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South China Insurance Insufficient Packing Clause

101.07.27(101) 華產企字第 597 號函備查

In the event of a claim being made for loss or damage which is alleged to be caused by insufficiency or unsuitability of packing or preparation of the subject-matter insured, the Underwriters herby agree that they will not use such alleged insufficiency or unsuitability as a defence against the claim in anycase where packing or preparation was carried out by a party other than the Named Assured and the insufficiency or unsuitability arose entirely without the Named Assured's privity or knowledge. For the purpose of this clause 'packing' shall be deemed to includestowage in a container and/or other similar inter-modal methods of unit load.

The Assured agrees to assist the Underwriters in all respects to pursue rights of recovery against seller's and/or other responsible third parties.

It is further agreed that where packing or preparation is undertaken by the Assured, Underwriters accept such packing or preparation as sufficient or suitable to protect subject-matterinsured against loss or damage and further agree to waive rights of subrogation against the Assured, provided such packing is customary for the trade or subject-matter or, in accordance with established packing practices of the Assured.

The above agreement is not interfere with rights of Subrogation against packers and/or their insurers.