

Are Labels Packaging?

- Majority of labels perform a 'presentation' function;
- Presumption therefore that a label is packaging;
- May perform presentation function whether applied directly to product, or to other packaging;
- Where no presentation function to the end user, or consumer, is performed, the label is not packaging (e.g. barcode only).

Examples of where labels are obligated packaging/not obligated

Label type	Are they obligated packaging?	Reason
Barcode only	No	No packaging function
Barcode plus number	No	No packaging function
Hazchem label only (including all legally required information e.g. company name, address, description)	No	No packaging function
Label with description of the product	Yes	Presentation/handling function
Label with picture of product	Yes	Presentation function
Label with company name	Yes	Presentation function
Address only	No	No packaging function*
Address plus company logo or in another way performs a presentation function	Yes	Presentation function

*Address only labels are not deemed to perform a delivery function as the address could be written directly onto the package instead and the lack of label would make no difference to the result. (EA response to Synergy query 10/03/2011.)

Points of Obligation for Labels

Face paper

- **Manufacturer** – the manufacturer of the initial roll of paper that will be used to make label face paper;
- **Converter** – normally the person making finished printed labels; usually supplied in, or on, other packaging, such as release paper for self adhesive labels;
- **Packer/filler** – the person attaching, or applying finished labels to goods, or the packaging of goods, i.e. removing from the release paper and applying the label;
- **Seller** – the person supplying the labelled goods to the end user, or consumer who will remove the packaging from the goods.

More than one activity as part of the same process – where labels are printed, (converted), and applied to goods, (pack/filled), as part of the same continuous process, only the pack/fill obligation will be picked up. The conversion activity will fall to the blank label manufacturer. However, if a company prints labels and at some later stage the same company applies these labels to goods, they would have both the converter and pack/fill obligations.

Backing/Release paper

Backing, or release paper is considered to fulfil several of the packaging functions, in relation to label face paper, including 'containment', 'handling' and 'delivery'. The majority of release paper is, therefore, regarded as obligated packaging. There are exceptions, in very rare circumstances, where the release paper forms part of the product and is not discarded prior to the use of the face paper, for example, certain types of car parking ticket.

- **Manufacturer** – the manufacturer of the rolls of paper that will be used to make release paper; normally the supplier to the converter;
- **Converter** – the production of the release paper, that is, coating the paper with silicone;
- **Packer/filler** – combining the label face paper, (product), with the release paper, (packaging);
- **Seller** – the person supplying the combined face and release paper to the final user; the final user being the person who removes the label from the release paper.