# IPC Section 487: Making a false mark upon any receptacle containing goods.

## IPC Section 487: Making a False Mark upon Any Receptacle Containing Goods – A Detailed Analysis  
  
Section 487 of the Indian Penal Code (IPC) specifically addresses the offence of making a false mark on a receptacle containing goods. This provision complements other sections dealing with counterfeiting by focusing on the deceptive practice of misrepresenting the contents of a container through false markings. It recognizes that misleading marks on receptacles can deceive consumers about the quality, quantity, or origin of the goods inside and aims to prevent such fraudulent practices. By criminalizing this specific act, Section 487 protects consumers from being misled and upholds fair trade practices.  
  
\*\*The Text of Section 487:\*\*  
  
“Whoever makes any false mark upon any receptacle containing goods, or upon any covering, label or reel publicly used for containing or rolling goods, with intent to cause it to be believed that the goods contained therein are the manufacture or merchandise of some person whose manufacture or merchandise they are not, or that they are of a particular quality, quantity or composition, or that they are the subject of any privilege or exemption which they are not, shall, unless he proves that, having taken all reasonable precautions against committing an offence against this section, he had at the time of the commission of the alleged offence no reason to suspect the genuineness of the mark, be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.”  
  
\*\*Breaking Down the Elements of the Offence:\*\*  
  
1. \*\*Making a False Mark:\*\* The core act is the creation of a false mark on a receptacle or related item. This involves applying a mark that is deceptive or misleading regarding the contents of the container. This could include using a counterfeit trademark, a false description of the goods, or a misrepresentation of their quality, quantity, or composition.  
  
2. \*\*Receptacle Containing Goods:\*\* The false mark must be applied to a "receptacle containing goods." This encompasses any container, packaging, or vessel used to hold or store goods. Examples include boxes, bottles, cans, bags, or other similar containers.  
  
3. \*\*Covering, Label, or Reel:\*\* The section also covers markings on "any covering, label or reel publicly used for containing or rolling goods." This extends the scope beyond the receptacle itself to include packaging materials, labels affixed to the goods or their containers, and reels used for storing or transporting rolled goods such as fabrics or wires.  
  
4. \*\*Intent to Deceive:\*\* A crucial element is the \*intent\* to deceive others regarding the goods inside. The false mark must be applied with the specific purpose of misleading people about the manufacturer, merchandise, quality, quantity, composition, or any privilege or exemption associated with the goods. The prosecution must demonstrate this intent, which can often be inferred from the nature of the false mark and the surrounding circumstances.  
  
5. \*\*Specific Types of Deception:\*\* The section outlines several specific types of deception:  
  
 \* \*\*False Manufacturer or Merchandise:\*\* Misrepresenting the goods as being produced by a different manufacturer or belonging to a different brand.  
 \* \*\*False Quality, Quantity, or Composition:\*\* Misleading consumers about the quality, amount, or ingredients of the goods.  
 \* \*\*False Privilege or Exemption:\*\* Claiming that the goods are subject to certain privileges or exemptions (e.g., tax exemptions, import duty waivers) when they are not.  
  
6. \*\*Burden of Proof and Defence:\*\* Similar to Section 486, this section places a partial burden of proof on the accused. While the prosecution must establish the essential elements, including intent, the accused can offer a defence by proving they took all reasonable precautions and had no reason to suspect the mark's falsity. This defence requires demonstrating proactive steps to verify the accuracy of the markings and a reasonable belief in their truthfulness at the time of the offence.  
  
7. \*\*Punishment:\*\* Section 487 prescribes a punishment of imprisonment of either description (rigorous or simple) for a term which may extend to two years, or with a fine, or with both.  
  
  
\*\*Key Considerations:\*\*  
  
\* \*\*Focus on Preventing Misrepresentation:\*\* Section 487 focuses on preventing the misrepresentation of goods through false markings on their containers or related materials. It aims to ensure accurate information is provided to consumers.  
  
\* \*\*Protection of Consumers and Fair Trade:\*\* The section protects consumers from being misled by deceptive packaging and upholds fair trade practices by preventing unfair competition based on false representations.  
  
\* \*\*Importance of Due Diligence:\*\* The defence available highlights the importance of due diligence and taking reasonable precautions to ensure the accuracy of markings on receptacles and related materials. Businesses must implement procedures to verify the information presented on their packaging and labels.  
  
  
\*\*Conclusion:\*\*  
  
Section 487 of the IPC is a crucial provision for protecting consumers and maintaining fair trade practices. By criminalizing the act of making false marks on receptacles and related items with the intent to deceive, it ensures that consumers receive accurate information about the goods they purchase. The section's emphasis on intent and the availability of a defence based on reasonable precautions strikes a balance between protecting consumers and ensuring that businesses are not unfairly penalized for unintentional errors. This provision strengthens consumer protection laws and contributes to a more transparent and trustworthy marketplace.