentiary certificate**

In any proceedings under this Rule, a document, certified by the Working Body, and purporting to be a copy of a certificate issued under this Division, is admissible as prima facie evidence of:

- (a) the fact that the certificate was issued; and
- (b) the day on which or the period during which it was in force; and
- (c) the conditions on which the certificate was in force.

# Division 1.10—Prepackaged Register

## 1.62.Prepackaged Register

- (1) The Working Body must keep a register, to be known as the [Prepackaged Register](#).
- (2) The [Prepackaged Register](#) is to be maintained by electronic means.
- (3) The [Prepackaged Register](#) is to be made available for inspection on the Working Body's website.
- (4) The Working Body must ensure that the [Prepackaged Register](#) is up-to-date.

## Part 2—Miscellaneous

### 2.1. Sale of article at price determined by reference to measurement

- (1) Subject to subsection (4), if an article is advertised, offered or exposed for sale at a price determined by reference to measurement, the measurement referred to in the price must be:
- (a) if the price of the article is determined by reference to mass:
    - (i) 1 kilogram; or
    - (ii) 1 kilogram, with another reference to a whole number of kilograms; or
    - (iii) a whole number of tonnes; or
  - (b) if the price of the article is determined by reference to volume:
    - (i) 1 litre; or
    - (ii) 1 litre, with another reference to a whole number of litres; or
    - (iii) a whole number of cubic metres; or
    - (iv) if a person advertises, offers or exposes firewood for sale at a price determined by reference to the volume of the firewood, the person must ensure that the following Rule are met:
      - (A) the firewood must be stacked with as few gaps between each piece of firewood as practicable;
      - (B) the volume of a stack of firewood calculated using the dimensions of the stack must be at least the volume mentioned in advertising, offering or exposing the firewood for sale; or
- Note 1:** An example of a measurement mentioned in subparagraph (a)(ii) is 1 kilogram for \$10 and 3 kilograms for \$25.  
An example of a measurement mentioned in subparagraph (b)(ii) is 1 litre for \$10 and 3 litres for \$25.
- Note 2:** The effect of this Rule is that an inspection lot:
- (1) will be accepted if none of the circumstances exists; and
  - (2) will be rejected if 1 or more of the circumstances exists.
- (2) It is an offence to contravenes paragraph (1)(a) or (b) in certain countries.
- (3) An offence mentioned in subsection (2) is an offence of strict liability.
- (4) Subsection (1) does not apply to a prepacked article.
- (a) a prepacked article; or
  - (b) [AQS biochar](#).

# Part 3—AQS biochar labeling Rule

## 3.1. Current definition and ramification

- (1) AQS biochar has been defined through many countries as a [soil amendment](#), and most local control officials regulate it as such.
- (2) A [soil amendment](#) product cannot make plant growth claims.
- (3) That stated, control official interviews determined that many State or Territory would also allow nutrient claims to be made on [AQS biochar](#) products, thus allowing it to be registered as a [fertiliser](#), if nutrient content is identified in the product.
- (4) Most local control officials interviewed were familiar with [AQS biochar](#), but only to a limited extent. Further, most recognise the BidCarbon (Pyrogenic Carbon Capture and Storage in Agricultural Systems) Methodology and Data Asset Value definition of [AQS biochar](#); requiring a 60% minimum carbon content.
- (5) It is evident that many states and territories prohibit claims suggesting that [AQS biochar](#) can modify soil pH, as this would be classified as a liming agent claim. The minimum calcium carbonate equivalency Rule in the states and territories make it difficult to register [AQS biochar](#) as a liming agent.
- (6) All [fertiliser](#) and [soil amendment](#) products must be sold with a proper (or legal) [label](#).
- (7) For products sold in packaged form, the [label](#) is typically the package itself. For bulk products, a printed label must accompany the product before or during shipment. Electronic communication (websites, etc.) must also include a label. Consequently, any [AQS biochar](#) document must be truthful and, in some states, backed up by university research.

## 3.2. General Labeling Rule

- (1) [Soil amendment](#) Label
  - (a) Net volume or net weight
  - (b) Brand name
  - (c) Guaranteed analysis – ingredient type statement
  - (d) Purpose of product
  - (e) Directions for application
  - (f) Name and address of applicant
- (2) [Fertiliser](#) Label
  - (a) Net weight
  - (b) Brand and grade
  - (c) Guaranteed analysis – chemical breakdown (e.g., WIN)
  - (d) Directions for use for [fertiliser](#) distributed to the end user
  - (e) Derivative statement – source of nutrients
  - (f) Name and address of registrant / licensee
- (3) Other information describing the product or producer may also be placed on the product label, but often, claims mentioned on the [label](#) are either 1) difficult to prove or 2) not related to soil improvement or plant growth, are found on [AQS biochar](#) labels (including websites).
- (4) Some of the trickier information required on a [AQS biochar](#) product label is the ingredient statement, if sold as a [soil amendment](#), and guaranteed analyses, if the product is sold as a [fertiliser](#).

Examples of Ingredient statements and guaranteed analyses:

- (5) [AQS biochar](#) (wood-based) sold as a single ingredient [soil amendment](#):  
CONTAINS NON PLANT FOOD INGREDIENT (*CDFa version*)

Soil Amending Guaranteed Analysis

- 100 % Wood Biochar

or

Soil Amending Guaranteed Analysis (Most states would allow this version or CDFA's version.)

Active Ingredients

- 100 % Wood Biochar

or

Ingredients: Wood Biochar (A few states would allow this version.)

- (6) [AQS biochar](#) (wood-based) sold as an ingredient in a blended [soil amendment](#):

Ingredients: Compost, aged pine bark, sand, and Wood Biochar

CONTAINS NON PLANT FOOD INGREDIENT

- Soil Amending Guaranteed Analysis
- Active Ingredients
- 25% Wood Biochar
- 75% Total Other Ingredients

(Ingredients listed by volume in product, listed in descending order)

- (7) [AQS biochar](#) (wood-based) sold as an ingredient in a potting soil:

- Ingredients: Peat moss, compost, Wood Biochar, perlite.

(Ingredients listed by volume in product, listed in descending order)

- (8) [AQS biochar](#) (biosolids-based) sold as a single ingredient [fertiliser](#):

*Guaranteed Analysis 2 - 4 - 0.5*

Total Nitrogen (N) ..... 2.0%

0.1% .. Water Soluble Nitrogen

1.9%.. Water Insoluble Nitrogen

Available Phosphate (P<sub>2</sub>O<sub>5</sub>) ..... 4.0%

Soluble Potash (K<sub>2</sub>O).....0.5%

Derived from: biosolids [AQS biochar](#)

**Example**

**1.25-1-0.5**

**GUARANTEED ANALYSIS**

Total Nitrogen (N) .....1.25%

1.0% Water Insoluble Nitrogen\*

0.25% Water Soluble Nitrogen

Available Phosphate (P<sub>2</sub>O<sub>5</sub>)\*\* .....1.0%

Soluble Potash (K<sub>2</sub>O).....0.5%

*Derived from composted cow manure*

*\*1.0% Slowly available nitrogen from composted cow manure*

*\*\*0.75% Slowly available phosphate from composted cow manure*

- (9) [AQS biochar](#) sold as a soil amending ingredient in a [fertiliser](#):

*Guaranteed Analysis 2 - 1 - 2*

Total Nitrogen (N) ..... 2.0%

0.1% .. Water Soluble Nitrogen  
 1.9% .. Water Insoluble Nitrogen  
 Available Phosphate (P<sub>2</sub>O<sub>5</sub>) ..... 1.0%  
 Soluble Potash (K<sub>2</sub>O).....2.0%  
 Derived from: Feather meal, bone meal, kelp meal

**Example**

**Guaranteed Analysis**

**26 - 4 - 12**

<b>Total Nitrogen</b> .....	<b>26%</b>
3.2% Ammoniacal Nitrogen	
9.7% Water Insoluble Nitrogen*	
3.4% Urea Nitrogen	
9.7% Other Water Soluble Nitrogen*	
<b>Available Phosphate (P<sub>2</sub>O<sub>5</sub>)</b> .....	<b>4%</b>
<b>Soluble Potash (K<sub>2</sub>O)</b> .....	<b>12%</b>
<b>Total Sulfur (S)</b> .....	<b>1.5%</b>
1.5% Combined Sulfur (S)	
Nutrient Sources: Ammonium Phosphate, Ammonium Sulfate, Isobutylidene Diurea, Urea, Methylene Urea, Muriate of Potash.	
<b>Chlorine (Cl) not more than</b> .....	<b>10.0%</b>
* 19.4% Slowly Available Nitrogen from Methylene Ureas and IBDU.	F699
Information regarding the contents and levels of metals in this product is available on the Internet at <a href="http://www.regulatory-info-lebsea.com">http://www.regulatory-info-lebsea.com</a>	

(10) Soil Amending Guaranteed Analysis  
 CONTAINS NON-PLANT FOOD INGREDIENT.  
 ACTIVE INGREDIENTS:

5%.....Wood Biochar  
 95%.....Other ingredients  
**100%.....TOTAL**

**Example**



CONTAINS NON-PLANT FOOD INGREDIENT.

ACTIVE INGREDIENTS:

70% ..... Humic Acids (Derived from Leonardite)  
 30% ..... Inert Ingredients  
 100% ..... TOTAL

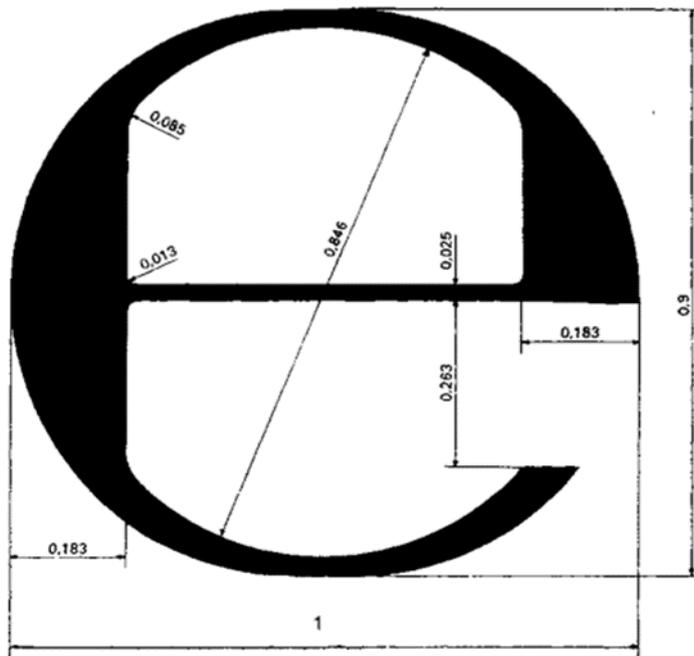
(A few states require that hard or soft wood to be specified on the labels)

### 3.3. Allowable AQS biochar claims

- (1) Often, numerous product claims are made about [AQS biochar](#) on its packaging or label. Sometimes, the claims are difficult to prove, or they are unrelated to the applications explained on the product label. It must also be stated that control officials will evaluate your product claims against your prescribed product application rates. Therefore, don't make voluminous claims, while suggesting low (or unproven) application rates. Also, be careful that your stated claims (listed product benefits) are backed up by university research. Most states do not require that the research be completed on your particular product, but it should be on [AQS biochar](#) produced from a similar feedstock. If selling your [AQS biochar](#) for both landscaping and some industrial application, consider creating a label for each application, listing the claims, application rates, etc. of the specific market on that specific label.
- (2) No standardised list of acceptable product claims exists for [AQS biochar](#) products sold for plant and/or soil benefit. For example, in the US state of California only allows two claims, that the product helps the soil hold water (improves water holding capacity) and hold onto nutrients. So, if a company is trying to create a standard bag for a biochar sold across the US, it would have to minimise the claims made, based on the Rule of California. Allowable [AQS biochar](#) claims are those deemed acceptable to individual state control officials. Some control officials will allow many claims, and some do not. (Some states thoroughly review product labels and some don't.) It is important for the [AQS biochar](#) industry to expand the number of claims in which [AQS biochar](#) product can make.

## Schedule 1—The AQS Mark

The figures on the mark below show the relative dimensions of the mark as a proportion of its width.



## Schedule 2— Average quantity system

**Table 1—Amounts of error for packages labelled by mass or volume**

Determine the **tolerable deficiency** (*T*) appropriate for the **nominal quantity** of the prepackages using the following table.

Table 1. Amounts of error for packages labelled by mass or volume (from the annex 1 of the EU legislation)		
Column 1	Tolerable deficiency ( <i>T</i> )	
	Column 2	Column 3
Stated quantity (g or ml or cm <sup>3</sup> ) <i>Q<sub>n</sub></i>	Amount of error ( <i>T</i> * as a % of <i>Q<sub>n</sub></i> )	Amount of error ( <i>T</i> * in g or ml or cm <sup>3</sup> )
More than 0 to not more than 50	9	—
More than 50 to not more than 100	—	4.5
More than 100 to not more than 200	4.5	—
More than 200 to not more than 300	—	9
More than 300 to not more than 500	3	—
More than 500 to not more than 1 000	—	15
More than 1 000 to not more than 10 000	1.5	—
More than 10 000 to not more than 15 000	—	150
More than 15 000	1	—

**Note :** For the purposes of this table, if the quantity is stated in units other than grams, millilitres, or cubic centimetres, the quantity must be converted into the equivalent number of grams, millilitres, or cubic centimetres, as appropriate. For example, if the quantity is stated in kilograms, litres, or cubic metres, the quantity must be converted into the equivalent number of grams, millilitres, or cubic centimetres, respectively. The table must then be applied accordingly.

## Table 2—Lots and sampling characteristics

Table 2. Inspection lots and sampling Rule			
Column 1	Column 2	Column 3	Column 4
Number of packages in the lot of packages	Minimum sample size ( $n$ )	Sample correction factor ( $c$ )	Number of non-standard packages permitted in a sample
1 — 12	Total inspection	0	0
13 — 39	12	0.746	0
40 — 79	12	0.826	1
80 — 149	12	0.860	2
150 — 399	32	0.465	3
400 — 4000	32	0.483	4
4 000 to More	80	0.295	6

**Table 3—Amounts of error for packages labelled by reference to length, width, area, or number**

Column 1	Column 2
Quantity type	Amount of error
Length or width	2% of stated length or width for all packages
Area	3% of stated area for all packages
Number	For packages stated to contain 50 or less goods, 1 good For packages stated to contain more than 50 goods, 2% of the number of stated goods rounded up to the nearest whole number

**Table 4—Number of non-standard packages permitted in sample if sample size selected is more than minimum sample size**

Column 1	Column 2
Sample size ( <i>n</i> )	Number of non-standard packages permitted in a sample
13 – 14	2
15 – 28	3
29 – 44	4
45 – 63	5
64 – 83	6
84 – 100	7
More than 100	$0.025n + 2.7\sqrt{0.025n}$

**Note :** For the purposes of the formula set out in column 2 (in the case of a sample size of more than 100),—

- (a) *n* means the sample size; and
- (b) the amount calculated in accordance with the formula must be rounded up to the nearest whole number.

**Table 5—Sample correction factor if sample size selected is more than minimum sample size**

Column 1	Column 2
Number of packages in the lot of packages	Sample correction factor ( <i>c</i> )
13 – 39	$t\sqrt{\frac{39 - n}{39n}}$
40 – 79	$t\sqrt{\frac{79 - n}{79n}}$
80 – 149	$t\sqrt{\frac{149 - n}{149n}}$
150 – 399	$t\sqrt{\frac{399 - n}{399n}}$
400 – 4 000	$t\sqrt{\frac{4\,000 - n}{4\,000n}}$
More than 4 000	$t\sqrt{\frac{1}{n}}$

**Note :** For the purposes of the formulas included in this table,—

- (a) *n* means the sample size; and
- (b) *t* means the amount calculated in accordance with the following formula:

$$t = \frac{2.5758n^2 - 5.9801n + 5.2788}{n^2 - 4.2311n + 4.7942}$$

(where *n* is the sample size).

# Schedule 4—Exemptions from marking

(subsection 1.4(1))

## 1. General goods

- 1.1. Articles ordinarily sold by number that are packed:
  - (a) in a quantity of less than 9; and
  - (b) in a package made wholly or partly of transparent material so that when the package is exposed for sale the number of articles contained in the package is readily apparent to a purchaser.
- 1.2. An article of which the mass exceeds 75 kg or the volume exceeds 150 L.
- 1.3. A bag of clay.
- 1.4. [AQS biochar](#), wood chips, compost or any article that contains compost, farmyard manure, garden peat, leaf mould, peat moss, sphagnum moss, crushed material mix or any like substance for use as garden landscape material.
- 1.5. A [prepackaged product](#) sold as authorised by [section 1.59](#).

# Schedule 5—Permissible units of measurement

## 1. Mass

1.1. If the measurement marking is to be expressed in terms of mass, the permissible units of measurement are as follows:

- (a) kilogram is permissible in all cases;
- (b) gram is also permissible if the mass does not exceed 1,000 grams;
- (c) milligram is also permissible if the mass does not exceed 1,000 milligrams.

## 2. Mass per specified length

If the measurement marking is to be expressed in terms of mass per specified length, the permissible units of measurement are grams, or kilograms, for mass, and metres for length.