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Consumer Package Labeling Guide: Selling by Count

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Selling by Count

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Introduction

This guide is intended to provide manufacturers, packers, distributors, and retailers of packaged products with information about the labeling requirements for commodities that are sold by count in the consumer marketplace. The information in this guide is based on the Uniform Packaging and Labeling Regulation contained in National Institute of Standards and Technology (NIST) Handbook 130[1]. NIST develops Handbook 130 in cooperation with the National Conference on Weights and Measures, an organization of industry representatives, government officials, and other interested parties. Handbook 130 is adopted and enforced by many state and local regulatory agencies.

Declaration of Identity

The identity of the product shall appear on the package label and shall not be misleading or deceptive. In most cases when the label appears directly on the package, the identity of the product shall appear on the principal display panel and be generally parallel to the base of the package. The principal display panel is the panel of the package that the manufacturer, packer, or distributor intends to be displayed at retail. Directions on how to determine the area of the principal display panel are included later in this guide. The base of the package shall be determined by how the package is designed to be displayed.

The identity shall be:

- the name specified in, or required by, any federal or state regulation, or
- the common or usual name, or
- the generic name or other appropriate description, including a statement of function. For example: "cleaning pads" or "napkins."

[1]"Uniform Laws and Regulations in the area of legal metrology and engine fuel quality."

Declaration of Responsibility

The name and address of the manufacturer, packer, or distributor must be conspicuously displayed on any package that is sold, kept, offered, or exposed for sale at a location that is different from where it was packed. The name shall be the actual corporate name or, when not incorporated, the name under which business is conducted. The address shall include the street address, city, state[2], and ZIP code[3]. The street address may be omitted, however, if it is listed in a current city or telephone directory.

Unless it would be misleading, the declaration may be the responsible party's principal place of business instead of the location where the commodity was manufactured, packed, or distributed. When the responsible party is not the manufacturer, the declaration shall include the responsible party's connection with the package, such as "Manufactured for and packed by" or "Distributed by."

Declaration of Quantity

All declarations of quantity shall permit price and quantity comparisons. In general, a declaration of quantity may be expressed in terms of count if such a declaration would be fully informative. However, in most cases declarations of quantity by count are used in combination with declarations of weight, measure, or length and area. Combination declarations are explained later in this document.

A declaration of net quantity shall appear on the package label and shall be accurate exclusive of all packaging materials. When the label appears directly on the package, the quantity declaration shall appear in the lower 30 % of the principal display panel and be generally parallel to the base of the package.

[2]The country name if outside the United States.

[3]The country mailing code if outside the United States.

Units and Symbols

Only the following words and symbols shall be used in conjunction with a declaration of count:

count	ct
each	ea
piece	pc

Capitalization

Abbreviations may appear in both upper and lower case letters.

Use of Punctuation

Periods or other punctuation should not be used after abbreviations.

Use of Spaces

A space should be used between the abbreviation and the number to which it refers. For example: 6 ct not 6ct; 140 pc not 140pc.

Singular Form

Abbreviations should be written in the singular form. For example, "pc" is the symbol for both "piece" and "pieces."

Prohibited Symbols

Incorrect symbols to use in quantity declarations of count include: cnt and pce.

Words Accompanying a Quantity Declaration

Use of Phrase "Net"

A quantity declaration of count may stand alone and should not include the term "net quantity" or just the word "net." For example: 12 pc, 500 ct, or 100 "commodities" (e.g., tablets) are all acceptable.

Qualifying Phrases Prohibited

Words or phrases that qualify the quantity declaration shall not appear on the package. For example: "approximately," "minimum," "when packed," "not less than," and "at least" are prohibited from appearing near the quantity declaration.

Combination Declarations

When a quantity declaration of count is not fully informative on its own, it shall be combined with appropriate declarations of weight, measure, or size. All combination declarations shall be accurate and shall appear on the principal display panel as part of the quantity declaration.

Supplemental Declarations

When appropriate, the required quantity declaration may be supplemented by one or more additional declarations of weight, measure, count, or size. All supplemental declarations shall be accurate and shall appear somewhere other than on the principal display panel.

Packages Containing a Single Unit

Packages containing only a single unit are not required to declare the number of items as "one" provided the statement of identity clearly conveys the fact that only one unit is contained in the package. However, depending on the commodity, net quantity statements specifying weight, volume, length, or area may still be required.

Multi-Unit Packages

Any package containing more than one individual package of a commodity shall bear on the outside of the package a declaration of:

- the number of individual units,
- the quantity of each individual unit, and
- the total quantity of the contents of the multi-unit package.

For example, the quantity declaration on a package of 6 bars of soap might be: 6 Bars; Net Wt 100 g (3.53 oz) ea; Total Net Wt 600 g (1.32 lb).

However, when a multi-unit package that will not enter interstate commerce contains six or fewer individual units and those units are all fully visible to the purchaser, such packages need not include a statement of count. For example: a package containing six disposable pens packaged in clear plastic.

For food products, a multi-unit package is a package containing two or more individually packaged units of an identical commodity of the same quantity that are intended to be sold as part of the multi-unit package but are individually labeled in full compliance with this regulation. Open multi-unit retail food packages that do not obscure the number of units or prevent examination of the labeling on each of the individual units are not required to declare the number of individual units or the total quantity of contents for the multi-unit package as long as each individual unit is labeled in full compliance with this regulation. For example: multi-unit soft drink bottles that are attached with plastic rings.

Combination Packages

A combination package is a package that contains two or more individual units of dissimilar commodities. For example: a basket of cheese, crackers, sausage, and jams.

The quantity declaration for a combination package shall contain a declaration of weight, measure, count, size or any combination of these, for each individual unit. However, the quantity statement of identical units may be combined. For example, the quantity declaration on a picnic pack that contains utensils, napkins and cups might be: 20 - spoons, 10 - knives, and 10 - forks; 10 - 25 cm x 25 cm (10 in x 10 in) 2-ply napkins; 10 - 177 mL (6 fl oz) cups.

Variety Packages

A variety package is a package that contains two or more individual units of similar, but not identical, commodities. Similar, but not identical, commodities are commodities that are generically the same but differ in weight, measure, appearance, or quality. For example: a package containing 3 cans of shoe polish; 1 - white, 1 - black, and 1 - brown.

The quantity declaration for a variety package shall contain a declaration of weight, volume, measure, count, size or any combination of these, for each individual unit; and a declaration of weight, volume, measure, count size of any combination of these, for the total package. For example, the quantity declaration on a variety package of sponges might be: 4 - 15.2 cm x 25.4 cm x 2.5 cm (6 in x 10 in x 1 in) Sponges; 4 - 10.1 cm x 20.3 cm x 1.9 cm (4 in x 8 in x ¾ in) Sponges; 4 - 5.7 cm x 10.1 cm x 1.2 cm (2-1/4 in x 4 in x ½ in) Sponges; Total: 12 Sponges.

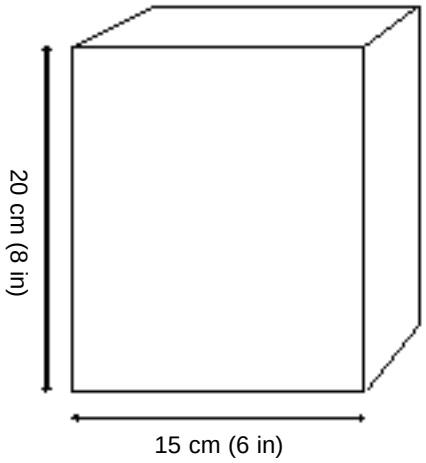
Prominence and Placement

All information required to appear on a consumer package shall be prominently displayed in the English language. When appropriate, information may also be displayed in additional languages. Any required information that is hand lettered shall be clear and equal in legibility to printed materials.

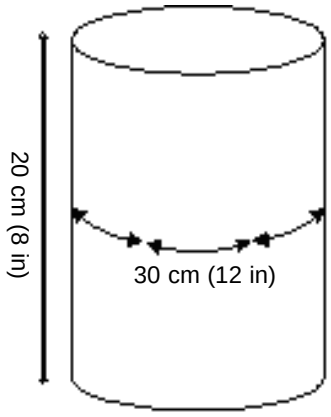
Principal Display Panel

The area of the principal display panel shall be:

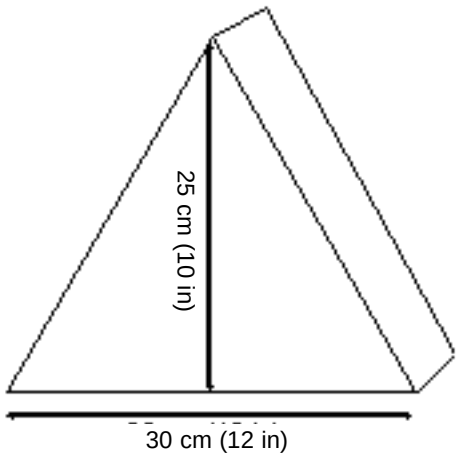
- for rectangular containers, the height times the width (H x W) of the front of the package, where the front of the package is determined based on how the package is designed to be displayed;



- for cylindrical or nearly cylindrical containers, 40 % of the height times the circumference [0.4 x (H x C)] of the container;



- for other shaped containers, 40 % of the total surface area of the container. However, if the container has an obvious principal display panel (for example, the face of a triangular package for a pen, or the top of a can of shoe polish) the area shall be calculated from the shape of that surface.



Color Contrast

The quantity declaration shall be in a color that contrasts conspicuously with its background. However, the quantity declaration may be blown, formed, or molded on a glass or plastic surface if no other label information is presented in a contrasting color.

Free Area

The area surrounding the quantity declaration shall be free of printed information:

- above and below by a space equal to at least the height of the declaration lettering; and
- to the left and right by a space equal to twice the width of the letter "N" of the declaration lettering type and style.

Style of Type

The quantity declaration shall be in a style of type or lettering that is bold, clear, and conspicuous when compared to other type, lettering, or graphics on the package. However, if all the label information is blown, formed, or molded on a glass or plastic surface, then the quantity declaration may also be blown, formed, or molded on the surface.

Proportionality

No number or letter shall be more than three times as high as it is wide.

Minimum Height

The height of any letter or number in the quantity declaration shall be at least that shown in the Table on the following page. When all lowercase letters are used, it is the lowercase "d," or its equivalent in the print or type, that shall meet the minimum height requirement. No letter shall be less than 1.6 mm (1/16 in) in height. Other letters and exponents shall be presented in the same type style, and in proportion to the type size used.

Minimum Height of Numbers and Letters		
Area of Principal Display Panel	**Minimum Height: Numbers and Letters**	**Minimum Height: Label information blown, formed, or molded on surface of container**
Less than or equal to 32 cm^2 (5 in^2)	1.6 mm ($1/16$ in)	3.2 mm ($1/8$ in)
More than 32 cm^2 (5 in^2) and less than or equal to 161 cm^2 (25 in^2)	3.2 mm ($1/8$ in)	4.8 mm ($3/16$ in)
More than 161 cm^2 (25 in^2) and less than or equal to 645 cm^2 (100 in^2)	4.8 mm ($3/16$ in)	6.4 mm ($1/4$ in)
More than 645 cm^2 (100 in^2) and less than or equal to 2581 cm^2 (140 in^2)	6.4 mm ($1/4$ in)	7.9 mm ($5/16$ in)
More than 2581 cm^2 (400 in^2)	12.7 mm ($1/2$ in)	14.3 mm ($9/16$ in)
Note: The type and size requirements specified in this table do not apply to the “e” mark.		

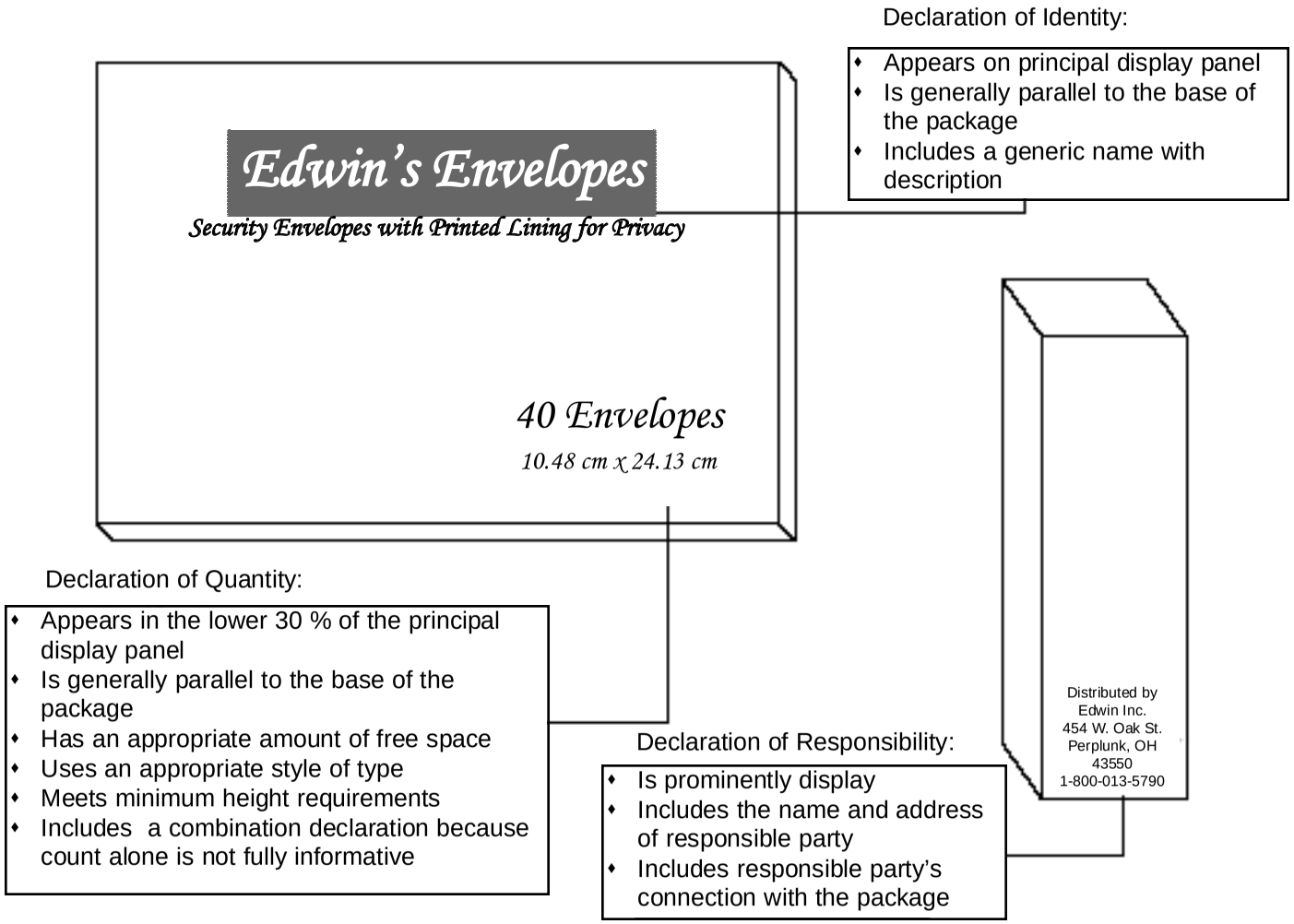


Figure 1: Example of a package labeled to be sold by count

Labeling Checklist for Count

Declaration of Identity

- ☐ Appears on the principal display panel.
- ☐ Is generally parallel to the base of the package.
- ☐ Is the name specified in, or required by, federal or state regulation; the common or usual name; or the generic name or other appropriate description including a statement of function.

Declaration of Responsibility

- ☐ Is conspicuously displayed on any package that is sold, kept, offered, or exposed for sale at a location other than the premises where it was packed.
- ☐ Includes the name and address of the manufacturer, the packer, or the distributor.
- ☐ Uses the actual corporate name or, when not incorporated, the name under which the business is conducted.
- ☐ Includes the city, state (or country), and ZIP code (or mailing code used in other countries).
- ☐ Includes the street address unless this information is listed in a current city or telephone directory.
- ☐ Uses the address of the responsible party's principal place of business or the address of the location where the package was manufactured, packed, or distributed unless such address would be misleading.
- ☐ If the responsible party is not the manufacturer, then includes the party's connection with the package (i.e., "Manufactured for and packed by," or "Distributed by").

Declaration of Quantity

- ☐ Appears in the lower 30 % of the principal display panel.
- ☐ Appears generally parallel to the base of the package.
- ☐ Is prominently displayed in English (multi-lingual information is permitted).
- ☐ Is in a color that contrasts conspicuously with its background.
- ☐ Has an adequate amount of free area around it.
- ☐ Appears in a style of type or lettering that is bold, clear, and conspicuous.
- ☐ Is of a type or lettering that is proportional.
- ☐ Is of a type or lettering that meets the minimum height requirements.
- ☐ Uses only approved words, symbols or abbreviations for the units.
- ☐ Uses SI symbols that are not capitalized.
- ☐ Uses abbreviations that are not accompanied by periods or other punctuation marks.
- ☐ Uses abbreviations in the singular form.
- ☐ Uses SI declarations containing only decimal fractions.
- ☐ Does not appear in conjunction with an improper qualifying phrase.
- ☐ When necessary, is combined with appropriate additional declarations.

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Handbook 130 is available on the NIST Weights and Measures Division website at: www.nist.gov/owm; click on "Handbook 130, Uniform Laws and Regulations" under the "Quick List (popular links)" section.

The **Fair Packaging and Labeling Act (FPLA)** is available

- on the FDA website at: www.fda.gov/opacom/laws/fplact.htm; or
- on the FTC website at: www.ftc.gov/ogc/stat3.htm,
  click on "Fair Packaging and Labeling Act
  (80 Stat. 1296, 15 U.S.C. §§ 1451-1461)."

A **Food Labeling Guide** is available on the FDA website at::
www.cfsan.fda.gov/~dms/flg-toc.html