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Weights and Measures Labeling Handbook

**U.S.
DEPARTMENT
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COMMERCE**

National
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Standards

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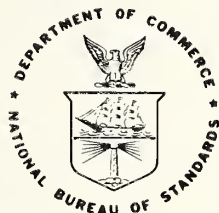
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Weights and Measures Labeling Handbook

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TABLE OF CONTENTS

Page

PART A

DEFINITIONS

Commodity in Package Form	A-1
Consumer Package	A-2
Label	A-4
Multi-unit Package	A-6
Nonconsumer Package	A-7
Person	A-8
Principal Display Panel or Panels	A-9
Random Package	A-12
Other Definitions	A-13

PART B

LABELING - CONSUMER PACKAGES

The Commodity Must Be Identified	B-1
Identity must be parallel to base	B-6
Stated in a conspicuous manner	B-7
The Manufacturer Must Be Identified	B-8
Stated in a conspicuous manner	B-13
The Net Quantity of Contents Must Be Stated	B-14
Exclusive of wrappers	B-15
In a conspicuous manner	B-17
Within bottom 30 percent of PDP	B-18
Parallel to package base	B-21
In boldly presented type	B-22
In contrasting color	B-24
Free from other information	B-25
In terms of weight, measure, or count	B-27
Using "Net Weight" if method of sale	B-30
In customary units	B-32
If applicable, in combination with weight, measure, or count	B-35
In prescribed units	B-38
In a type size related to area of PDP	B-56

	Page
In numbers and letters of limited:	
(a) height	B-60
(b) width	B-66
If applicable, in fractions reduced to lowest terms	B-67
The Net Quantity of Contents Shall Not Be:	
Qualified by a descriptive adjective	B-69
The Net Quantity of Contents May Be:	
In more than one line of print or type	B-71
Stated without "net" or "net contents"	B-72
Supplemented by other declarations of quantity	B-73
Abbreviated in a prescribed manner	B-76
Stated in the metric system	B-78
The Ingredients Must Be Stated on a Food Package. . . .	B-79
The Quantity of Each Serving Must Be Stated	B-80

PART C

LABELING - NONCONSUMER PACKAGES

The Commodity Must Be Identified	C-1
The Manufacturer Must Be Identified	C-2
Stated definitely and clearly	C-3
The Net Quantity of Contents Must Be Stated	C-4
Definitely and clearly	
On the outside of the package	
In terms of weight, measure, or count.	
In customary or metric units	
As the average quantity of packages in a lot	C-5
The Net Quantity of Contents May Be:	
Abbreviated in a prescribed manner	C-5

PART D

REQUIREMENTS - SPECIFIC CONSUMER CONTAINERS

Aerosols and Pressurized Containers	D-1
Combination Packages	D-2
Cylindrical Containers	D-3
Display Card Package	D-4
Eggs	D-5

	Page
Multi-Unit Packages	D-6
Variety Packages	D-8
Container-Type Commodities	D-9
Textile Products, Threads, and Yarns.	D-11

PART E

VARIATIONS TO BE ALLOWED

Variations From Declared Net Quantity	E-1
Variations Resulting From Exposure	E-3
Magnitude of Permitted Variations	E-4

PART F

EFFECTIVE DATES OF FEDERAL REGULATIONS	F-1
--	-----

PART G

EXEMPTIONS	G-1
Procedure for Requesting Exemptions - General	G-2
Random Packages	G-5
Small Confections	G-7
Individual Servings	G-8
Cuts, Plugs, and Twists of Tobacco and Cigars	G-9
Reusable (Returnable) Glass Containers	G-10
Cigarettes and Small Cigars	G-11
Packaged Commodities With Labeling Requirements	
Specified in Federal Law	G-12
Fluid Dairy Products, Ice Cream, and Similar	
Frozen Desserts	G-15
Soft Drink Bottles	G-18
Multi-Unit Soft Drink Packages	G-19
Butter	G-20
Eggs	G-21
Flour	G-22
Small Packages - Location	G-23
Margarine.	G-24
Corn Flour	G-25

	Page
Prescription and Insulin Containing Drugs	G-26
Location: Multi-Unit Package	G-27
Decorative Container	G-28
Combination Packages	G-29
Fruit Juice Beverages and Drinking Water	G-30
Camera Film	G-31
Paints and Kindred Products	G-32
Automotive Cooling System Antifreeze	G-33
Motor Oils	G-34

PART H

NATIONAL CONFERENCE INTERPRETATIONS

PART I

FOOD AND DRUG ADMINISTRATION INTERPRETATIONS

PART J

FEDERAL TRADE COMMISSION INTERPRETATIONS

PART K

MODEL STATE PACKAGING AND LABELING REGULATION

PART L

FOOD AND DRUG ADMINISTRATION REGULATIONS

7/21/67 - 9/20/67 - 6/28/68

PART M

FEDERAL TRADE COMMISSION REGULATIONS

PART N

U. S. DEPARTMENT OF AGRICULTURE REGULATIONS

PART O

REFERENCE INDEX

	Page
Model Packaging Regulation	1
FDA Regulations	3
Drug, Device and Cosmetic Regulations	4
FTC Regulations	5
USDA Meat Inspection Regulations	6



WEIGHTS AND MEASURES LABELING HANDBOOK

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The Weights and Measures Labeling Handbook has been prepared for use by State weights and measures officials in the enforcement of State laws and regulations pertaining to the packaging and labeling of commodities. The Handbook provides a cross indexed compilation of the requirements of the Model State Packaging and Labeling Regulation, U. S. Department of Agriculture regulations, and regulations of the Food and Drug Administration and Federal Trade Commission issued pursuant to the Fair Packaging and Labeling Act.

Key Words: Consumer package; exemption; fluid measure; labeling; net quantity; principal display panel; regulations; weights and measures.

INTRODUCTION

Uniformity in the labeling of consumer products has been a consistent aim of the National Conference on Weights and Measures. Since its beginning in 1905, the Conference and its Standing Committees have worked closely with industry and the Federal government in all matters embracing the development of model laws and model regulations for weights and measures. With the passage of the Fair Packaging and Labeling Act in 1966, assigning regulatory authority to two Federal agencies and a specific preemptive clause on the labeling of quantity of contents declaration, it is imperative that the Conference place increased emphasis on labeling uniformity.

This Handbook has been prepared in response to requests from weights and measures officials and pursuant to Section 9 responsibilities under the Act for cooperation with State authorities to promote to the greatest practicable extent uniformity in State and Federal regulation of the labeling of consumer commodities.

The purpose of this Handbook is to combine, for easy reference, the Model State Packaging and Labeling Regulation with regulations issued by the Food and Drug Administration, the Federal Trade Commission, and the U. S. Department of Agriculture. There are fifteen parts designated A through O. The labeling provisions of primary importance covering consumer and nonconsumer packages are contained in Parts B and C. The table of contents utilizes key word introductions to list regulations by subject matter for easy reference. The table also differentiates between labeling which is required or prohibited and that which is permitted. Additionally, the regulations are indexed by section in Part O.

Part G, Exemptions, contains final exemptions from labeling requirements issued by FDA, FTC, and USDA, and included in the Model Regulation as of the date of this Handbook. As subsequent exemptions are issued, they will be transmitted to State weights and measures offices and should be inserted into this part.

Parts H through J contain published interpretations from the National Conference, FDA, and FTC. Again, new interpretations will be distributed for inclusion in the Handbook. In the event that language differences require interpretive opinions, they will be included in Part H.

Parts K through M contain copies of the Model Packaging Regulation, together with FDA and FTC regulations promulgated pursuant to the Fair Packaging and Labeling Act. Part N contains regulations promulgated by the U. S. Department of Agriculture prescribing the labeling of meat.

GENERAL INFORMATION
PERTAINING TO REGULATIONS

Model Packaging Regulation

The regulations contained in this part establish requirements for the labeling of consumer and nonconsumer packages with respect to identity of the commodity; the name and place of business of the manufacturer, packer, or distributor; and the net quantity of contents. These regulations are the outgrowth of the National Conference on Weights and Measures and represent the efforts of the National Conference to establish uniformity in the labeling of packaged commodities.

FDA - 7/21/67 § 1.1 General

- (a) The provisions of regulations promulgated under the Federal Food, Drug, and Cosmetic Act with respect to the doing of any act shall be applicable also to the causing of such act to be done.
- (b) The definitions and interpretations of terms contained in section 201 of the Federal Food, Drug, and Cosmetic Act shall be applicable also to such terms when used in regulations promulgated under that act.
- (c) The definition of "package" in § 1.1b and of "principal display panel" in § 1.7; and the substantive requirements pertaining to uniform location, lack of qualification, and separation of the net quantity declaration in § 1.8b(f), to type size requirements for net quantity declaration in § 1.8(i), to initial statement of ounces in the dual declaration of net quantity in § 1.8b(j) and (m), to prohibition of certain supplemental net quantity statements in § 1.8b(o), and to servings representations in § 1.8c are provided for solely by the Fair Packaging and Labeling Act and apply to certain consumer commodities defined in section 10 of that act. The other requirements of this part are provided for by both the Fair Packaging and Labeling Act and the Federal Food, Drug, and Cosmetic Act, or by the latter act solely, are enforceable under the provisions of section 303 of the Federal Food, Drug, and Cosmetic Act, and are not limited in their application by section 10 of the Fair Packaging and Labeling Act.

FTC - 3/19/68 § 500.1 Scope of the regulations in this part. The regulations in this part establish requirements for labeling of consumer commodities as hereinafter defined with respect to identity of the commodity; the name and place of business of the manufacturer, packer, or distributor; the net quantity of contents; and net quantity of servings, uses, or applications represented to be present.

Drug, Device & Cosmetic Regs - 6/28/68 § 1.1 General

(c) The definition of "package" in § 1.1b and of "principal display panel" in §§ 1.7, 1.101a, and 1.201a; and the requirements pertaining to uniform location, lack of qualification, and separation of the net quantity declaration in §§ 1.8b(f), 1.102d(e), and 1.202b(f), to type size requirements for net quantity declaration in §§ 1.8b(j), 1.102d(h), and 1.202b(i), to initial statement of ounces in the dual declaration of net quantity in §§ 1.8b(j) and (m), 1.102d(i) and (k), and 1.202b(j) and (m), to initial statement of inches in declaration of net quantity in §§ 1.102d(m) and 1.202b(o), to initial statement of square inches in declaration of net quantity in §§ 1.102d(n) and 1.202b(p), to prohibition of certain supplemental net quantity statements in §§ 1.8b(o), 1.102d(o), and 1.202b(q), and to servings representations in § 1.8c are provided for solely by the Fair Packaging and Labeling Act. The other requirements of this part are issued under both the Fair Packaging and Labeling Act and the Federal Food, Drug, and Cosmetic Act, or by the latter act solely, and are not limited in their application by section 10 of the Fair Packaging and Labeling Act.

FTC - 3/19/68 § 500.3 Prohibited acts, coverage, general labeling requirements, exemption procedure.

(a) No person engaged in the packaging or labeling of any consumer commodity for distribution in commerce, and no person (other than a common carrier for hire, a contract carrier for hire, or a freight forwarder for hire) engaged in the distribution in commerce of any packaged or labeled consumer commodity, shall distribute or cause to be distributed in commerce any such commodity if such commodity is contained in a package, or if there is affixed to that commodity a label, which does not conform to the provisions of the act and of the regulations in this part.

- (b) Persons engaged in business as wholesale or retail distributors of consumer commodities shall be subject to the Act and the regulations in this part to the extent that such persons are engaged in the packaging or labeling of consumer commodities, or prescribe or specify by any means the manner in which such consumer commodities are packaged or labeled.
- (c) Each consumer commodity, unless it has been exempted through proceedings under section 5(b) of the Act (15 U.S.C. 1454(b)), shall, upon being prepared for distribution in commerce or for sale at retail, and before being distributed in commerce or offered for sale at retail, be labeled in accordance with the requirements of the Act and of the regulations in this part.
- (d) Each consumer commodity, unless it has been exempted through proceedings under section 5(b) of the Act, shall bear a label specifying the identity of the commodity; the name and place of business of the manufacturer, packer, or distributor; the net quantity of contents; and the net quantity per serving, use, or application, where there is a label representation as to the number of servings, uses, or applications obtainable from the commodity.

APPLICATION

Model Packaging Regulation

This regulation shall apply to packages and to commodities in package form, but shall not apply to:

- (a) inner wrappings not intended to be individually sold to the customer,
- (b) auxiliary containers or outer wrappings used to deliver packages of such commodities to retail customers if such containers or wrappings bear no printed matter pertaining to any particular commodity,
- (c) containers used for retail tray pack displays when the container itself is not intended to be sold (e.g., the tray that is used to display individual envelopes of seasonings, gravies, etc., and the tray itself is not intended to be sold),
- (d) commodities put up in variable weights and sizes for sale intact and intended to be either weighed or measured at the time of sale, where no package quantities are represented, and where the method of sale is clearly indicated in close proximity to the quantity being sold, or
- (e) open carriers and transparent wrappers or carriers for containers, when the wrappers or carriers do not bear any written, printed, or graphic matter obscuring the label information required by this regulation.

FPLA Sec. 10

- (b) The term "package" means any container or wrapping in which any consumer commodity is enclosed for use in the delivery or display of that consumer commodity to retail purchasers, but does not include--
 - (1) shipping containers or wrappings used solely for the transportation of any consumer commodity in bulk or in quantity to manufacturers, packers, or processors, or to wholesale or retail distributors thereof;

Sec. 10 Continued

- (2) shipping containers or outer wrappings used by retailers to ship or deliver any commodity to retail customers if such containers and wrappings bear no printed matter pertaining to any particular commodity; or
- (3) containers subject to the provisions of the Act of August 3, 1912, (37 Stat. 250, as amended; 15 U.S.C. 231-233), the Act of March 4, 1915 (38 Stat. 1186, as amended; 15 U.S.C. 234-236), the Act of August 31, 1916 (39 Stat. 673, as amended; 15 U.S.C. 251-256), or the Act of May 21, 1928 (45 Stat. 685, as amended; 15 U.S.C. 257-257i).

FDA - 7/21/67 § 1.1b Packages; definition; presence of mandatory label information.

The term "package" means any container or wrapping in which any food, drug, device, or cosmetic is enclosed for use in the delivery or display of such commodities to retail purchasers, but does not include:

- (a) Shipping containers or wrappings used solely for the transportation of any such commodity in bulk or in quantity to manufacturers, packers, processors, or wholesale or retail distributors;
- (b) Shipping containers or outer wrappings used by retailers to ship or deliver any such commodity to retail customers if such containers and wrappings bear no printed matter pertaining to any particular commodity; or
- (c) Containers subject to the provisions of the Act of August 3, 1912 (37 Stat. 250, as amended; 15 U.S.C. 231-233), the Act of March 4, 1915 (38 Stat. 1186, as amended; 15 U.S.C. 234-236), the Act of August 31, 1916 (39 Stat. 673, as amended; 15 U.S.C. 251-256), or the Act of May 21, 1928 (45 Stat. 685, as amended; 15 U.S.C. 257-257i). (FDA - 9/20/67)
- (d) Containers used for tray pack displays in retail establishments.
- (e) Transparent wrappers or containers which do not bear written, printed, or graphic matter obscuring the label information required by this part.

A requirement contained in this part that any word, statement, or other information appear on the label shall not be considered to be complied with unless such word, statement, or information also appears on the outer container or wrapper of the retail package of the article, or,

§ 1.1b Continued

as stated in paragraph (e) of this section, such information is easily legible by virtue of the transparency of the outer wrapper or container. Where a consumer commodity is marketed in a multi-unit retail package bearing the mandatory label information as required by this part and the unit containers are not intended to be sold separately, the net weight placement requirement of § 1.8b(f) applicable to such unit containers is waived if the units are in compliance with all the other requirements of this part.

FTC - 3/19/68 § 500.2

(d) The term "package" means any container or wrapping in which any consumer commodity is enclosed for use in the delivery or display of that commodity to retail purchasers. For purposes of the regulations in this part the term "package" does not include shipping containers or wrappings used solely for the transportation of any consumer commodity in bulk or in quantity to manufacturers, packers, or processors, or to wholesale or retail distributors thereof unless used in retail display; shipping containers or outer wrappings used by retailers to ship or deliver any commodity to retail customers if such containers and wrappings bear no printed matter pertaining to any particular commodity; or containers subject to the provisions of the Act of August 3, 1912 (37 Stat. 250, as amended; 15 U.S.C. 231-233), the Act of March 4, 1915 (38 Stat. 1186, as amended; 15 U.S.C. 234-236), the Act of August 31, 1916 (39 Stat. 673, as amended; 15 U.S.C. 251-256), or the Act of May 21, 1928 (45 Stat. 685, as amended; 15 U.S.C. 257-257i); or transparent wrappers or containers which do not bear written, printed, or graphic matter obscuring any part of the label information required by this part.

FDA - 7/21/67 § 1.1c Exemptions from required label statements.

The following exemptions are granted from label statements required by this part:

(a) Foods. (1) While held for sale, a food shall be exempt from the required declaration of net quantity of contents specified in this part if said food is received in bulk containers at a retail establishment and is accurately weighed, measured, or counted either within the view of the purchaser or in compliance with the purchaser's order.

- (a) When, in an official establishment, any inspected and passed product is placed in any receptacle or covering constituting an immediate container, there shall be affixed to such container a label as described in § 317.2 except that the following do not have to bear such a label.
- (1) Wrappings of dressed carcasses and primal parts in an unprocessed state, bearing the official inspection legend, if such wrappings are intended solely to protect the product against soiling or excessive drying during transportation or storage, and the wrappings bear no information except company brand names, trade marks, or code numbers which do not include any information required by § 317.2;
 - (2) Uncolored transparent coverings, such as cellophane, which bear no written, printed, or graphic matter and which enclose any unpackaged or packaged product bearing all markings required by Part 316 of this subchapter which are clearly legible through such coverings;
 - (3) Animal and transparent artificial casings bearing only the markings required by Part 316 of this subchapter;
 - (4) Stockinettes used as "operative devices," such as those applied to cured meats in preparation for smoking, whether or not such stockinettes are removed following completion of the operations for which they were applied;
 - (5) Containers such as boil-in bags, trays of frozen dinners, and pie pans which bear no information except company brand names, trademarks, code numbers, directions for preparation and serving suggestions, and which are enclosed in a consumer size container that bears a label as described in § 317.2;
 - (6) Containers of products passed for cooking or refrigeration and moved from an official establishment under § 311.1 of this subchapter.
- (b) Folders and similar coverings made of paper or similar materials, whether or not they completely enclose the product and which bear any written, printed, or graphic matter, shall bear all features required on a label for an immediate container.

- (c) No covering or other container which bears or is to bear a label shall be filled, in whole or in part, except with product which has been inspected and passed in compliance with the regulations in this subchapter, which is not adulterated and which is strictly in accordance with the statements of the label. No such container shall be filled, in whole or in part, and no label shall be affixed thereto, except under supervision of a Program employee.

USDA - 10/3/70 § 317.2(h)(12) Meat inspection: label: definition; required features.

Open multi-unit retail packages that do not obscure the number of units and the labeling thereon are not subject to this paragraph if the labeling of each individual unit complies with the requirements of subparagraphs (2), (3), (6), and (8) of this paragraph.

Part A

DEFINITIONS

COMMODITY IN PACKAGE FORM

Model Packaging Regulation

The term "commodity in package form" shall be construed to mean a commodity put up or packaged in any manner in advance of sale in units suitable for either wholesale or retail sale. An individual item or lot of any commodity not in package form as defined in this section, but on which there is marked a selling price based on an established price per unit of weight or of measure, shall be construed to be a commodity in package form. Where the term "package" is used in this regulation, it shall be construed to mean "commodity in package form" as here defined.

CONSUMER PACKAGE: PACKAGE OF CONSUMER COMMODITY

Model Packaging Regulation

A "consumer package" or "package of consumer commodity" shall be construed to mean a commodity in package form that is customarily produced or distributed for sale through retail sales agencies or instrumentalities for consumption by individuals, or use by individuals for the purposes of personal care or in the performance of services ordinarily rendered in or about the household or in connection with personal possessions.

FPLA Sec. 10 For the purposes of this Act--

- (a) The term "consumer commodity," except as otherwise specifically provided by this subsection, means any food, drug, device, or cosmetic (as those terms are defined by the Federal Food, Drug, and Cosmetic Act), and any other article, product, or commodity of any kind or class which is customarily produced or distributed for sale through retail sales agencies or instrumentalities for consumption by individuals, or use by individuals for purposes of personal care or in the performance of services ordinarily rendered within the household, and which usually is consumed or expended in the course of such consumption or use.

Food, Drug & Cosmetic Regs - 6/25/38 Sec. 201[321]

- (f) The term "food" means (1) articles used for food or drink for man or other animals, (2) chewing gum, and (3) articles used for components of any such article.
- (g) The term "drug" means (1) articles recognized in the official United States Pharmacopeia, official Homoeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them; and (2) articles intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals; and (3) articles (other than food) intended to affect the structure of any function of the body of man or other animals; and (4) articles intended for use as a component of any articles specified in clause (1), (2), or (3); but does not include devices or their components, parts, or accessories.

- (h) The term "device" (except when used in paragraph (n) of this section and in sections 301(i), 403(f), 502(c), and 602(c)) means instruments, apparatus, and contrivances, including their components, parts, and accessories, intended (1) for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals; or (2) to affect the structure of any function of the body of man or other animals.
- (i) The term "cosmetic" means (1) articles intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting attractiveness, or altering the appearance, and (2) articles intended for use as a component of any such articles; except that such term shall not include soap.

FTC - 3/19/68 § 500.2

- (c) The term "consumer commodity" or "commodity" means any article, product, or commodity of any kind or class which is customarily produced or distributed for sale through retail sales agencies or instrumentalities for consumption by individuals, or use by individuals for purposes of personal care or in the performance of services ordinarily rendered within the household, and which usually is consumed or expended in the course of such consumption or use. For purposes of the regulations in this part the term "consumer commodity" does not include any food, drug, device, or cosmetic as defined by section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321); any meat or meat product, poultry or poultry product, or tobacco or tobacco product, any commodity subject to packaging or labeling requirements imposed by the Secretary of Agriculture pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act, or the provisions of the eighth paragraph under the heading "Bureau of Animal Industry" of the Virus-Serum-Toxin Act (21 U.S.C. 151-157); any beverage subject to or complying with packaging or labeling requirements imposed under the Federal Alcohol Administration Act (27 U.S.C. 201 et seq.); any commodity subject to the provisions of the Federal Seed Act (7 U.S.C. 1551-1610).

LABEL

Model Packaging Regulation

The term "label" shall be construed to mean any written, printed, or graphic matter affixed to, applied to, attached to, blown into, formed, molded into, embossed on, or appearing upon or adjacent to a consumer commodity or a package containing any consumer commodity, for purposes of branding, identifying, or giving any information with respect to the commodity or to the contents of the package, except an inspector's tag or other nonpromotional matter affixed to or appearing upon a consumer commodity shall not be deemed to be a label requiring the repetition of label information required by this regulation.

FPLA Sec. 10

- (c) The term "label" means any written, printed, or graphic matter affixed to any consumer commodity or affixed to or appearing upon a package containing any consumer commodity.

Food, Drug and Cosmetic Act - 6/25/38 Sec. 201 [321]

- (k) The term "label" means a display of written, printed, or graphic matter upon the immediate container of any article; and a requirement made by or under authority of this Act that any word, statement, or other information appear on the label shall not be considered to be complied with unless such word, statement, or other information also appears on the outside container or wrapper, if any there be, of the retail package of such article, or is easily legible through the outside container or wrapper.

FDA - 7/21/67 § 1.2 Labeling; label; definitions.

- (a) Labeling includes all written, printed, or graphic matter accompanying an article at any time while such article is in interstate commerce or held for sale after shipment or delivery in interstate commerce.
- (b) "Label" means any display of written, printed, or graphic matter on the immediate container of any article, or any such matter affixed to any consumer commodity or affixed to or appearing upon a package containing any consumer commodity.

FTC - 3/19/68 § 500.2

- (e) The term "label" means any written, printed, or graphic matter affixed to or appearing upon any consumer commodity or affixed to or appearing upon a package containing any consumer commodity; except that (1) an inspector's tag or other nonpromotional matter affixed to or appearing upon a consumer commodity shall not be deemed to be a label requiring the repetition of label information required by this part, and (2) for the purposes of the regulations in this part the term "label" does not include written, printed, or graphic matter affixed to or appearing upon commodities, or affixed to or appearing upon containers or wrappers for commodities sold or distributed to industrial or institutional users.

USDA - 10/3/70 § 317.2 Meat inspection: labels: definition; required features.

- (a) A label within the meaning of this part shall mean a display of any printing, lithographing, embossing, stickers, seals, or other written, printed, or graphic matter upon the immediate container (not including package liners) of any product.

MULTI-UNIT PACKAGE

Model Packaging Regulation

The term "multi-unit package" shall be construed to mean a package containing two or more individual packages of the same commodity, in the same quantity, with the individual packages intended to be sold as part of the multi-unit package but capable of being individually sold in full compliance with all requirements of this regulation.

FDA - 2/12/70 § 1.8b Food Labeling; declaration of net quantity of contents; when exempt.

- (s) For the purposes of this section, "multiunit retail package" means a package containing two or more individually packaged units of the identical commodity and in the same quantity, with the individual packages intended to be sold as part of the multi-unit retail package but capable of being individually sold in full compliance with all requirements of the regulations in this part. Open multiunit retail packages that do not obscure the number of units and the labeling thereon are not subject to this paragraph if the labeling of each individual unit complies with the requirements of paragraphs (f) and (i) of this section.

FTC - 10/23/70 § 500.24 Multiunit packages.

- (a) A multiunit package is a package intended for retail sale, containing two or more individual packaged or labeled units of an identical commodity in the same quantity.

USDA - 10/3/70 § 317.2(h)(12) Meat Inspection: label: definition; required features.

For the purposes of this section, "multiunit retail package" means a package containing two or more individually packaged units of the identical commodity and in the same quantity, with the individual packages intended to be sold as part of the multiunit retail package but capable of being individually sold in full compliance with all requirements of the regulations in this part.

NONCONSUMER PACKAGE: PACKAGE OF NONCONSUMER
COMMODITY

Model Packaging Regulation

A "nonconsumer package" or "package of nonconsumer commodity" shall be construed to mean any commodity in package form other than a consumer package, and particularly a package intended solely for industrial or institutional use or for wholesale distribution.

PERSON

Model Packaging Regulation

The term "person" shall be construed to mean both singular and plural, and shall include any individual, partnership, company, corporation, association, and society.

FPLA Sec. 10

(d) The term "person" includes any firm, corporation, or association.

Food, Drug, & Cosmetic Act - 6/25/38 Sec. 201[321]

(e) The term "person" includes individual, partnership, corporation, and association.

FTC - 3/19/68 § 500.2

(f) The term "person" includes any firm, corporation, or association.

PRINCIPAL DISPLAY PANEL OR PANELS

Model Packaging Regulation

The term "principal display panel or panels" shall be construed to mean that part, or those parts, of a label that is, or are, so designed as to be most likely to be displayed, presented, shown, or examined under normal and customary conditions of display and purchase. Wherever a principal display panel appears more than once on a package, all requirements pertaining to the "principal display panel" shall pertain to all such "principal display panels."

FPLA Sec. 10

- (f) The term "principal display panel" means that part of a label that is most likely to be displayed, presented, shown, or examined under normal and customary conditions of display for retail sale.

FDA - 7/21/67 § 1.7 Food in package form; principal display panel.

The term "principal display panel" as it applies to food in package form and as used in this part, means the part of a label that is most likely to be displayed, presented, shown, or examined under customary conditions of display for retail sale. The principal display panel shall be large enough to accommodate all the mandatory label information required to be placed thereon by this part with clarity and conspicuousness and without obscuring design, vignettes, or crowding. Where packages bear alternate principal display panels, information required to be placed on the principal display panel shall be duplicated on each principal display panel.

FDA - 7/21/67 § 1.8b

- (e) The declaration shall be located on the principal display panel of the label, and with respect to packages bearing alternate principal panels it shall be duplicated on each principal display panel.

Food, Drug & Cosmetic Regs - 6/28/68 § 1.101a OTC drugs and devices in package form: principal display panel.

The term "principal display panel," as it applies to over-the-counter drugs and devices in package form and as used in this part, means the part of a label that is most likely to be displayed, presented, shown, or examined under customary conditions of display for retail sale. The principal display panel shall be large enough to accommodate all the mandatory label information required to be placed thereon by this part with clarity and conspicuousness and without obscuring designs, vignettes, or crowding. Where packages bear alternate principal display panels, information required to be placed on the principal display panel shall be duplicated on each principal display panel.

Drug, Device & Cosmetic Regs - 6/28/68 § 1.201a Cosmetics in package form; principal display panel.

The term "principal display panel" as it applies to cosmetics in package form and as used in this part, means the part of a label that is most likely to be displayed, presented, shown, or examined under customary conditions of display for retail sale. The principal display panel shall be large enough to accommodate all the mandatory label information required to be placed thereon by this part with clarity and conspicuousness and without obscuring designs, vignettes, or crowding. Where packages bear alternate principal display panels, information required to be placed on the principal display panel shall be duplicated on each principal display panel.

FTC - 3/19/68 § 500.2

(h) The term "principal display panel" means that part of a label that is most likely to be displayed, presented, shown, or examined under normal and customary conditions of display for retail sale. The principal display panel must be large enough to accommodate all the mandatory label information required to be placed thereon by this part without obscuring designs, vignettes, or crowding. This definition does not preclude utilization of alternate principal display panels on the label of a package, but alternate principal display panels must duplicate the information required to be placed on the principal display panel by this part. This definition does not preclude utilization of the container closure as the surface bearing the principal display panel if that label location is the one most likely to be displayed, presented, shown, or examined under normal and customary conditions of display for retail sale. The principal display panel of a label appearing on a cylindrical surface is that 40 percent of the circumference which is most

§ 500.2 Continued

likely to be displayed, presented, shown, or examined under normal and customary conditions of display for retail sale. The principal display panel of a consumer commodity marketed in a decorative type container, or a container having a capacity of 1/4 ounce or less, may be considered to be a tear-away tag or tape affixed to the container and bearing the mandatory label information as required by this part, but the type size of the net quantity of contents statement shall be governed by the dimensions of the container itself. The principal display panel of a consumer commodity marketed on a display card to which the immediate container of the commodity is affixed may be considered to be the display panel of the card, and the type size of the net quantity of contents statement is governed by the dimensions of the display card.

USDA - 10/3/70 § 317.2(d) Meat Inspection: labels; definition; required features.

The principal display panel shall be the part of a label that is most likely to be displayed, presented, shown, or examined under customary conditions of display for sale. Where packages bear alternate principal display panels, information required to be placed on the principal display panel shall be duplicated on each principal display panel. The principal display panel shall be large enough to accommodate all the mandatory label information required to be placed thereon by this part and Part 319 of this subchapter with clarity and conspicuousness and without obscuring of such information by designs or vignettes or crowding.

RANDOM PACKAGE

Model Packaging Regulation

The term "random package" shall be construed to mean a package that is one of a lot, shipment, or delivery of packages of the same consumer commodity with varying weights; that is, packages of the same consumer commodity with no fixed pattern of weight.

FPLA Sec. 4(a)

- (5) For purposes of paragraph (3)(A)(ii) of this subsection the term "random package" means a package which is one of a lot, shipment, or delivery of packages of the same consumer commodity with varying weights, that is, packages with no fixed weight pattern.

FDA - 7/21/67 § 1.8b(j)

- (2) If the net quantity of contents declaration appears on a random package, that is a package which is one of a lot, shipment, or delivery of packages of the same consumer commodity with varying weights and with no fixed weight pattern.

FTC - 3/19/68 § 500.2

- (i) The term "random package" means a package which is one of a lot, shipment, or delivery of packages of the same consumer commodity with varying weights, that is, packages with no fixed weight pattern.

USDA - 10/3/70 § 317.2(h) Meat inspection: label: definition; required features.

- (11) As used in this section a "random weight package" is one which is one of a lot, shipment, or delivery of packages of the same product with varying weights and with no fixed weight pattern.

As used in this part, unless the context otherwise specifically requires:

- (a) The term "Act" means the "Fair Packaging and Labeling Act" (Public Law 89-755, approved Nov. 3, 1966; 80 Stat. 1296 et seq.; 15 U.S.C. 1451 et seq.).
- (b) The term "regulation" or "regulations" means regulations promulgated by the Commission pursuant to sections 4, 5, and 6 of the Act (15 U.S.C. 1453, 1454, 1455).
- (g) The term "commerce" means (1) commerce between any State, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States, and any place outside thereof, and (2) commerce within the District of Columbia or within any territory or possession of the United States, not organized with a legislature, but shall not include exports to foreign countries.



Part B

LABELING - CONSUMER PACKAGES

DECLARATION OF IDENTITY: CONSUMER PACKAGE

Model Packaging Regulation

A declaration of identity on a consumer package shall appear on the principal display panel, and shall positively identify the commodity in the package by its common or usual name, description, generic term, or the like.

FPLA Sec. 4(a)

No person subject to the prohibition contained in section 3 shall distribute or cause to be distributed in commerce any packaged consumer commodity unless in conformity with regulations which shall be established by the promulgating authority pursuant to section 6 of this Act which shall provide that--

- (1) The commodity shall bear a label specifying the identity of the commodity and the name and place of business of the manufacturer, packer, or distributor.

FDA - 7/21/67 § 1.8 Food in package form, labeling; identity.

- (a) The principal display panel of a food in package form shall bear as one of its principal features a statement of the identity of the commodity.
- (b) Such statement of identity shall be in terms of:
 - (1) The name now or hereafter specified in or required by any applicable Federal law or regulation; or, in the absence thereof,
 - (2) The common or usual name of the food; or, in the absence thereof,
 - (3) An appropriately descriptive term, or when the nature of the food is obvious, a fanciful name commonly used by the public for such food.
- (c) Where a food is marketed in various optional forms (whole, slices, diced, etc.), the particular form shall be considered to be a necessary part of the statement of identity and shall be declared in letters of a type size bearing a reasonable relation to the size of the letters forming the other components of the statement of identity;

§ 1.8 Continued

except that if the optional form is visible through the container or is depicted by an appropriate vignette, the particular form need not be included in the statement.

This specification does not affect the required declarations of identity under definitions and standards for foods promulgated pursuant to section 401 of the Act.

- (d) This statement of identity shall be presented in bold type on the principal display panel, shall be in a size reasonably related to the most prominent printed matter on such panel, and shall be in lines generally parallel to the base on which the package rests as it is designed to be displayed.

Drug, Device & Cosmetic Regs - 6/28/68 § 1.102 Prescription and insulin-containing drugs in package form; labeling re identity.

- (a) The label of prescription and insulin-containing drugs in package form shall bear as one of its principal features a statement of the identity of the drug.
- (b) Such statement of identity shall be in terms of the established name of the drug. An insulin-containing drug shall be further identified by placement on the outside container or wrapper of the package, and on the label of the immediate container, of the distinguishing color(s) required by § 164.7 of this chapter. In the case of a prescription drug that is a mixture and that has no established name, the requirement for statement of identity shall be deemed to be satisfied by a listing of the quantitative ingredient information as prescribed by § 1.104.
- (c) The statement of identity of a prescription drug shall also comply with the placement, size, and prominence requirements of § 1.104.

Drug, Device & Cosmetic Regs - 6/28/68 § 1.102a OTC drugs and devices in package form; labeling re identity.

- (a) The principal display panel of an over-the-counter drug or device in package form shall bear as one of its principal features a statement of the identity of the commodity.
- (b) Such statement of identity shall be in terms of the established name of the drug, if any there be, or common name of the device followed by an accurate statement of the general pharmacological category(ies) of the drug or the principal intended action(s) of the drug or device. In the case of an over-the-counter drug that is a mixture and that has no established name, this requirement shall be deemed to be satisfied by a prominent and conspicuous statement of the general pharmacological action(s) of the mixture or of its principal intended action(s) in terms that are meaningful to the layman. Such statements shall be placed in direct conjunction with the most prominent display of the proprietary name or designation and shall employ terms descriptive of general pharmacological category(ies) or principal intended action(s); for example, "antacid," "analgesic," "decongestant," "antihistaminic," etc. The indications for use shall be included in the directions for use of the drug, as required by section 502(f)(1) of the act and by the regulations in this part.
- (c) The statement of identity shall be presented in bold face type on the principal display panel, shall be in a size reasonably related to the most prominent printed matter on such panel, and shall be in lines generally parallel to the base on which the package rests as it is designed to be displayed.

Drug, Device & Cosmetic Regs - 6/28/68 § 1.202 Cosmetics in package form; labeling re identity.

- (a) The principal display panel of a cosmetic in package form shall bear as one of its principal features a statement of the identity of the commodity.
- (b) Such statement of identity shall be in terms of:
 - (1) The common or usual name of the cosmetic; or
 - (2) An appropriately descriptive name or, when the nature of the cosmetic is obvious, a fanciful name understood by the public to identify such cosmetic; or

- (3) An appropriate illustration or vignette representing the intended cosmetic use.
- (c) The statement of identity shall be presented in bold type on the principal display panel, shall be in a size reasonably related to the most prominent printed matter on such panel, and shall be in lines generally parallel to the base on which the package rests as it is designed to be displayed.

FTC - 3/19/68 § 500.4 Statement of identity

- (a) The principal display panel of a consumer commodity shall bear a specification of the identity of the commodity.
- (b) Such specification of identity shall comprise a principal feature of the principal display panel, shall be in such type size and so positioned as to render it easily read and understood by the consumer, and shall be in lines generally parallel to the base on which the package or commodity rests as it is designed to be displayed.
- (c) Such specification of identity shall be in terms of:
 - (1) The name now or hereafter specified in or required by any applicable Federal law or regulation; or in the absence thereof,
 - (2) The common or usual name of the commodity; or in the absence thereof;
 - (3) The generic name or in other appropriately descriptive terms such as a specification which includes a statement of function.
- (d) The specification of identity shall not be false, misleading, or deceptive in any respect. Ingredients or components which are not present in the commodity in a substantial or significantly effective amount may not be mentioned in the specification of identity; except that a component present in a formulation in substantial and effective amounts, but not present in the final product due to conversion or transformation into a different entity (which different entity is present in the final product), may be mentioned in the specification of identity.

USDA - 10/3/70 § 317.2(c)(1) Meat inspection: labels; definition; required features.

(c) Labels of all products shall show the following information on the principal display panel (except as otherwise permitted in this part), in accordance with the requirements of this part or, if applicable, Part 319 of this subchapter:

- (1) The name of the product, which in the case of a product which purports to be or is represented as a product for which a definition and standard of identity or composition is prescribed in Part 319 of this subchapter, shall be the name of the food specified in the standard, and in the case of any other product shall be the common or usual name of the food, if any there be, and if there is none, a truthful descriptive designation, as prescribed in paragraph (e) of this section.

USDA - 10/3/70 § 317.2(e) Meat inspection: labels; definition; required features.

(e) Any descriptive designation used as a product name for a product which has no common or usual name shall clearly and completely identify the product. Product which has been prepared by salting, smoking, drying, cooking, chopping, or otherwise shall be so described on the label unless the name of the product implies, or the manner of packaging shows that the product was subjected to such preparation. The unqualified terms "meat," "meat byproduct," "meat food product," and terms common to the meat industry but not common to consumers such as "picnic," "butt," "cala," "square," "loaf," "spread," "delight," "roll," "plate," "luncheon," and "daisy" shall not be used as names of a product unless accompanied with terms descriptive of the product or with a list of ingredients, as deemed necessary in any specific case by the Administrator in order to assure that the label will not be false or misleading.

PARALLEL IDENTITY DECLARATION: CONSUMER PACKAGE

Model Packaging Regulation

A declaration of identity on a consumer package shall appear generally parallel to the base on which the package rests as it is designed to be displayed.

FDA - 7/21/67 § 1.8 Food in package form, labeling; identity.

- (d) This statement of identity shall be presented in bold type on the principal display panel, shall be in a size reasonably related to the most prominent printed matter on such panel, and shall be in lines generally parallel to the base on which the package rests as it is designed to be displayed.

Drug, Device & Cosmetic Regs - 6/28/68 § 1.102a OTC drugs and devices in package form; labeling re identity.

- (c) The statement of identity shall be presented in bold face type on the principal display panel, shall be in a size reasonably related to the most prominent printed matter on such panel, and shall be in lines generally parallel to the base on which the package rests as it is designed to be displayed.

Drug, Device & Cosmetic Regs - 6/28/68 § 1.202 Cosmetics in package form; labeling re identity.

- (c) The statement of identity shall be presented in bold type on the principal display panel, shall be in a size reasonably related to the most prominent printed matter on such panel, and shall be in lines generally parallel to the base on which the package rests as it is designed to be displayed.

FTC - 3/19/68 § 500.4 Statement of identity.

- (b) Such specification of identity shall comprise a principal feature of the principal display panel, shall be in such type size and so positioned as to render it easily read and understood by the consumer, and shall be in lines generally parallel to the base on which the package or commodity rests as it is designed to be displayed.

PROMINENCE AND PLACEMENT: CONSUMER PACKAGES

GENERAL

Model Packaging Regulation

All information required to appear on a consumer package shall appear thereon in the English language and shall be prominent, definite, and plain, and shall be conspicuous as to size and style of letters and numbers and as to color of letters and numbers in contrast to color of background. Any required information that is either in hand lettering or hand script shall be entirely clear and equal to printing in legibility.

USDA - 10/3/70 § 317.2 Meat inspection: labels: definition; required features.

- (b) Any word, statement, or other information required by this part to appear on the label must be prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use. In order to meet this requirement, such information must appear on the principal display panel except as otherwise permitted in this part.

DECLARATION OF RESPONSIBILITY: CONSUMER
AND NONCONSUMER PACKAGES

Model Packaging Regulation

Any package kept, offered, or exposed for sale, or sold, at any place other than on the premises where packed shall specify conspicuously on the label of the package the name and address of the manufacturer, packer, or distributor. The name shall be the actual corporate name, or, when not incorporated, the name under which the business is conducted. The address shall include street address, city, state, and ZIP code; however, the street address may be omitted if this is shown in a current city directory or telephone directory. The requirement for inclusion of the ZIP code shall apply only to labels that have been developed or revised after July 1, 1968.

If a person manufactures, packs, or distributes a commodity at a place other than his principal place of business, the label may state the principal place of business in lieu of the actual place where the commodity was manufactured or packed or is to be distributed, unless such statement would be misleading. Where the commodity is not manufactured by the person whose name appears on the label, the name shall be qualified by a phrase that reveals the connection such person has with such commodity, such as "Manufactured for and packed by _____," "Distributed by _____," or any other wording of similar import that expresses the facts.

FPLA Sec. 4(a)

No person subject to the prohibition contained in section 3 shall distribute or cause to be distributed in commerce any packaged consumer commodity unless in conformity with regulations which shall be established by the promulgating authority pursuant to section 6 of this Act which shall provide that--

- (1) The commodity shall bear a label specifying the identity of the commodity and the name and place of business of the manufacturer, packer, or distributor;

FDA - 7/21/67 § 1.8a Food labeling; name and place of business of manufacturer, packer, or distributor.

- (a) The label of a food in packaged form shall specify conspicuously the name and place of business of the manufacturer, packer, or distributor.
- (b) The requirement for declaration of the name of the manufacturer, packer, or distributor shall be deemed to be satisfied, in the case of a corporation, only by the actual corporate name, which may be preceded or followed by the name of the particular division of the corporation. In the case of an individual, partnership, or association, the name under which the business is conducted shall be used.
- (c) Where the food is not manufactured by the person whose name appears on the label, the name shall be qualified by a phrase that reveals the connection such person has with such food; such as "Manufactured for _____," "Distributed by _____," or any other wording that expresses the facts. (FDA - 9/20/67)
- (d) The statement of the place of business shall include the street address, city, State, and ZIP code; however, the street address may be omitted if it is shown in a current city directory or telephone directory. The requirement for inclusion of the ZIP code shall apply only to consumer commodity labels developed or revised after the effective date of this section. In the case of nonconsumer packages, the ZIP code shall appear either on the label or the labeling (including invoice). (FDA - 9/20/67)
- (e) If a person manufactures, packs, or distributes a food at a place other than his principal place of business, the label may state the principal place of business in lieu of the actual place where such food was manufactured or packed or is to be distributed, unless such statement would be misleading.

Drug, Device & Cosmetic Regs - 6/28/68 § 1.102b Drugs and devices in package form; labeling re name and place of business of manufacturer, packer, or distributor.

- (a) The label of a drug or device in package form shall specify conspicuously the name and place of business of the manufacturer, packer, or distributor.
- (b) The requirement for declaration of the name of the manufacturer, packer, or distributor shall be deemed to be satisfied, in the case of a corporation, only by the actual corporate name which may be

§ 1.102b Continued

preceded or followed by the name of the particular division of the corporation. Abbreviations for "Company," "Incorporated," etc., may be used and "The" may be omitted. In the case of an individual, partnership, or association, the name under which the business is conducted shall be used.

- (c) Where a drug or device is not manufactured by the person whose name appears on the label, the name shall be qualified by a phrase that reveals the connection such person has with such drug or device; such as, "Manufactured for _____," "Distributed by _____," or any other wording that expresses the facts.
- (d) The statement of the place of business shall include the street address, city, State, and ZIP code; however, the street address may be omitted if it is shown in a current city directory or telephone directory. The requirement for inclusion of the ZIP code shall apply only to consumer commodity labels developed or revised after the effective date of this section. In the case of nonconsumer packages, the ZIP code shall appear either on the label or the labeling (including the invoice).
- (e) If a person manufactures, packs, or distributes a drug or device at a place other than his principal place of business, the label may state the principal place of business in lieu of the actual place where such drug or device was manufactured or packed or is to be distributed, unless such statement would be misleading.

Drug, Device & Cosmetic Regs - 6/28/68 § 1.202a Cosmetics in package form; labeling re name and place of business of manufacturer, packer, or distributor.

- (a) The label of a cosmetic in package form shall specify conspicuously the name and place of business of the manufacturer, packer, or distributor.
- (b) The requirement for declaration of the name of the manufacturer, packer, or distributor shall be deemed to be satisfied in the case of a corporation only by the actual corporate name, which may be preceded or followed by the name of the particular division of the corporation. Abbreviations for "Company," "Incorporated," etc., may be used and "The" may be omitted. In the case of an individual, partnership, or association, the name under which the business is conducted shall be used.

§ 1.202a Continued

- (c) Where the cosmetic is not manufactured by the person whose name appears on the label, the name shall be qualified by a phrase that reveals the connection such person has with such cosmetic; such as, "Manufactured for _____," "Distributed by _____," or any other wording that expresses the facts.
- (d) The statement of the place of business shall include the street address, city, State, and ZIP code; however, the street address may be omitted if it is shown in a current city directory or telephone directory. The requirement for inclusion of the ZIP code shall apply only to consumer commodity labels developed or revised after the effective date of this section. In the case of non-consumer packages, the ZIP code shall appear either on the label or the labeling (including the invoice).
- (e) If a person manufactures, packs, or distributes a drug or device at a place other than his principal place of business, the label may state the principal place of business in lieu of the actual place where such drug or device was manufactured or packed or is to be distributed, unless such statement would be misleading.

FTC - 3/19/68 § 500.5 Name and place of business of manufacturer, packer, or distributor.

- (a) The label of a consumer commodity shall specify conspicuously the name and place of business of the manufacturer, packer, or distributor. Where the consumer commodity is not manufactured by the person whose name appears on the label, the name shall be qualified by a phrase that reveals the connection such person has with such commodity; such as "Manufactured for _____," "Distributed by _____," or any other wording that expresses the facts.
- (b) The requirement for declaration of the manufacturer, packer, or distributor shall in the case of a corporation be deemed to be satisfied only by the actual corporate name, which may be preceded or followed by the name of the particular division of the corporation. In the case of an individual, partnership, or association, the name under which the business is conducted shall be used.
- (c) The statement of the place of business shall include the street address, city, State, and ZIP code; however, the street address may be omitted if it is shown in a current city directory or telephone directory.

§ 500.5 Continued

- (d) If a person manufactures, packs, or distributes a consumer commodity at a place other than his principal place of business, the label may state the principal place of business in lieu of the actual place where such consumer commodity was manufactured or packed or is to be distributed, unless such statement would be misleading.
- (e) Standard abbreviations may be used in complying with the requirements of this section.

USDA - 10/3/70 § 317.2(c)(3) Meat inspection: labels: definition; required features.

The name and place of business of the manufacturer, packer, or distributor for whom the product is prepared, as prescribed in paragraph (g) of this section.

USDA - 10/3/70 § 317.2(g) Meat inspection: labels: definition; required features.

- (1) The name of the person that prepared the product or the name of the operator of the official establishment where the product is prepared by a subsidiary or tenant of the operator may appear as the name of the manufacturer or packer without qualification on the label. Otherwise the name of the distributor of the product shall be shown with a phrase such as "Prepared for _____," or "Distributed by _____." The place of business of the manufacturer, packer, or distributor shall be shown on the label by city, State, and postal ZIP code when such business is listed in a telephone or city directory; and if not listed in such directory then the place of business shall be shown by street address, city, State, and postal ZIP code.
- (2) The name and place of business of the manufacturer, packer, or distributor may be shown:
 - (i) On the principal display panel or
 - (ii) On the 20 percent panel adjacent to the principal display panel reserved for required information or
 - (iii) On the front riser panel of frozen food cartons.

PROMINENCE AND PLACEMENT: CONSUMER
PACKAGES

Model Packaging Regulation

GENERAL: All information required to appear on a consumer package shall appear thereon in the English language and shall be prominent, definite, and plain, and shall be conspicuous as to size and style of letters and numbers and as to color of letters and numbers in contrast to color of background. Any required information that is either in hand lettering or hand script shall be entirely clear and equal to printing in legibility.

USDA - 10/3/70 § 317.2(b) Meat inspection: see page B-7.

DECLARATION OF QUANTITY: CONSUMER
PACKAGES

Model Packaging Regulation

LARGEST WHOLE UNIT: Where this regulation requires that the quantity declaration be in terms of the largest whole unit, the declaration shall with respect to a particular package, be in terms of the largest whole unit of weight or measure, with any remainder expressed in

- (a) Common or decimal fractions of such largest whole unit, or in
- (b) the next smaller whole unit, or units, with any further remainder in terms of common or decimal fractions of the smallest unit present in the quantity declaration.

NET QUANTITY

Model Packaging Regulation

A declaration of net quantity of the commodity in the package, exclusive of wrappers and any other material packed with such commodity, shall appear on the principal display panel of a consumer package and, unless otherwise specified in this regulation (see pages B-37 through B-54), shall be in terms of the largest whole unit.

FPLA Sec. 4(a)

- (2) The net quantity of contents (in terms of weight, measure, or numerical count) shall be separately and accurately stated in a uniform location upon the principal display panel of that label.

FDA - 7/21/67 § 1.8b

- (g) The declaration shall accurately reveal the quantity of food in the package exclusive of wrappers and other material packed therewith.

Drug, Device & Cosmetic Regs - 6/28/68 § 1.102c Prescription and insulin-containing drugs in package form; labeling re declaration of net quantity of contents.

- (a) The label of a prescription or insulin-containing drug in package form shall bear a declaration of the net quantity of contents.
- (e) The declaration shall accurately reveal the quantity of drug in the package exclusive of wrappers and other material packed therewith.

Drug, Device & Cosmetic Regs - 6/28/68 § 1.102d OTC drugs and devices in package form.

- (a) The label of an over-the-counter drug or device in package form shall bear a declaration of the net quantity of contents.
- (f) The declaration shall accurately reveal the quantity of drug or device in the package exclusive of wrappers and other material packed therewith.

Drug, Device & Cosmetic Regs - 6/28/68 § 1.202b Cosmetics in package form; labeling re declaration of net quantity of contents.

- (a) The label of a cosmetic in package form shall bear a declaration of the net quantity of contents. This shall be expressed in terms of weight, measure, numerical count, or a combination of numerical count and weight or measure.
- (g) The declaration shall accurately reveal the quantity of cosmetic in the package exclusive of wrappers and other material packed therewith.

FTC - 3/19/68 § 500.6 Net quantity of contents declaration, location.

- (a) The label of a consumer commodity shall bear a declaration of the net quantity of contents separately and accurately stated on the principal display panel.

(Amended: 35 F.R. 13643 and 13644, August 27, 1970)

FTC - 3/19/68 § 500.22 Net quantity, average quantity, permitted variations.

- (a) The statement of net quantity of contents shall accurately reveal the quantity of the commodity in the container exclusive of wrappers and other material packed therewith.

USDA - 10/3/70 § 317.2(c)(4) Meat inspection: labels: definition; required features.

An accurate statement of the net quantity of contents, as prescribed in paragraph (h) of this section.

USDA - 10/3/70 § 317.2(h)(1) Meat inspection: labels: definition; required features.

The statement of net quantity of contents shall appear on the principal display panel of all containers to be sold at retail intact. . . .

USDA - 10/3/70 § 317.2(h)(2) Meat inspection: labels: definition; required features.

The statement as it is shown on a label shall not be false or misleading and shall express an accurate statement of the quantity of contents of the container exclusive of wrappers and packing substances.

PROMINENCE AND PLACEMENT: CONSUMER
PACKAGES

Model Packaging Regulation

GENERAL: All information required to appear on a consumer package shall appear thereon in the English language and shall be prominent, definite, and plain, and shall be conspicuous as to size and style of letters and numbers and as to color of letters and numbers in contrast to color of background. Any required information that is either in hand lettering or hand script shall be entirely clear and equal to printing in legibility.

USDA - 10/3/70 § 317.2(b) Meat inspection: see page B-7.

USDA - 10/3/70 § 317.2(h)(1) Meat inspection: labels: definition; required features.

...and shall appear on all containers in conspicuous and easily legible boldface print or type in distinct contrast to other matter on the package and shall be declared in accordance with the provisions of subparagraphs (2) through (10) of this paragraph.

LOCATION

Model Packaging Regulation

The declaration or declarations of quantity of the contents of a package shall appear in the bottom 30 percent of the principal display panel or panels, except as otherwise provided in (see page D-3) CYLINDRICAL CONTAINERS.

FDA - 7/21/67 § 1.8b(f)

(Net quantity) It shall be placed on the principal display panel within the bottom 30 percent of the area of the label panel in lines generally parallel to the base on which the package rests as it is designed to be displayed: Provided, That on packages having a principal display panel of 5 square inches or less, the requirement for placement within the bottom 30 percent of the area of the label panel shall not apply when the declaration of net quantity of contents meets the other requirements of this part.

Drug, Device & Cosmetic Regs - 6/28/68 § 1.102d OTC drugs & devices in package form.

- (d) The declaration shall be located on the principal display panel of the label, and with respect to packages bearing alternate principal panels it shall be duplicated on each principal display panel.
- (e) (Net quantity) It shall be placed on the principal display panel within the bottom 30 percent of the area of the label panel in lines generally parallel to the base on which the package rests as it is designed to be displayed: Provided, That
 - (1) On packages having a principal display panel of 5 square inches or less the requirement for placement within the bottom 30 percent of the area of the label panel shall not apply when the declaration of net quantity of contents meets the other requirements of this part; and
 - (2) In the case of a drug that is marketed with both outer and inner retail containers bearing the mandatory label information required by this part and the inner container is not intended to be sold separately, the net quantity of contents placement requirement of this section applicable to such inner container is waived.

- (3) The principal display panel of a drug marketed on a display card to which the immediate container is affixed may be considered to be the display panel of the card, and the type size of the net quantity of contents statement is governed by the dimensions of the display card.

Drug, Device & Cosmetic Regs - 6/28/68 § 1.202b Cosmetics in package form.

(e) The declaration shall be located on the principal display panel of the label with respect to packages bearing alternate principal display panels, it shall be duplicated on each principal display panel: Provided, That:

- (1) The principal display panel of a cosmetic marketed in a "boudoir-type" container including decorative cosmetic containers of the "cartridge," "pill box," "compact," or "pencil" variety, and those with a capacity of one-fourth ounce or less, may be considered to be a tear-away tag or tape affixed to the decorative container and bearing the mandatory label information as required by this part, but the type size of the net quantity of contents statement shall be governed by the dimensions of the decorative container; and
- (2) The principal display panel of a cosmetic marketed on a display card to which the immediate container is affixed may be considered to be the display panel of the card, and the type size of the net quantity of contents statement is governed by the dimensions of the display card.

Drug, Device & Cosmetic Regs - 6/28/68 § 1.202b(f) Cosmetics in package form.

(Net quantity) It shall be placed on the principal display panel within the bottom 30 percent of the area of the label panel in lines generally parallel to the base on which the package rests as it is designed to be displayed: Provided, That:

- (1) On packages having a principal display panel of 5 square inches or less, the requirement for placement within the bottom 30 percent of the area of the label panel shall not apply when the declaration of net quantity of contents meets the other requirements of this part; and

§ 1.202b(f) Continued

- (2) In the case of a cosmetic that is marketed with both outer and inner retail containers bearing the mandatory label information required by this part, and the inner container is not intended to be sold separately, the net quantity of contents placement requirement of this section applicable to such inner container is waived.

FTC - 3/19/68 § 500.6(b)

(Net quantity) It shall be placed on the principal display panel within the bottom 30 percent of the area of the label panel in lines generally parallel to the base on which the package or commodity rests as it is designed to be displayed: Provided, That

- (1) On consumer commodities having a principal display panel of 5 square inches or less, the requirement for placement within the bottom 30 percent of the area of the label panel shall not apply when the declaration of net quantity of contents meets the other requirements of this part; and
- (2) The requirements as to separation, location, and type size, specified in this part are waived with respect to variety and combination packages as defined in this part.

(Amended: 35 F.R. 13643 & 13644, August 27, 1970)

USDA - 10/3/70 § 317.2(h)(3) Meat inspection: labels: definition; required features.

The statement shall be placed on the principal display panel within the bottom 30 percent of the area of the panel in lines generally parallel to the base: Provided, That on packages having a principal display panel of 5 square inches or less, the requirement for placement within the bottom 30 percent of the area of the label panel shall not apply when the statement meets the other requirements of this paragraph (h).

PARALLEL QUANTITY DECLARATION

Model Packaging Regulation

The quantity declaration shall be presented in such a manner as to be generally parallel to the declaration of identity and to the base on which the package rests as it is designed to be displayed.

FPLA § 4(a)(3)(D)

(Net quantity) Shall be so placed that the lines of printed matter included in that statement are generally parallel to the base on which the package rests as it is designed to be displayed. . . .

FDA - 7/21/67 § 1.8b(f)

See page B-18

Drug, Device & Cosmetic Regs - 6/28/68 § 1.102d(e)

See page B-18

Drug, Device & Cosmetic Regs - 6/28/68 § 1.202b(f)

See page B-19

FTC - 3/19/68 § 500.6(b)

See page B-20

USDA - 10/3/70 § 317.2(h)(3) Meat inspection

See page B-20

STYLE OF TYPE OR LETTERING

Model Packaging Regulation

The declaration or declarations of quantity shall be in such a style of type or lettering as to be boldly, clearly, and conspicuously presented with respect to other type, lettering, or graphic material on the package, except that a declaration of net quantity blown, formed, or molded on a glass or plastic surface is permissible when all label information is blown, formed, or molded on the surface.

FPLA Sec. 4(a)(3)

(B) (Net quantity) Shall appear in conspicuous and easily legible type in distinct contrast (by typography, layout, color, embossing, or molding) with other matter on the package.

FDA - 7/21/67 § 1.8b

(h) The declaration shall appear in conspicuous and easily legible boldface print or type in distinct contrast (by typography, layout, color, embossing, or molding) to other matter on the package; except that a declaration of net quantity blown, embossed, or molded on a glass or plastic surface is permissible when all label information is so formed on the surface.

Drug, Device & Cosmetic Regs - 6/28/68 § 1.102c Prescription drugs in package form.

(d) The declaration shall appear as a distinct item on the label and, in the case of large volume parenterals, may be embossed on the glass.

Drug, Device & Cosmetic Regs - 6/28/68 § 1.102d OTC drugs and devices in package form.

(g) The declaration shall appear in conspicuous and easily legible boldface print or type in distinct contrast (by typography, layout, color, embossing, or molding) to other matter on the package; except that a declaration of net quantity blown, embossed, or molded on a glass or plastic surface is permissible when all label information is so formed on the surface.

Drug, Device & Cosmetic Regs - 6/28/68 § 1.202b Cosmetics in package form.

- (h) The declaration shall appear in conspicuous and easily legible boldface print or type in distinct contrast (by typography, layout, color, embossing, or molding) to other matter on the package; except that a declaration of net quantity blown, embossed, or molded on a glass or plastic surface is permissible when all label information is so formed on the surface.

FTC - 3/19/68 § 500.17 Conspicuousness.

The statement of net quantity of contents shall appear in conspicuous and easily legible boldface type or print in distinct contrast (by typography, layout, color, embossing, or molding) to other matter on the package; except that a statement of net quantity blown, embossed, or molded on a glass or plastic surface is permissible when all label information is so formed on the surface.

COLOR CONTRAST

Model Packaging Regulation

The declaration or declarations of quantity shall be in a color that contrasts conspicuously with its background, except that a declaration of net quantity blown, formed, or molded on a glass or plastic surface shall not be required to be presented in a contrasting color if no required label information is on the surface in a contrasting color.

FPLA Sec. 4(a)(3)(B)

See page B-22

FDA - 7/21/67 § 1.8b(h)

See page B-22

FREE AREA

Model Packaging Regulation

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

- (a) above and below, by a space equal to at least the height of the lettering in the declaration, and
- (b) to the left and right, by a space equal to twice the width of the letter "N" of the style and size of type used in the declaration.

FDA - 7/21/67 § 1.8b

- (f) The declaration shall appear as a distinct item on the principal display panel, shall be separated (by at least a space equal to the height of the lettering used in the declaration) from other printed label information appearing above or below the declaration and (by at least a space equal to twice the width of the letter "N" of the style of type used in the quantity of contents statement) from other printed label information appearing to the left or right of the declaration.

Drug, Device & Cosmetic Regs - 6/28/68 § 1.102d OTC drugs and devices in package form.

- (e) The declaration shall appear as a distinct item on the principal display panel, shall be separated (by at least a space equal to the height of the lettering used in the declaration) from other printed label information appearing above or below the declaration and (by at least a space equal to twice the width of the letter "N" of the style of type used in the quantity of contents statement) from other printed label information appearing to the left or right of the declaration.

Drug, Device & Cosmetic Regs - 6/28/68 § 1.202b Cosmetics in package form.

- (f) The declaration shall appear as a distinct item on the principal display panel, shall be separated (by at least a space equal to the height of the lettering used in the declaration) from other printed label information appearing above or below the declaration and (by at least a space equal to twice the width of the letter "N" of the style of type used in the quantity of contents statement)

from other printed label information appearing to the left or right of the declaration.

FTC - 3/19/68 § 500.6

(b) The declaration of net quantity shall appear as a distinct item on the principal display panel, shall be separated (by at least a space equal to the height of the lettering used in the declaration) from other printed label information appearing above or below the declaration . . . The declaration of net quantity shall be separated (by at least a space equal to twice the width of the letter "N" of the style of type used in the net quantity statement) from other printed label information appearing to the left or right of the declaration.

(Amended: 35 F.R. 13643 & 13644, August 27, 1970)

USDA - 10/3/70 § 317.2(h)(8) Meat inspection: label: definition; required features.

The statement shall appear as a distinct item on the principal display panel and shall be separated by a space at least equal to the height of the lettering used in the statement from other printed label information appearing above or below the statement and by a space at least equal to twice the width of the letter "N" of the style of type used in the quantity of contents statement from other printed label information appearing to the left or right of the statement.

TERMS: WEIGHT, LIQUID MEASURE, OR COUNT

Model Packaging Regulation

The declaration of the quantity of a particular commodity shall be expressed in terms of liquid measure if the commodity is liquid, or in terms of weight if the commodity is solid, semi-solid, viscous, or a mixture of solid and liquid, or in terms of numerical count. However, if there exists a firmly established general consumer usage and trade custom with respect to the terms used in expressing a declaration of quantity of a particular commodity, such declaration of quantity may be expressed in its traditional terms, if such traditional declaration gives accurate and adequate information as to the quantity of the commodity.

FPLA Sec. 4(a)(2)

See page B-15

FDA - 7/21/67 § 1.8b Food labeling; declaration of net quantity of contents; when exempt.

- (a) The principal display panel of a food in a package form shall bear a declaration of the net quantity of contents. This shall be expressed in the terms of weight, measure, numerical count, or a combination of numerical count and weight or measure. The statement shall be in terms of fluid measure if the food is liquid, or in terms of weight if the food is solid, semi-solid, or viscous, or a mixture of solid or liquid; except that such statement may be in terms of dry measure if the food is a fresh fruit, fresh vegetable, or other dry commodity that is customarily sold by dry measure. If there is a firmly established general consumer usage and trade custom of declaring the contents of a liquid by weight, or a solid, semi-solid, or viscous product by fluid measure, it may be used.

Drug, Device & Cosmetic Regs - 6/28/68 § 1.102c(a) Prescription and insulin-containing drugs in package form.

This shall be expressed in the terms of weight, measure, numerical count, or a combination of numerical count and weight or measure. The statement of quantity of drugs in tablet, capsule, ampule, or other unit dosage form shall be expressed in terms of numerical count; the statement of quantity for drugs in other dosage forms shall be in terms of weight if the drug is solid, semi-solid, or viscous, or in terms of fluid measure if the drug is liquid. When the drug quantity statement

is in terms of the numerical count of the drug units, it shall be augmented to give the weight or measure of the drug units or the quantity of each active ingredient in each drug unit or, when quantity does not accurately reflect drug potency, a statement of the drug potency.

Drug, Device & Cosmetic Regs - 6/28/68 (Amended - 3/6/69) § 1.102d
OTC drugs and devices in package form; labeling re declaration of net quantity of contents.

- (a) This shall be expressed in the terms of weight, measure, numerical count, or a combination of numerical count and weight, measure, or size. The statement of quantity of drugs in tablet, capsule, ampule, or other unit form and the quantity of devices shall be expressed in terms of numerical count; the statement of quantity for drugs in other dosage forms shall be in terms of weight if the drug is solid, semi-solid, or viscous, or in terms of fluid measure if the drug is liquid. The drug quantity statement shall be augmented when necessary to give accurate information as to the strength of such drug in the package; for example, to differentiate between several strengths of the same drug "100 capsules, 125 milligrams each" or "100 capsules, 250 milligrams each":
Provided, That:

- (1) In the case of a firmly established, general consumer usage and trade custom of declaring the quantity of a drug or device in terms of linear measure or measure of area, such respective term may be used. Such term shall be augmented when necessary for accuracy of information by a statement of the weight, measure, or size of the individual units or of the entire drug or device; for example, the net quantity of adhesive tape in package form shall be expressed in terms of linear measure augmented by a statement of its width.

Drug, Device & Cosmetic Regs - 6/28/68 § 1.202b(a) Cosmetics in package form.

The statement shall be in terms of fluid measure if the cosmetic is liquid or in terms of weight if the cosmetic is solid, semi-solid, or viscous, or a mixture of solid and liquid. If there is a firmly established, general consumer usage and trade custom of declaring the net quantity of a cosmetic by numerical count, linear measure, or measure of area, such respective term may be used. If there is a firmly established, general consumer usage and trade custom of declaring the

§ 1.202b(a) Continued

contents of a liquid cosmetic by weight, or a solid, semi-solid, or viscous cosmetic by fluid measure, it may be used.

FTC - 3/19/68 § 500.7 Net quantity of contents, method of expression. The net quantity of contents shall be expressed in terms of weight, measure, numerical count, or a combination of numerical count and weight, size, or measure, so as to give accurate information regarding the net quantity of contents thereof, and thereby facilitate value comparisons by consumers. The net quantity of contents statement shall be in terms of fluid measure if the commodity is liquid, or in terms of weight if the commodity is solid, semi-solid, or viscous, or a mixture of solid and liquid. If there is a firmly established general consumer usage and trade custom of declaring the contents of a liquid by weight, or a solid, semi-solid, or viscous product by fluid measure, numerical count, and/or size, or (as in the case of lawn and plant care products) by cubic measure, it may be used, when such declaration provides sufficient information to facilitate value comparisons by consumers. The declaration may appear in more than one line of print or type. (Amended: 35 F.R. 13643 & 13644, August 27, 1970)

USDA - 10/3/70 § 317.2(h)(4) Meat inspection: labels: definition; required features.

Except as provided in § 317.7, the statement shall be expressed in terms of avoirdupois weight or liquid measure. Where no general consumer usage to the contrary exists, the statement shall be in terms of liquid measure, if the product is liquid, or in terms of weight if the product is solid, semi-solid, viscous, or a mixture of solid and liquid. For example, a declaration of 3/4-pound avoirdupois weight shall be expressed as "Net Wt. 12 oz." except as provided for in subparagraph (5) of this paragraph for random weight packages; a declaration of 1-1/2 pounds avoirdupois weight shall be expressed as "Net Wt. 24 oz. (1 lb. 8 oz.)," "Net Wt. 24 oz. (1-1/2 lb.)," or "Net Wt. 24 oz. (1.5 lbs.)."

USE OF "NET WEIGHT"

Model Packaging Regulation

The term "net weight" shall be used in conjunction with the declaration of quantity in terms of weight; the term may either precede or follow the declaration of weight.

FDA Revision 9/20/67 § 1.8b(j)

- (3) The term "net weight" shall be used when stating the net quantity of contents in terms of weight. Use of the terms "net" or "net contents" in terms of fluid measure or numerical count is optional. It is sufficient to distinguish avoirdupois ounce from fluid ounce through association of terms; for example, "Net Wt. 6 oz." or "6 oz. Net Wt." and "6 fl. oz." or "Net Contents 6 fl. oz."

Drug, Device & Cosmetic Regs - 6/28/68 § 1.102d(i) OTC Drugs and devices in package form.

- (2) The term "net weight" shall be used when stating the net quantity of contents in terms of weight. Use of the terms "net" or "net contents" in terms of fluid measure or numerical count is optional. It is sufficient to distinguish avoirdupois ounce from fluid ounce through association of terms; for example, "Net Wt. 6 oz." or "6 oz. net wt.," and "6 fl. oz." or "net contents 6 fl. oz."

Drug, Device & Cosmetic Regs - 6/28/68 § 1.202b(j) Cosmetics in package form.

- (2) The term "net weight" shall be used when stating the net quantity of contents in terms of weight. Use of the terms "net" or "net contents" in terms of fluid measure or numerical count is optional. It is sufficient to distinguish avoirdupois ounce from fluid ounce through association of terms; for example, "Net wt. 6 oz." or "6 oz. net wt." and "Net contents 6 fl. oz." or "6 fl. oz."

FTC - 3/19/68 § 500.9 Units of weight, how expressed.

- (a) The term "net weight" shall be used in stating the net quantity of contents in terms of weight.
- (c) It is sufficient to distinguish avoirdupois ounce from fluid ounce through association of terms (Examples: "Net Wt. 6 oz." vs. "6 fl. oz.")

FTC - 3/19/68 § 500.10 Units of fluid measure, how expressed.

- (a) Use of the terms "net" or "net contents" is optional.

USDA - 10/3/70 § 317.2(h)(3) Meat inspection: labels: definition; required features.

The terms "net weight" or "net wt." shall be used when stating the net quantity of contents in terms of weight,

UNITS--WEIGHT, MEASURE

Model Packaging Regulation

A declaration of quantity

- (a) in units of weight shall be in terms of the avoirdupois pound or ounce;
- (b) in units of liquid measure shall be in terms of the United States gallon of 231 cubic inches or liquid-quart, liquid-pint, or fluid-ounce subdivisions of the gallon, and shall express the volume at 68°F (20°C), except in the case of petroleum products, for which the declaration shall express the volume at 60°F (15.6°C), and except also in the case of a commodity that is normally sold and consumed while frozen, for which the declaration shall express the volume at the frozen temperature, and except also in the case of a commodity that is normally sold in the refrigerated state, for which the declaration shall express the volume at 40°F (4°C);
- (c) in units of linear measure shall be in terms of the yard, foot, or inch;
- (d) in units of area measure, shall be in terms of the square yard, square foot, or square inch;
- (e) in units of dry measure shall be in terms of the United States bushel of 2,150.42 cubic inches, or peck, dry-quart, and dry-pint subdivisions of the bushel;
- (f) in units of cubic measure shall be in terms of the cubic yard, cubic foot, or cubic inch;

Provided, That in the case of a commodity packed for export shipment, the declaration of quantity may be in terms of the metric system of weight or measure.

FDA - 7/21/67 § 1.8b(b)

- (1) Statements of weight shall be in terms of avoirdupois pound and ounce.
- (2) Statements of fluid measure shall be in terms of the U. S. gallon of 231 cubic inches and quart, pint, and fluid ounce subdivisions thereof, and shall:

§ 1.8b(b) Continued

- (i) In the case of frozen food that is sold and consumed in a frozen state, express the volume at the frozen temperature.
 - (ii) In the case of refrigerated food that is sold in the refrigerated state, express the volume at 40°F (4°C).
 - (iii) In the case of other foods, express the volume at 68°F (20°C).
- (3) Statements of dry measure shall be in terms of the U. S. bushel of 2,150.42 cubic inches and peck, dry quart, and dry pint subdivisions thereof. (FDA - 9/20/67)

Drug, Device & Cosmetic Regs - 6/28/68 § 1.1c Exemptions from required label statements.

- (b) Drugs. (1) Liquid over-the-counter veterinary preparations intended for injection shall be exempt from the declaration of net quantity of contents in terms of the U.S. gallon of 231 cubic inches and quart, pint, and fluid-ounce subdivisions thereof as required by § 1.102d(b), (i), and (j), and from the dual declaration of § 1.102d(i), if such declaration of net quantity of contents is expressed in terms of the liter and milliliter or cubic centimeter, with the volume expressed at 68°F (20°C).

Drug, Device & Cosmetic Regs - 6/28/68 § 1.102c Prescription drugs in package form.

- (b) Statements of weight of the contents shall in the case of prescription drugs be expressed in terms of avoirdupois pound, ounce, and grain or of kilogram, gram, and subdivisions thereof. A statement of liquid measure of the contents shall in the case of prescription drugs be expressed in terms of the U.S. gallon of 231 cubic inches and quart, pint, fluid-ounce, and fluid-dram subdivisions thereof, or of the liter and milliliter, or cubic centimeter, and shall express the volume at 68°F (20°C). A statement of the liquid measure of the contents in the case of insulin-containing drugs shall be expressed in terms of the liter and milliliter, or cubic centimeter, and shall express the volume at 68°F (20°C).

Drug, Device & Cosmetic Regs - 6/28/68 § 1.102d OTC drugs and devices in package form.

- (b) Statements of weight of the contents shall be expressed in terms of avoirdupois pound and ounce. A statement of liquid measure of the contents shall be expressed in terms of the U. S. gallon of 231 cubic inches and quart, pint, and fluid-ounce subdivisions thereof, and shall express the volume at 68°F (20°C).

Drug, Device & Cosmetic Regs - 6/28/68 § 1.202b Cosmetics in package form.

- (b) Statements of weight shall be in terms of avoirdupois pound and ounce. Statements of fluid measure shall be in terms of the U. S. gallon of 231 cubic inches and quart, pint, and fluid-ounce subdivisions thereof and shall express the volume at 68°F (20°C).

FTC - 3/19/68 § 500.8 Units of weights and measure.

- (a) Statements of weight shall be in terms of avoirdupois pound and ounce.
- (b) Statements of fluid measure shall be in terms of the U. S. gallon of 231 cubic inches and quart, pint, and fluid-ounce subdivisions thereof and shall (except in the case of petroleum products, for which the declaration shall express the volume at 60° Fahrenheit (15.6° Centigrade)) express the volume at 68° Fahrenheit (20° Centigrade).
- (c) Statements of linear measure shall be in terms of yards, feet, and inches.
- (d) Statements of measure of area shall be in terms of square yards, square feet, and square inches.
- (e) Statements of dry measure shall be in terms of the U. S. bushel of 2,150.42 cubic inches and peck, dry quart, and dry pint subdivisions thereof.
- (f) Statements of cubic measure shall be in terms of the cubic yard, cubic foot, and cubic inch.

COMBINATION DECLARATION: WEIGHT OR MEASURE

Model Packaging Regulation

A declaration of quantity in terms of weight or measure shall be accompanied by a declaration of the count or size of the individual units of the commodity, unless a declaration of weight or measure alone is fully informative to the consumer. Such declaration shall appear on the principal display panel.

FDA - 7/21/67 § 1.8b(a)

Whenever the Commissioner determines that an existing practice of declaring net quantity of contents by weight, measure, numerical count, or a combination in the case of a specific packaged food does not facilitate value comparisons by consumers and offers opportunity for consumer confusion, he will by regulation designate the appropriate term or terms to be used for such commodity.

Drug, Device & Cosmetic Regs - 6/28/68 § 1.102d(a)(2)

Whenever the Commissioner determines for a specific packaged drug or device that an existing practice of declaring net quantity of contents by weight, measure, numerical count, or a combination of these does not facilitate value comparisons by consumers, he shall by regulation designate the appropriate term or terms to be used for such article.

Drug, Device & Cosmetic Regs - 6/28/68 § 1.202b(a) Cosmetics in package form.

Whenever the Commissioner determines for a specific packaged cosmetic that an existing practice of declaring net quantity of contents by weight, measure, numerical count, or a combination of these does not facilitate value comparisons by consumers, he shall by regulation designate the appropriate term or terms to be used for such cosmetic.

Drug, Device & Cosmetic Regs - 6/28/68 § 1.202b(c)

See page B-36.

COMBINATION DECLARATION: COUNT

Model Packaging Regulation

A declaration of quantity in terms of count shall be accompanied by a declaration of the weight, measure, or size of the individual units of the commodity, or of the total weight or measure of the commodity, unless a declaration of count alone is fully informative to the consumer. Such declaration shall appear on the principal display panel.

FDA - 7/21/67 § 1.8b

- (c) When the declaration of quantity of contents by numerical count does not give adequate information as to the quantity of food in the package, it shall be combined with such statement of weight, measure, or size of the individual units of the foods as will provide such information.

Drug, Device & Cosmetic Regs - 6/28/68 § 1.102d(a) Devices in package form.

- (2) If the declaration of contents for a device by numerical count does not give accurate information as to the quantity of the device in the package, it shall be augmented by such statement of weight, measure, or size of the individual units or of the total weight, measure, or size of the device as will give such information; for example, "100 tongue depressors, adult size," "1 rectal syringe, adult size," etc. Whenever the Commissioner determines for a specific packaged drug or device that an existing practice of declaring net quantity of contents by weight, measure, numerical count, or a combination of these does not facilitate value comparisons by consumers, he shall by regulation designate the appropriate term or terms to be used for such article. (Amended - 3/6/69)

Drug, Device & Cosmetic Regs - 6/28/68 § 1.202b Cosmetics in package form.

- (c) When the declaration of quantity of contents by numerical count, linear measure, or measure of area does not give accurate information as to the quantity of cosmetic in the package, it shall be augmented by such statement of weight, measure, or size of the individual units or the total weight or measure of the cosmetic as will give such information.

FTC - 3/19/68 § 500.7

See page B-29.

FTC - 3/19/68 § 500.20

See page B-74.

PREScribed UNITS

Model Packaging Regulation

LESS THAN ONE FOOT, ONE SQUARE FOOT, ONE POUND, OR ONE PINT: The declaration of quantity shall be expressed in terms of

- (a) in the case of length measure of less than one foot, inches and fractions of inches;
- (b) in the case of area measure of less than one square foot, square inches and fractions of square inches;
- (c) in the case of weight of less than one pound, ounces and fractions of ounces;
- (d) in the case of fluid measure of less than one pint, ounces and fractions of ounces;

Provided, That the quantity declaration appearing on a random package may be expressed in terms of decimal fractions of the largest appropriate unit, the fraction being carried out to not more than two decimal places.

FDA - 7/21/67 § 1.8b(j)(1)

See page B-45.

Drug, Device & Cosmetic Regs - 6/28/68 § 1.102d(i)(1)

See page B-46.

Drug, Device & Cosmetic Regs - 6/28/68 § 1.102d(m)

See page B-49.

Drug, Device & Cosmetic Regs - 6/28/68 § 1.102d(n)

See page B-51

Drug, Device & Cosmetic Regs - 6/28/68 § 1.202b(j)(1)
See page B-46.

Drug, Device & Cosmetic Regs - 6/28/68 § 1.202b(o)
See page B-49.

Drug, Device & Cosmetic Regs - 6/28/68 § 1.202b(p)
See page B-51.

FTC - 3/19/68 § 500.9(a)

With the exception of random packages, if the statement of quantity is in terms of weight, it shall be identified as such in each instance and expressed as follows:

- (1) If less than 1 pound, in terms of ounces. (Example: "Net Weight 12 oz")

FTC - 3/19/68 § 500.10

- (b) Declaration of net quantity of contents in terms of fluid measure shall be identified as such in each instance and expressed as follows:

- (1) If less than 1 pint, in terms of fluid ounces. (Example: "Net Contents 8 fl. oz.")

FTC - 3/19/68 § 500.11 Measurement of commodity length, how expressed.

Declaration of net quantity in terms of commodity length shall be expressed as follows:

- (a) If less than 1 foot, in terms of inches and fractions thereof.
(Amended: 35 F.R., 16535, October 23, 1970)

FTC - 3/19/68 § 500.13 Measurement of commodities by area measure only, how expressed.

Declaration of net quantity for commodities measured in terms of area measure only shall be expressed as follows:

- (a) If less than 1 square foot, in terms of square inches and fractions thereof.

FTC - 3/19/68 § 500.14 Statements of cubic measure and dry measure. Statements of cubic measure and dry measure do not require a dual declaration of net quantity of contents, but shall be expressed in terms most appropriate to the providing of accurate information as to the net quantity of contents, and to the facilitating of value comparisons by consumers. When the content declaration on a commodity sold in compressed form is stated in terms of cubic measure there may also be a statement indicating the amount of material from which the final product was compressed. Such statement shall not exceed the actual amount of material that can be recovered.

FOUR FEET, FOUR SQUARE FEET, FOUR POUNDS,
ONE GALLON, OR MORE

Model Packaging Regulation

In the case of

- (a) length measure of four feet or more

the declaration of quantity shall be expressed in terms of feet, followed in parentheses by a declaration of yards and common or decimal fractions of the yard, or in terms of feet followed in parentheses by a declaration of yards with any remainder in terms of feet and inches.

In the case of

- (a) area measure of four square feet or more;
(b) weight of four pounds or more;
(c) fluid measure of one gallon or more

the declaration of quantity shall be expressed in terms of the largest whole unit.

FDA - 7/21/67 § 1.8b

- (k) On packages containing 4 pounds or 1 gallon or more and labeled in terms of weight or fluid measure, the declaration shall be expressed in pounds for weight units with any remainder in terms of ounces or common or decimal fraction of the pound, or in the case of fluid measure, it shall be expressed in the largest whole unit (gallons followed by common or decimal fraction of a gallon or by the next smaller whole unit or units (quarts, or quarts and pints)) with any remainder in terms of fluid ounces or common or decimal fractions of the pint or quart.

- (l) (Reserved)

- (m) Examples:

- (1) A declaration of 1-1/2 pounds weight shall be expressed as "Net Wt. 24 oz. (1 lb., 8 oz.)" "Net Wt. 24 oz. (1.5 lb.)"
(2) A declaration of 3/4 pound avoirdupois weight shall be expressed as "Net Wt. 12 oz."

- (3) A declaration of 1 quart liquid measure shall be expressed as "Net 32 fl. oz. (1 qt.)."
- (4) A declaration of 1-3/4 quarts liquid measure shall be expressed as "Net contents 56 fluid ounces (1 quart 1-1/2 pints)" or as "Net 56 fluid oz. (1 qt. 1 pt. 8 oz.)," but not in terms of quart and ounce such as "Net 56 fluid oz. (1 quart 24 ounces)."
- (5) On a random package, declaration of 3/4 pound avoirdupois may be expressed as "Net Wt. .75 lb."
- (6) A declaration of 2-1/2 gallons liquid measure shall be expressed as "Net contents 2-1/2 gallons," "Net contents 2.5 gallons," or "Net contents 2 gallons 2 quarts" and not as "2 gallons 4 pints."

Drug, Device & Cosmetic Regs - 6/28/68 § 1.102d OTC drugs and devices in package form.

- (j) On packages containing 4 pounds or 1 gallon or more and labeled in terms of weight or fluid measure, the declaration shall be expressed in pounds for weight units with any remainder in terms of ounces or common or decimal fractions of the pound; in the case of fluid measure, it shall be expressed in the largest whole unit (gallons, followed by common or decimal fractions of a gallon or by the next smaller whole unit or units (quarts or quarts and pints)) with any remainder in terms of fluid ounces or common or decimal fractions of the pint or quart.
- (k) Examples:

- (1) A declaration of 1-1/2 pounds weight shall be expressed as "Net wt. 24 oz. (1 lb. 8 oz.)," "Net wt. 24 oz. (1-1/2 lb.)" or "Net wt. 24 oz. (1.5 lb.)."
- (2) A declaration of three-fourths pound avoirdupois weight shall be expressed as "Net wt. 12 oz."
- (3) A declaration of 1 quart liquid measure shall be expressed as "Net contents 32 fl. oz. (1 qt.)" or "32 fl. oz. (1 qt.)."
- (4) A declaration of 1-3/4 quarts liquid measure shall be expressed as "Net contents 56 fl. oz. (1 qt. 1 pt. 8 oz.)" or

§ 1.102d Continued

"Net contents 56 fl. oz. (1 qt. 1.5 pt.)," but not in terms of quart and ounce such as "Net 56 fl. oz. (1 qt. 24 oz.)."

- (5) A declaration of 2-1/2 gallons liquid measure shall be expressed as "Net contents 2 gal. 2 qt.," "Net contents 2.5 gallons," or "Net contents 2-1/2 gal." but not as "2 gal. 4 pt."

Drug, Device & Cosmetic Regs - 6/28/68 § 1.202b Cosmetics in package form.

(k) On packages containing 4 pounds or 1 gallon or more and labeled in terms of weight or fluid measure, the declaration shall be expressed in pounds for weight units with any remainder in terms of ounces or common or decimal fractions of the pound; in the case of fluid measure, it shall be expressed in the largest whole unit (gallons, followed by common or decimal fractions of a gallon or by the next smaller whole unit or units (quarts or quarts and pints)) with any remainder in terms of fluid ounces or common or decimal fractions of the pint or quart.

(l) (Reserved)

(m) Examples:

- (1) A declaration of 1-1/2 pounds weight shall be expressed as "Net wt. 24 oz. (1.5 lb.)."
- (2) A declaration of three-fourths pound avoirdupois weight shall be expressed as "Net wt. 12 oz."
- (3) A declaration of 1 quart liquid measure shall be expressed as "Net contents 32 fl. oz. (1 qt.)."
- (4) A declaration of 1-3/4 quarts liquid measure shall be expressed as "Net contents 56 fl. oz. (1 qt. 1-1/2 pt.)" or "Net contents 56 fl. oz. (1 qt. 1 pt. 8 oz.)" but not in terms of quart and ounce such as "Net contents 56 fl. oz. (1 qt. 24 oz.)."
- (5) A declaration of 2-1/2 gallons liquid measure shall be expressed in the alternative as "Net contents 2 gal. 2 qt." and not as "2 gal. 4 pt."

FTC - 3/19/68 § 500.9(a)

- (3) If 4 pounds or more, in terms of whole pounds, with any remainder in terms of ounces or common or decimal fractions of the pound. (Examples: "Net Weight 5 pounds 4 ounces" or "Net Wt. 5-1/4 lbs." or "Net Wt. 5.25 lbs.")

FTC - 3/19/68 § 500.10(b)

- (3) If 1 gallon or more, in terms of the largest whole unit (gallons followed by common or decimal fractions of a gallon or by the next smaller whole unit or units viz, quarts and pints) with any remainder in terms of fluid ounces or common or decimal fractions of the pint or quart. (Examples: "Net contents 2-1/2 gal.," "Contents 2.5 gal.," or "Net contents 2 gallons 2 quarts" but not as "2 gallons 4 pints.")

FTC - 3/19/68 § 500.11

- (c) If 4 feet or more, in terms of feet followed in parentheses by a declaration of yards and common or decimal fractions of the yard, or in terms of feet followed in parentheses by a declaration of yards with any remainder in terms of feet and inches; except that it shall be optional to express the length in the preceding manner followed by a statement in parentheses of the length in terms of inches.
(Amended: 35 F.R. , 16535, October 23, 1970)

FTC - 3/19/68 § 500.13

- (c) If 4 square feet or more, in terms of the largest appropriate whole unit (square yards, square yards and square feet, or square feet) with any remainder in terms of square inches or common or decimal fractions of the square foot or square yard.

WEIGHT: DUAL QUANTITY DECLARATION

Model Packaging Regulation

On packages containing one pound or more but less than four pounds, the declaration shall be expressed in ounces and, in addition, shall be followed by a declaration in parentheses, expressed in terms of the largest whole unit: Provided, That the quantity declaration appearing on a random package may be expressed in terms of pounds and decimal fractions of the pound carried out to not more than two decimal places.

FPLA Sec. 4(a)

(3) The separate label statement of net quantity of contents appearing upon or affixed to any package--

- (A) (i) if on a package containing less than four pounds or one gallon and labeled in terms of weight or fluid measure, shall, unless subparagraph (ii) applies and such statement is set forth in accordance with such subparagraph, be expressed both in ounces (with identification as to avoirdupois or fluid ounces) and, if applicable, in pounds for weight units; with any remainder in terms of ounces or common or decimal fractions of the pound; or in the case of liquid measure, in the largest whole unit (quarts, quarts and pints, or pints, as appropriate) with any remainder in terms of fluid ounces or common or decimal fractions of the pint or quart;

FDA - 7/21/67 § 1.8b

(j) On packages containing less than 4 pounds or 1 gallon and labeled in terms of weight or fluid measure:

- (1) The declaration shall be expressed both in ounces, with identification by weight or by liquid measure and, if applicable (1 pound or 1 pint or more) followed in parentheses by a declaration in pounds for weight units, with any remainder in terms of ounces or common or decimal fractions of the pound or in the case of liquid measure, in the largest whole units (quarts, quarts and pints, or pints, as appropriate) with any remainder in terms of fluid ounces or common or decimal fractions of the pint or quart.

FDA - 7/21/67 § 1.8b(j)(2) Random package.

... (quantity declaration) it may, when the net weight exceeds 1 pound, be expressed in terms of pounds and decimal fractions of the pound carried out to not more than two decimal places. When the net weight does not exceed 1 pound, the declaration on the random package may be in decimal fractions of the pound in lieu of ounces.

Drug, Device & Cosmetic Regs - 6/28/68 § 1.102d OTC drugs and devices in package form.

(i) On packages containing less than 4 pounds or 1 gallon and labeled in terms of weight or fluid measure:

- (1) The declaration shall be expressed both in ounces, with identification by weight or by liquid measure and, if applicable (1 pound or 1 pint or more) followed in parentheses by a declaration in pounds for weight units, with any remainder in terms of ounces or common decimal fractions of the pound or in the case of liquid measure, in the largest whole units (quarts, quarts and pints, or pints, as appropriate) with any remainder in terms of fluid ounces or common or decimal fractions of the pint or quart. If the net weight of the package is less than 1 ounce avoirdupois or the net fluid measure is less than 1 fluid ounce, the declaration shall be in terms of common or decimal fractions of the respective ounce and not in terms of drams.

Drug, Device & Cosmetic Regs - 6/28/68 § 1.202b Cosmetics in package form.

(j) On packages containing less than 4 pounds or 1 gallon and labeled in terms of weight or fluid measure:

- (1) The declaration shall be expressed both in ounces, with identification by weight or by liquid measure and, if applicable (1 pound or 1 pint or more), followed in parentheses by a declaration in pounds for weight units, with any remainder in terms of ounces or common or decimal fractions of the pound, or in the case of liquid measure, in the largest whole units (quarts, quarts and pints, or pints, as appropriate) with any remainder in terms of fluid ounces or common or decimal fractions of the pint or quart. Net weight or fluid measure of less than 1 ounce shall be expressed in common or decimal fractions of the respective ounce and not in drams.

FTC - 3/19/69 § 500.9(a)

- (2) If at least 1 pound but less than 4 pounds, in ounces followed in parentheses by a declaration in whole pounds, with any remainder in terms of ounces or common or decimal fractions of the pound. (Examples: "Net Wt. 24 oz. (1 lb. 8 oz.)" or "Net Wt. 24 oz. (1-1/2 lb.)" or "Net Wt. 24 oz. (1.5 lb.)").

USDA - 10/3/70 § 317.2(h)(5) Meat inspection: labels: definition; required features.

On packages containing 1 pound or 1 pint and less than 4 pounds or 1 gallon, the statement shall be expressed as a dual declaration both in ounces and (immediately thereafter in parentheses) in pounds, with any remainder in terms of ounces or common or decimal fraction of the pound, or in the case of liquid measure, in the largest whole units with any remainder in terms of fluid ounces or common or decimal fractions of the pint or quart, except that on random weight packages the statement shall be expressed in terms of pounds and decimal fractions of the pound carried out to not more than two decimal places, for packages over 1 pound, and for packages which do not exceed 1 pound the statement may be in decimal fractions of the pound in lieu of ounces.

FLUID MEASURE: DUAL QUANTITY DECLARATION

Model Packaging Regulation

On packages containing one pint or more but less than one gallon, the declaration shall be expressed in ounces and, in addition, shall be followed by a declaration in parentheses, expressed in terms of the largest whole unit.

FPLA Sec. 4(a)(3)

See page B-45.

FDA - 7/21/67 § 1.8b(j)(1)

See page B-45.

Drug, Device & Cosmetic Regs - 6/28/68 § 1.102d(i)(1)

See page B-46.

Drug, Device & Cosmetic Regs - 6/28/68 § 1.202b(j)(1)

See page B-46.

FTC - 3/19/68 § 500.10(b)

- (2) If at least 1 pint but less than 1 gallon, in terms of fluid ounces followed in parentheses by a declaration of the largest whole unit (quarts, quarts and pints, or pints, as appropriate), with any remainder in terms of fluid ounces or common or decimal fractions of the pint or quart. (Examples: "Net 32 fl. oz. (1 qt.)" or "Net contents 56 fluid oz. (1 qt. 1 pt. 8 oz.)", but not in terms of quart and ounce such as "Net 56 fluid oz. (1 quart 24 ounces)").

USDA - 10/3/70 § 317.2(h)(5)

See page B-47.

LENGTH MEASURE: DUAL QUANTITY DECLARATION

Model Packaging Regulation

On packages containing one foot but less than four feet, the declaration shall be expressed in inches and, in addition, shall be followed by a declaration in parentheses, expressed in terms of the largest whole unit.

FPLA Sec. 4(a)(3)(A)

(iii) If on a package labeled in terms of linear measure, shall be expressed both in terms of inches and the largest whole unit (yards, yards and feet, or feet, as appropriate) with any remainder in terms of inches or common or decimal fractions of foot or yard.

Drug, Device & Cosmetic Regs - 6/28/68 § 1.102d OTC drugs and devices in package form.

(m) On packages labeled in terms of linear measure, the declaration shall be expressed both in terms of inches and, if applicable (1 foot or more), the largest whole unit (yards, yards and feet, feet). The declaration in terms of the largest whole units shall be in parentheses following the declaration in terms of inches and any remainder shall be in terms of inches or common or decimal fractions of the foot or yard; if applicable (as in the case of adhesive tape), the initial declaration in linear inches shall be preceded by a statement of the width. Examples of linear measure are "86 inches (2 yd. 1 ft. 2 in.)," "90 inches (2-1/2 yd.)," "30 inches (2.5 ft.)," "3/4 inch by 36 in. (yd.)," etc.

Drug, Device & Cosmetic Regs - 6/28/68 § 1.202b Cosmetics in package form

(o) On packages labeled in terms of linear measure, the declaration shall be expressed both in terms of inches and, if applicable (1 foot or more), the largest whole units (yards, yards and feet, feet). The declaration in terms of the largest whole units shall be in parentheses following the declaration in terms of inches and any remainder shall be in terms of inches or common or decimal fractions of the foot or yard. Examples are "86 inches (2 yd. 1 ft. 2 inches)," "90 inches (2-1/2 yd.)," "30 inches (2.5 ft.)," etc.

FTC - 3/19/68 § 500.11

- (b) It at least 1 foot but less than 4 feet, in terms of inches followed in parentheses by a declaration in the largest whole unit (a yard or foot) with any remainder in terms of inches or common or decimal fractions of the foot or yard.

(Amended: 35 F.R. , 16535, October 23, 1970)

AREA MEASURE: DUAL QUANTITY DECLARATION

Model Packaging Regulation

On packages containing one square foot but less than four square feet, the declaration shall be expressed in square inches and, in addition, shall be followed by a declaration in parentheses, expressed in terms of the largest whole unit.

FPLA Sec. 4(a)(3)(A)

- (iv) If on a package labeled in terms of measure of area, shall be expressed both in terms of square inches and the largest, whole square unit (square yards, square yards and square feet, or square feet, as appropriate) with any remainder in terms of square inches or common or decimal fractions of the square foot or square yard.

Drug, Device & Cosmetic Regs - 6/28/68 § 1.102d OTC drugs and devices in package form.

- (n) On packages labeled in terms of area measure, the declaration shall be expressed both in terms of square inches and, if applicable (1 square foot or more), the largest whole square unit (square yards, square yards and square feet, square feet). The declaration in terms of the largest whole units shall be in parentheses following the declaration in terms of square inches and any remainder shall be in terms of square inches or common or decimal fractions of the square foot or square yard; for example, "158 sq. inches (1 sq. ft. 14 sq. in.)."

Drug, Device & Cosmetic Regs - 6/28/68 § 1.202b Cosmetics in package form.

- (p) On packages labeled in terms of area measure, the declaration shall be expressed in terms of square inches and, if applicable (1 square foot or more), the largest whole square unit (square yards, square yards and square feet, square feet). The declaration in terms of the largest whole units shall be in parentheses following the declaration in terms of square inches and any remainder shall be in terms of square inches or common or decimal fractions of the square foot or square yard; for example, "158 sq. inches (1 sq. ft. 14 sq. inches)," etc.

- (b) It at least 1 square foot but less than 4 square feet, in terms of square inches followed in parentheses by a declaration in square feet with any remainder, in terms of square inches or common or decimal fractions of the square foot.

BIDIMENSIONAL COMMODITIES

Model Packaging Regulation

For bidimensional commodities (including roll-type commodities) the quantity declaration shall be expressed,

- (a) if less than one square foot, in terms of linear inches and fractions of linear inches;
- (b) if at least one square foot but less than four square feet, in terms of square inches followed in parentheses by a declaration of both the length and width, each being in terms of the largest whole unit: Provided, That
 - (1) no square inch declaration is required for a bidimensional commodity of four inches width or less, and
 - (2) a dimension of less than two feet may be stated in inches within the parenthetical, and
 - (3) commodities consisting of usable individual units (except roll type commodities with individual usable units created by perforations, for which see page B-55, COUNT: PLY) require a declaration of unit area but not a declaration of total area of all such units;
- (c) if four square feet or more, in terms of square feet followed in parentheses by a declaration of the length and width in terms of the largest whole units: Provided, That
 - (1) no declaration in square feet is required for a bidimensional commodity with a width of four inches or less,
 - (2) a dimension of less than two feet may be stated in inches within the parenthetical, and
 - (3) no declaration in square feet is required for commodities for which the length and width measurements are critical in terms of end use (such as tablecloths or bedsheets) if such commodities clearly present the length and width measurements on the label.

FTC - 3/19/68 § 500.12 Measurement of commodities by length and width, how expressed.

For bidimensional commodities (including roll-type commodities) measured in terms of commodity length and width, the declaration of net quantity of contents shall be expressed in the following manner:

- (a) The declaration of net quantity for bidimensional commodities having a width of more than 4 inches shall
 - (1) When the commodity has an area of less than 1 square foot be expressed in terms of length and width in linear inches and fractions thereof.
 - (2) When the commodity has an area of 1 square foot or more, but less than 4 square inches, followed in parentheses by the length and width in the largest whole unit (yard or foot) with any remainder in inches or common or decimal fractions of the yard or foot except that a dimension of less than 2 feet may be stated in inches within the parenthetical. Commodities consisting of usable individual units (e. g., paper napkins) while requiring a declaration of unit area need not declare the total area of all such individual units.
 - (3) When the commodity has an area of 4 square feet or more, be expressed in terms of square feet, followed in parentheses by the length and width in the largest whole units (yards or feet) with any remainder in terms of inches or common or decimal fractions of the foot or yard except that a dimension of less than 2 feet may be stated in inches within the parenthetical.
 - (4) For any commodity for which the quantity of contents is required by subparagraph (2) or (3) of this paragraph to include a declaration of the linear dimensions, the quantity of contents, in addition to being declared in the manner prescribed by the appropriate provision of this regulation, may also include, after the statement of the linear dimensions in the largest unit of measurement, a parenthetical declaration of the linear dimensions of said commodity in terms of inches. (Examples: "25 sq. ft. (12 in. x 25 ft.) (12 in. x 300 in.)".)
- (b) The declaration of net quantity for bidimensional commodities having a width of 4 inches or less shall be expressed in terms of width in inches followed by length in the largest whole unit (yard or foot) with any remainder in terms of the common or decimal fractions of the yard or foot, except that it shall be optional to express the

length in the largest whole unit followed by a statement in parentheses of length in inches. (Examples: "2 inches x 10 yards," "2 inches x 10 yards (360 inches)").

(Amended: 35 F.R., 16535, October 23, 1970)

Model Packaging Regulation

If the commodity is in individually usable units of one or more components or ply, the quantity declaration shall, in addition to complying with other applicable quantity declaration requirements of this regulation, include the number of ply and the total number of usable units.

Roll-type commodities, when perforated so as to identify individual usable units, shall not be deemed to be made up of usable units; however, such roll-type commodities shall be labeled in terms of

- (a) total area measurement and
- (b) number of ply,
- (c) count of usable units, and
- (d) dimensions of a single usable unit.

FTC - 3/19/68 § 500.15 Units of count, more than one ply.

If the commodity is in distinct usable units made up of one or more components or ply, the statement of net quantity of contents shall (in addition to complying with the requirements of linear and area measurement declaration for each unit as specified in § 500.12) include the number of ply and the total number of usable units. (Examples: "100 2-ply facial tissues, 8-1/2 inches x 10 inches.") For the purposes of this section, roll-type commodities (e. g. , paper towels), irrespective of perforations, shall not be considered to be usable units, and shall be labeled in terms of total area measurement and number of ply. Such area measurement, however, shall be supplemented by a count statement and the dimensions of a single unit.

CALCULATION OF AREA OF PRINCIPAL DISPLAY
PANEL OR PANELS FOR PURPOSES OF TYPE SIZE

Model Packaging Regulation

The square-inch area of the principal display panel shall be

- (a) in the case of a rectangular container, one entire side which properly can be considered to be the principal display panel, the product of the height times the width of that side;
- (b) in the case of a cylindrical or nearly cylindrical container, 40 percent of the product of the height of the container times the circumference; or
- (c) in the case of any other shaped container, 40 percent of the total surface of the container, unless such container presents an obvious principal display panel (e. g. , the top of a triangular or circular package of cheese, or the top of a can of shoe polish), the area shall consist of the entire such surface:

Determination of the principal display panel shall exclude tops, bottoms, flanges at tops and bottoms of cans, and shoulders and necks of bottles or jars.

FDA - 7/21/67 § 1.7 Food in package form; principal display panel. For the purpose of obtaining uniform type size in declaring the quantity of contents for all packages of substantially the same size, the term "area of the principal display panel" means the area of the side or surface that bears the principal display panel, which area shall be:

- (a) In the case of a rectangular package where one entire side properly can be considered to be the principal display panel side, the product of the height times the width of that side;
- (b) In the case of a cylindrical or nearly cylindrical container, 40 percent of the product of the height of the container times the circumference;
- (c) In the case of any otherwise shaped container, 40 percent of the total surface of the container: Provided, however, That where such container presents an obvious "principal display panel" such as the top of a triangular or circular package of cheese, the area shall consist of the entire top surface.

§ 1.7 Continued

In determining the area of the principal display panel, exclude tops, bottoms, flanges at tops and bottoms of cans, and shoulders and necks of bottles or jars. In the case of a cylindrical or nearly cylindrical containers, information required by this part to appear on the principal display panel shall appear within that 40 percent of the circumference which is most likely to be displayed, presented, shown, or examined under customary conditions of display for retail sale.

(FDA - 9/20/67)

Drug, Device & Cosmetic Regs - 6/28/68 § 1.101a Prescription drugs, OTC drugs and devices in package form.

For the purpose of obtaining uniform type size in declaring the quantity of contents for all packages of substantially the same size, the term "area of the principal display panel" means the area of the side or surface that bears the principal display panel, which area shall be:

- (a) In the case of a rectangular package where one entire side properly can be considered to be the principal display panel side, the product of the height times the width of that side;
- (b) In the case of a cylindrical or nearly cylindrical container, 40 percent of the product of the height of the container times the circumference; and
- (c) In the case of any other shape of container, 40 percent of the total surface of the container: Provided, however, That where such container presents an obvious "principal display panel" such as the top of a triangular or circular package, the area shall consist of the entire top surface.

In determining the area of the principal display panel, exclude tops, bottoms, flanges at the tops and bottoms of cans, and shoulders and necks of bottles or jars. In the case of cylindrical or nearly cylindrical containers, information required by this part to appear on the principal display panel shall appear within that 40 percent of the circumference which is most likely to be displayed, presented, shown, or examined under customary conditions of display for retail sale.

Drug, Device & Cosmetic Regs - 6/28/68 § 1.201a Cosmetics in package form.

For the purpose of obtaining uniform type size in declaring the quantity of contents of all packages of substantially the same size, the term

§ 1.201a Continued

"area of the principal display panel" means the area of the side or surface that bears the principal display panel, which area shall be:

- (a) In the case of a rectangular package where one entire side properly can be considered to be the principal display panel side, the product of the height times the width of that side;
- (b) In the case of a cylindrical or nearly cylindrical container, 40 percent of the product of the height of the container times the circumference; and
- (c) In the case of any other shape of container, 40 percent of the total surface of the container: Provided, however, That where such container presents an obvious "principal display panel" such as the top of a triangular or circular package, the area shall consist of the entire top surface.

In determining the area of the principal display panel, exclude tops, bottoms, flanges at the tops and bottoms of cans, and shoulders and necks of bottles or jars. In the case of cylindrical or nearly cylindrical containers, information required by this part to appear on the principal display panel shall appear within that 40 percent of the circumference which is most likely to be displayed, presented, shown, or examined under customary conditions of display for retail sale.

FTC - 3/19/68 § 500.18 Type size in relationship to the area of the principal display panel.

- (a) The statement of net quantity of contents shall be in letters and numerals in a type size established in relationship to the area of the principal display panel of the package or commodity and shall be uniform for all packages or commodities of substantially the same size. For this purpose, "area of the principal display panel" means the area of the side or surface that bears the principal display panel, which area shall be:
 - (1) In the case of a rectangular package or commodity where one entire side properly can be considered to be the principal display panel side, the product of the height times the width of that side;
 - (2) In the case of a cylindrical or nearly cylindrical container or commodity, 40 percent of the product of the height of the container or commodity times the circumference; and

§ 500.18 Continued

- (3) In the case of any otherwise shaped container or commodity, 40 percent of the total surface of the container or commodity: Provided, however, That where such container or commodity presents an obvious "principal display panel" such as the top of a triangular or oval shaped container, the area shall consist of the entire top surface. In determining the area of the principal display panel, exclude tops, bottoms, flanges at tops and bottoms of cans, and shoulders and necks of bottles and jars.

USDA - 10/3/70 § 317.2(d) Meat inspection: labels: definition; required features.

In determining the area of the principal display panel, exclude tops, bottoms, flanges at tops and bottoms of cans, and shoulders and necks of bottles or jars. The principal display panel shall be:

- (1) In the case of a rectangular package, one entire side, the area of which is at least the product of the height times the width of that side.
- (2) In the case of a cylindrical or nearly cylindrical container:
 - (i) An area that is 40 percent of the product of the height of the container times the circumference of the container, or
 - (ii) an area at least one-third of the product of the height times the circumference of the container; if immediately to the right or left of such area, there is an area reserved for information prescribed in paragraph (c)(2), (3), and (5) of this section, equal to not more than 20 percent of the circumference.
- (3) In the case of a container of any other shape, 40 percent of the total surface of the container.

MINIMUM HEIGHT OF NUMBERS AND LETTERS

Model Packaging Regulation

The height of any letter or number in the required quantity declaration shall be not less than that shown in Table 1 with respect to the square-inch area of the panel, and the height of each number of a common fraction shall meet one-half the minimum height standards.

TABLE 1. Minimum Height of Numbers and Letters

Square-inch area of principal display panel	Minimum height of numbers and letters	Minimum height: label information blown, formed, or molded into surface of container
5 square inches and less.	1/16 inch	1/8 inch
Greater than 5 square inches and not greater than 25 square inches.	1/8 inch	3/16 inch
Greater than 25 square inches and not greater than 100 square inches.	3/16 inch	1/4 inch
Greater than 100 square inches and not greater than 400 square inches.	1/4 inch	5/16 inch
Greater than 400 square inches.	1/2 inch	9/16 inch

FPLA Sec. 4(a)(3)

(C) shall contain letters or numerals in a type size which shall be (i) established in relationship to the area of the principal display panel of the package, and (ii) uniform for all packages of substantially the same size.

- (h) Requirements of conspicuousness and legibility shall include the specifications that:
- (1) The ratio of height to width (of the letter) shall not exceed a differential of 3 units to 1 unit (no more than 3 times as high as it is wide).
 - (2) Letter heights pertain to upper case or capital letters. When upper and lower case or all lower case letters are used, it is the lower case letter "o" or its equivalent that shall meet the minimum standards.
 - (3) When fractions are used, each component numeral shall meet one-half the minimum height standards.
- (i) The declaration shall be in letters and numerals in a type size established in relationship to the area of the principal display panel of the package and shall be uniform for all packages of substantially the same size by complying with the following type specifications:
- (1) Not less than $1/16$ inch in height on packages the principal display panel of which has an area of 5 square inches or less.
 - (2) Not less than $1/8$ inch in height on packages the principal display panel of which has an area of more than 5 but not more than 25 square inches.
 - (3) Not less than $3/16$ inch in height on packages the principal display panel of which has an area of more than 25 but not more than 100 square inches.
 - (4) Not less than $1/4$ inch in height on packages the principal display panel of which has an area of more than 100 square inches, except not less than $1/2$ inch in height if the area is more than 400 square inches.

Where the declaration is blown, embossed, or molded on a glass or plastic surface rather than by printing, typing, or coloring, the lettering sizes specified in subparagraphs (1) through (4) of this paragraph shall be increased by $1/16$ of an inch.

Drug, Device & Cosmetic Regs - 6/28/68 § 1.102d OTC drugs and devices in package form.

- (g) Requirements of conspicuousness and legibility shall include the specifications that:
- (1) The ratio of height to width (of the letter) shall not exceed a differential of 3 units to 1 unit (no more than 3 times as high as it is wide).
 - (2) Letter heights pertain to upper case or capital letters. When upper and lower case or all lower case letters are used, it is the lower case letter "o" or its equivalent that shall meet the minimum standards.
 - (3) When fractions are used, each component numeral shall meet one-half the minimum height standards.
- (h) The declaration shall be in terms and numerals in a type size established in relationship to the area of the principal display panel of the package and shall be uniform for all packages of substantially the same size by complying with the following type specifications:
- (1) Not less than one-sixteenth inch in height on packages the principal display panel of which has an area of 5 square inches or less.
 - (2) Not less than one-eighth inch in height on packages the principal display panel of which has an area of more than five but not more than 25 square inches.
 - (3) Not less than three-sixteenths inch in height on packages the principal display panel of which has an area of more than 25 but not more than 100 square inches.
 - (4) Not less than one-fourth inch in height on packages the principal display panel of which has an area of more than 100 square inches, except not less than one-half inch in height if the area is more than 400 square inches.

Where the declaration is blown, embossed, or molded on a glass or plastic surface rather than by printing, typing, or coloring, the lettering sizes specified in subparagraphs (1) through (4) of this paragraph shall be increased by one-sixteenth of an inch.

Drug, Device & Cosmetic Regs - 6/28/68 § 1.202b Cosmetics in package form.

(h) Requirements of conspicuousness and legibility shall include the specifications that:

- (1) The ratio of height to width (of the letter) shall not exceed a differential of 3 units to 1 unit (no more than 3 times as high as it is wide).
 - (2) Letter heights pertain to upper case or capital letters. When upper and lower case or all lower case letters are used, it is the lower case letter "o" or its equivalent that shall meet the minimum standards.
 - (3) When fractions are used, each component numeral shall meet one-half the minimum height standards.
- (i) The declaration shall be in letters and numerals in a type size established in relationship to the area of the principal display panel of the package and shall be uniform for all packages of substantially the same size by complying with the following type specification:
- (1) Not less than one-sixteenth inch in height on packages the principal display panel of which has an area of 5 square inches or less.
 - (2) Not less than one-eighth inch in height on packages the principal display panel of which has an area of more than 5 but not more than 25 square inches.
 - (3) Not less than three-sixteenths inch in height on packages the principal display panel of which has an area of more than 25 but not more than 100 square inches.
 - (4) Not less than one-fourth inch in height on packages the principal display panel of which has an area of more than 100 square inches, except not less than one-half inch in height if the area is more than 400 square inches.

When the declaration is blown, embossed, or molded on a glass or plastic surface rather than by printing, typing, or coloring, the lettering sizes specified in subparagraphs (1) through (4) of this paragraph shall be increased by one-sixteenth of an inch.

- (b) With area of principal display panel defined as above, the type size in relationship to area of that panel shall comply with the following specifications:
- (1) Not less than $1/16$ inch in height on packages the principal display panel of which has an area of 5 square inches or less.
 - (2) Not less than $1/8$ inch in height on packages the principal display panel of which has an area of more than 5 but not more than 25 square inches.
 - (3) Not less than $3/16$ inch in height on packages the principal display panel of which has an area of more than 25 but not more than 100 square inches.
 - (4) Not less than $1/4$ inch in height on packages the principal display panel of which has an area of more than 100 square inches, except not less than $1/2$ inch in height if the area is more than 400 square inches.
- (c) When the statement of net quantity of contents is blown, embossed, or molded on a glass or plastic surface rather than by printing, typing, or coloring, the lettering sizes specified in paragraph (b) of this section shall be increased by $1/16$ of an inch.
- (d) Letter heights pertain to upper case or capital letters. When upper and lower case or all lower case letters are used, it is the lower case letter "o" or its equivalent that shall meet the minimum standards.
- (e) The ratio of height to width of a letter shall not exceed a differential of 3 units to 1 unit (no more than 3 times as high as it is wide).
- (f) When fractions are used, each component shall meet one-half the minimum height standards.

USDA - 10/3/70 § 317.2(h)(6) Meat inspection: labels: definition; required features.

The statement shall be in letters and numerals in type size established in relationship to the area of the principal display panel of the package and shall be uniform for all packages of substantially the same size by complying with the following type specifications. . .

- (i) Not less than one-sixteenth inch in height on packages, the principal display panel of which has an area of 5 square inches or less;
- (ii) Not less than one-eighth inch in height on packages, the principal display panel of which has an area of more than 5 but not more than 25 square inches;
- (iii) Not less than three-sixteenths in height on packages, the principal display panel of which has an area of more than 25 but not more than 100 square inches;
- (iv) Not less than one-quarter inch in height on packages, the principal display panel of which has an area of more than 100 but not more than 400 square inches.
- (v) Not less than one-half inch in height on packages, the principal display panel of which has an area of more than 400 square inches.

USDA - 10/3/70 § 317.2(h)(7) Meat inspection: labels: definition; required features.

The ratio of height to width of letters and numerals shall not exceed a differential of 3 units to 1 unit (no more than 3 times as high as it is wide). Heights pertain to upper case or capital letters. When upper and lower case or all lower case letters are used, it is the lower case letter "o" or its equivalent that shall meet the minimum standards. When fractions are used, each component numeral shall meet one-half the height standards.

NUMBERS AND LETTERS: PROPORTION

Model Packaging Regulation

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

FDA - 7/21/67 § 1.8b(h)(1)

See page B-61.

Drug, Device & Cosmetic Regs - 6/28/68 § 1.102d(g)(1)

See page B-62.

Drug, Device & Cosmetic Regs - 6/28/68 § 1.202b(h)(1)

See page B-63.

FTC - 3/19/68 § 500.18(e)

See page B-64.

USDA - 10/3/70 § 317.2(h)(7) Meat inspection.

See page B-65.

REDUCTION OF FRACTIONS

Model Packaging Regulation

A statement of net quantity of contents of any consumer commodity may contain common or decimal fractions. A common fraction shall be in terms of halves, quarters, eighths, sixteenths, or thirty-seconds, except that

- (a) if there exists a firmly established general consumer usage and trade custom of employing different common fractions in the net quantity declaration of a particular commodity, they may be employed, and
- (b) if linear measurements are required in terms of yards or feet, common fractions may be in terms of thirds.

A common fraction shall be reduced to its lowest terms; a decimal fraction shall not be carried out to more than two places.

FDA - 7/21/67 § 1.8b

- (d) The declaration may contain common or decimal fractions. A common fraction shall be in terms of halves, quarters, eighths, sixteenths, or thirty-seconds; except that if there exists a firmly established general consumer usage and trade custom of employing different common fractions in the net quantity declaration of a particular commodity, they may be employed. A common fraction shall be reduced to its lowest terms; a decimal fraction shall not be carried out to more than two places. A statement that includes small fractions of an ounce shall be deemed to permit smaller variations than one which does not include such fractions.

Drug, Device & Cosmetic Regs - 6/28/68 § 1.102c Prescription drugs in package form.

- (c) The declaration shall contain only such fractions as are generally used in expressing the quantity of the drug. A common fraction shall be reduced to its lowest terms; a decimal fraction shall not be carried out to more than three places, except in the case of a statement of quantity of an active ingredient in a unit of a drug.

Drug, Device & Cosmetic Regs - 6/28/68 § 1.102d OTC drugs and devices in package form.

- (c) The declaration may contain common or decimal fractions. A common fraction shall be in terms of halves, quarters, eighths, sixteenths, or thirty-seconds; except that if there exists a firmly established, general consumer usage and trade custom of employing different common fractions in the net quantity declaration of a particular commodity, they may be employed. A common fraction shall be reduced to its lowest terms; a decimal fraction shall not be carried out to more than two places. A statement that includes small fractions of an ounce shall be deemed to permit smaller variations than one which does not include such fractions.

Drug, Device & Cosmetic Regs - 6/28/68 § 1.202b Cosmetics in package form.

- (d) The declaration may contain common or decimal fractions. A common fraction shall be in terms of halves, quarters, eighths, sixteenths, or thirty-seconds; except that if there exists a firmly established, general consumer usage and trade custom of employing different common fractions in the net quantity declaration of a particular commodity they may be employed. A common fraction shall be reduced to its lowest terms; a decimal fraction shall not be carried out to more than two places. A statement that includes small fractions of an ounce shall be deemed to permit smaller variations than one which does not include such fractions.

FTC - 3/19/68 § 500.16 Fractions.

A statement of net quantity of contents of any consumer commodity may contain common or decimal fractions. A common fraction shall be in terms of halves, quarters, eighths, sixteenths or thirty-seconds; except that if there exists a firmly established general consumer usage and trade custom of employing different common fractions in the net quantity declaration of a particular commodity, they may be employed. A common fraction shall be reduced to its lowest terms; a decimal fraction shall not be carried out to more than two places. If a statement includes small fractions, smaller variations in the actual size or weight of the commodity will be permitted, as provided in § 500.22, than in cases where larger fractions or whole numbers are used.

QUALIFICATION OF DECLARATION PROHIBITED

Model Packaging Regulation

In no case shall any declaration of quantity be qualified by the addition of the words "when packed," "minimum," "not less than," or any words of similar import, nor shall any unit of weight, measure, or count be qualified by any term (such as "jumbo," "giant," "full," or the like) that tends to exaggerate the amount of commodity.

FPLA Sec. 4(b)

Provided, That such supplemental statements of net quantity of contents shall not include any term qualifying a unit of weight, measure, or count that tends to exaggerate the amount of the commodity contained in the package.

FDA - 7/21/67 § 1.8b

(f) It shall not include any term qualifying a unit of weight, measure, or count (such as "jumbo quart" and "full gallon") that tends to exaggerate the amount of the food in the container.

FDA Revision - 9/20/67 § 1.8b(o)

See page B-73.

Drug, Device & Cosmetic Regs - 6/28/68 § 1.102d(e) OTC drugs and devices in package form.

It shall not include any term qualifying a unit of weight, measure, or count (such as "giant pint" and "full quart") than tends to exaggerate the amount of the drug in the container.

Drug, Device & Cosmetic Regs - 6/28/68 § 1.202b(f) Cosmetics in package form.

It shall not include any term qualifying a unit of weight, measure, or count (such as "giant pint" and "full quart") that tends to exaggerate the amount of the cosmetic in the container.

FTC - 3/19/68 § 500.6(b)

...and shall not include any term qualifying a unit of weight, measure, or count such as "jumbo quart," "full gallon," "when packed," "minimum," or words of similar import.

(Amended: 35 F.R. 13643 & 13644, August 27, 1970)

USDA - 10/3/70 § 317.2(h)(8) Meat inspection: label: definition: required features.

It shall not include any term qualifying a unit of weight, measure, or count such as "jumbo quart," "full gallon," "giant quart," "when packed," "minimum," or words of similar import.

LINES OF PRINT OR TYPE

Model Packaging Regulation

A declaration of quantity may appear on one or more lines of print or type.

FDA Revision - 9/20/67 § 1.8b(j)

(3) The declaration may appear in more than one line.

Drug, Device & Cosmetic Regs - 6/28/68 § 1.102d(i) OTC drugs and devices in package form.

(2) The declaration may appear in more than one line.

Drug, Device & Cosmetic Regs - 6/28/68 § 1.202b(j) Cosmetics in package form.

(2) The declaration may appear in more than one line.

FTC - 3/19/68 § 500.7

The declaration may appear in more than one line print or type.

(Amended: 35 F.R. 13643 & 13644, August 27, 1970)

USDA - 10/3/70 § 317.2(h)(3) Meat inspection: labels: definition; required features.

In any case, the statement (quantity) may appear in more than one line.

UNITS WITH TWO OR MORE MEANINGS

Model Packaging Regulation

When the term "ounce" is employed in a declaration of liquid quantity, the declaration shall identify the particular meaning of the term by the use of the term "fluid"; however, such distinction may be omitted when, by association of terms (for example, as in "1 pint 4 ounces"), the proper meaning is obvious. Whenever the declaration of quantity is in terms of the dry pint or dry quart, the declaration shall include the word "dry."

FDA Revision - 9/20/67 § 1.8b(j)(3)

See page B-30.

Drug, Device & Cosmetic Regs - 6/28/68 § 1.102d(i)(2)

See page B-30.

FTC - 3/19/68 § 500.9(c)

It is sufficient to distinguish avoirdupois ounce from fluid ounce through association of terms. (Example: "Net Weight 6 oz" vs. "6 fl. oz" or "Net Contents 6 fl. oz.")

FTC - 3/19/68 § 500.10(a)

Use of the terms "net" or "net contents" is optional.

FTC - 3/19/68 § 500.14 Statements of cubic measure and dry measure. Statements of cubic measure and dry measure do not require a dual declaration of net quantity of contents, but shall be expressed in terms most appropriate to the providing of accurate information as to the net quantity of contents, and to the facilitating of value comparisons by consumers. When the content declaration on a commodity sold in compressed form is stated in terms of cubic measure there may also be a statement indicating the amount of material from which the final product was compressed. Such statement shall not exceed the actual amount of material that can be recovered.

USDA - 10/3/70 § 317.2(h)(3) Meat inspection: labels: definition; required features.

. . . and the term "net contents" or "content" when stating the net quantity of contents in terms of fluid measure (is required).

SUPPLEMENTARY DECLARATIONS

Model Packaging Regulation

SUPPLEMENTARY QUANTITY DECLARATIONS: The required quantity declaration may be supplemented by one or more declarations of weight, measure, or count, such declaration appearing other than on a principal display panel. Such supplemental statement of quantity of contents shall not include any term qualifying a unit of weight, measure, or count that tends to exaggerate the amount of commodity contained in the package (e. g. , "giant" quart, "full" gallon, "when packed," "minimum," or words of similar import.)

FPLA Sec. 4

- (b) No person subject to the prohibition contained in section 3 shall distribute or cause to be distributed in commerce any packaged consumer commodity if any qualifying words or phrases appear in conjunction with the separate statement of the net quantity of contents required by subsection (a), but nothing in this subsection or in paragraph (2) of subsection (a) shall prohibit supplemental statements, at other places on the package, describing in non-deceptive terms the net quantity of contents.

FDA Revision - 9/20/67 § 1.8b

- (o) Nothing in this section shall prohibit supplemental statements at locations other than the principal display panel(s) describing in nondeceptive terms the net quantity of contents: Provided, That such supplemental statements of net quantity of contents shall not include any term qualifying a unit of weight, measure, or count that tends to exaggerate the amount of the food contained in the package; for example, "jumbo quart" and "full gallon." Dual or combination declarations of net quantity of contents as provided for in paragraphs (a), (c), and (j) of this section (for example, a combination of net weight plus numerical count, net contents plus dilution directions of a concentrate, etc.) are not regarded as supplemental net quantity statements and may be located on the principal display panel.

Drug, Device & Cosmetic Regs - 6/28/68 § 1.102d OTC drugs and devices in package form.

- (o) Nothing in this section shall prohibit supplemental statements at locations other than the principal display panel(s) describing in nondeceptive terms the net quantity of contents, provided that such supplemental statements of net quantity of contents shall not include any term qualifying a unit of weight, measure, or count that tends to exaggerate the amount of the drug or device contained in the package; for example, "giant pint" and "full quart." Dual or combination declarations of net quantity of contents as provided for in paragraphs (a) and (i) of this section are not regarded as supplemental net quantity statements and shall be located on the principal display panel.

Drug, Device & Cosmetic Regs - 6/28/68 § 1.202b Cosmetics in package form.

- (q) Nothing in this section shall prohibit supplemental statements at locations other than the principal display panel(s) describing in nondeceptive terms the net quantity of contents, provided that such supplemental statements of net quantity of contents shall not include any term qualifying a unit of weight, measure, or count that tends to exaggerate the amount of the cosmetic contained in the package; for example, "giant pint" and "full quart." Dual or combination declarations of net quantity of contents as provided for in paragraphs (a), (c) and (j) of this section (for example, a combination of net weight plus numerical count) are not regarded as supplemental net quantity statements and shall be located on the principal display panel.

FTC - 3/19/68 § 500.20 Supplemental statements.

Nothing contained in the regulations in this part shall prohibit supplemental statements, at locations other than the principal display panel, describing in nondeceptive terms the net quantity of contents: Provided, That such supplemental statements of net quantity of contents shall not include any term qualifying a unit of weight, measure, or count that tends to exaggerate the amount of commodity contained in the package. (Examples of prohibited language are: "Giant Quart," "Full Gallon," "When Packed," "Minimum," or words of similar import.) Required dual declaration and combination declarations of net quantity of contents (for example, a combination of net weight plus numerical count, numerical count plus dimensions of the commodity, etc.) are not regarded as supplemental net quantity statements and shall be located on the principal display panel. Dilution directions or other similar directions for use

are not regarded as supplemental net quantity statements and may be located on the principal display panel. Size characterizations in compliance with standards promulgated under section 5(c)(1) of the Act may appear on the principal display panel.

ABBREVIATIONS

Model Packaging Regulation

Any of the following abbreviations, and none other, may be employed in the quantity statement on a package of commodity.

avoirdupois	avdp	quart	qt
cubic	cu	square	sq
feet or foot	ft	weight	wt
fluid	fl	yard	yd
gallon	gal	cubic centimeter	cc
inch	in	gram	g
liquid	liq	kilogram	kg
ounce	oz	microgram	mcg
pint	pt	milligram	mg
pound	lb	milliliter	ml

(There normally are no periods following, nor plural forms of, these abbreviations. For example, "oz" is the abbreviation for both "ounce" and "ounces.")

FDA - 7/21/67 § 1.8b

(n) For quantities, the following abbreviations and none other may be employed (periods and plural forms are optional):

weight	wt.	pint	pt.
ounce	oz.	quart	qt.
pound	lb.	fluid	fl.
gallon	gal.		

Drug, Device & Cosmetic Regs - 6/28/68 § 1.102d OTC drugs and devices in package form.

(1) For quantities, the following abbreviations and none other may be employed (periods and plural forms are optional):

gallon	gal.	milliliter	ml.
quart	qt.	cubic centimeter	cc.
pint	pt.	yard	yd.
ounce	oz.	feet or foot	ft.
pound	lb.	inch	in.
grain	gr.	meter	m.

§ 1.102d Continued

kilogram	kg.	centimeter	cm.
gram	g.	millimeter	mm.
milligram	mg.	fluid	fl.
microgram	mcg.	square	sq.
liter	l.	weight	wt.

Drug, Device & Cosmetic Regs - 6/28/68 § 1.202b Cosmetics in package form.

(n) For quantities, the following abbreviations and none other may be employed (periods and plural forms are optional):

weight	wt.	gallon	gal.
square	sq.	quart	qt.
fluid	fl.	pint	pt.
yard	yd.	ounce	oz.
feet or foot	ft.	pound	lb.
inch	in.		

FTC - 3/19/68 § 500.19 Abbreviations.

The following abbreviations and none other may be employed in the required net quantity declaration:

Inch	in.	Pound	lb.
Feet or foot	ft.	Quart	qt.
Fluid	fl.	Square	sq.
Liquid	liq.	Weight	wt.
Ounce	oz.	Yard	yd.
Gallon	gal.	Avoirdupois	avdp.
Pint	pt.	Cubic	cu.

(Periods and plural forms shall be optional.)

METRIC SYSTEM DECLARATIONS

Model Packaging Regulation

A separate statement of the net quantity of contents in terms of the metric system is not regarded as a supplemental statement, and a statement of quantity in terms of the metric system of weight or measure may also appear on the principal display panel or on other panels.

FDA - 7/21/67 § 1.8b

- (p) A separate statement of the net quantity of contents in terms of the metric system is not regarded as a supplemental statement and an accurate statement of the net quantity of contents in terms of the metric system of weight or measure may also appear on the principal display panel or on other panels.

Drug, Device & Cosmetic Regs - 6/28/68 § 1.102d OTC drugs and devices in package form.

- (p) A separate statement of net quantity of contents in terms of the metric system of weight or measure is not regarded as a supplemental statement and an accurate statement of the net quantity of contents in terms of the metric system of weight or measure may also appear on the principal display panel or on other panels.

Drug, Device & Cosmetic Regs - 6/28/68 § 1.202b Cosmetics in package form.

- (r) A separate statement of the net quantity of contents in terms of the metric system is not regarded as a supplemental statement and an accurate statement of the net quantity of contents in terms of the metric system of weight or measure may also appear on the principal display panel or on other panels.

FTC - 3/19/68 § 500.21 Metric equivalent.

A separate statement of the net quantity of contents in terms of the metric system is not regarded as a supplemental net quantity statement and an accurate statement of net quantity of contents in terms of the metric system of weight or measure may also appear on the principal display panel or on other panels. Standard metric abbreviations may be used.

FDA - 9/20/67 § 1.10 Food; labeling; designation of ingredients.

- (d) In the case of fabricated foods, including mixtures of food ingredients, where the proportion of an expensive ingredient or ingredients present has a material bearing on price or consumer acceptance, the label of such food shall bear a quantitative statement of such ingredient(s) if the label without such declaration may create an erroneous impression that such ingredient or ingredients are present in an amount greater than is actually the case. For example, a label designation of identity as "cottonseed oil and olive oil" for a mixture containing 80 percent or more of cottonseed oil would require a declaration of the percent of olive oil present. Similarly, a representation by vignette or statement of identity that a breakfast syrup is made from a mixture of sugar syrup and maple sugar syrup would necessitate a quantitative declaration of the maple sugar syrup unless more than 20 percent maple sugar syrup is present.
- (e) In the case of an assortment of different items of food, when variations in the items that make up different packages packed from such assortment normally occur in good packing practice and when such variations result in variations in the ingredients in different packages, such food shall be exempt from compliance with the requirements of clause (2) of section 403(i) of the Act with respect to any ingredient that is not common to all packages. Such exemption, however, shall be on the condition that the label shall bear, in conjunction with the names of such ingredients as are common to all packages, a statement (in terms that are as informative as practicable and that are not misleading) indicating that other ingredients may be present.
- (h) Ingredients shall be listed by common or usual name in order of decreasing predominance. The declaration shall be presented on any appropriate information panel in adequate type size, without obscuring design, vignettes, or crowding. The entire ingredient statement shall appear on a single panel of the label. (FDA - 7/21/67)

USDA - 10/3/70 § 317.2(c)(2) Meat inspection: labels: definition; required features.

If the product is fabricated from two or more ingredients, the word "ingredients" followed by a list of the ingredients as prescribed in paragraph (f) of this section.

USDA - 10/3/70 § 317.2(f) Meat inspection: labels: definition; required features.

- (1) The list of ingredients shall show the common or usual names of the ingredients arranged in the descending order of predominance, except as otherwise provided in this paragraph.
 - (i) The term "flavorings" may be used to designate natural spices, essential oils, oleoresins and other natural spice extractives, and the term "spices" may be used to designate natural spices, without naming each.
 - (ii) The term "corn syrup" may be used to designate either corn syrup or corn syrup solids.
 - (iii) The term "animal and vegetable fats" or "vegetable and animal fats" may be used to designate the ingredients of mixtures of such edible fats in product designated "compound" or "shortening." "Animal fats" as used herein means fat derived from inspected and passed cattle, sheep, swine, or goats.
 - (iv) When a product is coated with pork fat, gelatin, or other approved substance and a specific declaration of such coating appears contiguous to the name of the product, the ingredient statement need not make reference to the ingredients of such coating.
 - (v) When two meat ingredients comprise at least 70 percent of the meat and meat byproduct ingredients of a formula and when neither of the two meat ingredients is less than 30 percent by weight of the total meat and meat byproducts used, such meat ingredients may be interchanged in the formula without a change being made in the ingredients statement on labeling materials: Provided, That the word "and" in lieu of a comma shall be shown between the declaration of such meat ingredients in the statement of ingredients.
- (2) On containers of frozen dinners, entrees, pizzas, and similarly consumer packaged products in cartons the ingredient statement may be placed on the front riser panel: Provided, That the words "see ingredients" followed immediately by an arrow is placed on the principal display panel immediately above the location of such statement without intervening print or designs.

FPLA Sec. 4(a)

- (4) The label of any package of a consumer commodity which bears a representation as to the number of servings of such commodity contained in such package shall bear a statement of the net quantity (in terms of weight, measure, or numerical count) of each such serving.

FDA - 7/21/67 § 1.8c Food labeling; number of servings.

- (a) The label of any package of a food which bears a representation as to the number of servings contained in such package shall bear in immediate conjunction with such statement, and in the same size type as is used for such statement, a statement of the net quantity (in terms of weight, measure, or numerical count) of each such serving; however, such statement may be expressed in terms that differ from the terms used in the required statement of net quantity of contents (for example, cupfuls, tablespoonfuls, etc.) when such differing term is common to cookery and describes a constant quantity. Such statement may not be misleading in any particular.
- (b) If there exists a voluntary product standard promulgated pursuant to the procedures found in Part 10, Title 15, Code of Federal Regulations, by the Department of Commerce, quantitatively defining the meaning of the term "serving" with respect to a particular food, then any label representation as to the number of servings in such packaged food shall correspond with such quantitative definition. (Copies of published standards are available upon request from the National Bureau of Standards, Department of Commerce, Washington, D. C. 20234.)

FTC - 3/19/68 § 500.23 Representations of servings, uses, applications.

- (a) The label of any packaged consumer commodity which bears a representation as to the number of servings, uses, or applications of such commodity contained in such package shall bear in immediate conjunction therewith, and in letters the same size as those used for such representation, a statement of the net quantity (in terms of weight, measure, or numerical count) of each such serving, use, or application: Provided, That such statement may be expressed in terms that differ from terms used in the required statement of net contents (e. g. , cupful, tablespoonful, etc.), when such differing terms describe a constant quantity. Such statement may not be misleading in any particular.
- (b) Representations as to the total amount of object or objects to which the commodity may be applied or upon which or in which the commodity may be used, will not be considered to be representations as to servings, uses, or applications, if such amount is expressed in terms of standard units of weight, measure, size, or count.

- (c) If there exists a voluntary product standard promulgated pursuant to the procedures found in Part 10, Title 15, Code of Federal Regulations, by the Department of Commerce, quantitatively defining the meaning of the terms "serving," "use," or "application" with respect to a particular consumer commodity, then any label representation as to the number of servings, uses, or applications in such packaged consumer commodity shall correspond with such quantitative definition. (Copies of published standards will be available upon request from the National Bureau of Standards, Department of Commerce, Washington, D. C. 20234).

USDA - 10/3/70 § 317.2(h)(10) Meat inspection: label: definition; required features.

Labels for containers which bear any representation as to the number of servings contained therein shall bear, contiguous to such representation, and in the same size type as is used for such representation, a statement of the net quantity of each such serving.

Part C

LABELING - NONCONSUMER PACKAGES

DECLARATION OF IDENTITY: NONCONSUMER PACKAGE

Model Packaging Regulation

A declaration of identity on a nonconsumer package shall appear on the outside of a package and shall positively identify the commodity in the package by its common or usual name, description, generic term, or the like.

USDA - 10/3/70 § 317.2(c)(1) Meat inspection: labels: definition; required features.

See page B-5.

USDA - 10/3/70 § 317.2(e) Meat inspection: labels: definition; required features.

See page B-5.

DECLARATION OF RESPONSIBILITY: NONCONSUMER
PACKAGES

Model Packaging Regulation

Any package kept, offered, or exposed for sale, or sold, at any place other than on the premises where packed shall specify conspicuously on the label of the package the name and address of the manufacturer, packer, or distributor. The name shall be the actual corporate name, or, when not incorporated, the name under which the business is conducted. The address shall include street address, city, State, and ZIP Code; however, the street address may be omitted if this is shown in a current city directory or telephone directory. The requirement for inclusion of the ZIP Code shall apply only to labels that have been developed or revised after July 1, 1968.

If a person manufactures, packs, or distributes a commodity at a place other than his principal place of business, the label may state the principal place of business in lieu of the actual place where the commodity was manufactured or packed or is to be distributed, unless such statement would be misleading. Where the commodity is not manufactured by the person whose name appears on the label, the name shall be qualified by a phrase that reveals the connection such person has with such commodity, such as "Manufactured for and packed by _____," "Distributed by _____," or any other wording of similar import that expresses the facts.

USDA - 10/3/70 § 317.2(c)(3) Meat inspection: labels: definition; required features.
See page B-12.

USDA - 10/3/70 § 317.2(g) Meat inspection: labels: definition; required features.
See page B-12.

PROMINENCE AND PLACEMENT: NONCONSUMER
PACKAGES

GENERAL

Model Packaging Regulation

All information required to appear on a nonconsumer package shall be definitely and clearly stated thereon in the English language. Any required information that is either in hand lettering or hand script shall be entirely clear and equal to printing in legibility.

USDA - 10/3/70 § 317.2(b) Meat inspection.
See page B-7.

DECLARATION OF QUANTITY: NONCONSUMER PACKAGES

Model Packaging Regulation

LOCATION: A nonconsumer package shall bear on the outside a declaration of the net quantity of contents. Such declaration shall be in terms of the largest whole unit.

TERMS: WEIGHT, LIQUID MEASURE, OR COUNT: The declaration of the quantity of a particular commodity shall be expressed in terms of liquid measure if the commodity is liquid, or in terms of weight if the commodity is solid, semisolid, viscous, or a mixture of solid and liquid, or in terms of numerical count. However, if there exists a firmly established general consumer usage and trade custom with respect to the terms used in expressing a declaration of quantity of a particular commodity, such declaration of quantity may be expressed in its traditional terms, if such traditional declaration gives accurate and adequate information as to the quantity of the commodity.

UNITS: WEIGHT, MEASURE: A declaration of quantity

- (a) in units of weight shall be in terms of the avoirdupois pound or ounce;
- (b) in units of liquid measure shall be in terms of the United States gallon of 231 cubic inches or liquid-quart, liquid-pint, or fluid-ounce subdivisions of the gallon, and shall express the volume at 68°F (20°C), except in the case of petroleum products, for which the declaration shall express the volume at 60°F (15.6°C), and except also in the case of a commodity that is normally sold and consumed while frozen, for which the declaration shall express the volume at the frozen temperature, and except also in the case of a commodity that is normally sold in the refrigerated state, for which the declaration shall express the volume at 40°F (4°C);
- (c) in units of linear measure shall be in terms of the yard, foot, or inch;
- (d) in units of area measure, shall be in terms of the square yard, square foot, or square inch;
- (e) in units of dry measure shall be in terms of the United States bushel of 2,150.42 cubic inches, or peck, dry-quart, and dry-pint subdivisions of the bushel;

- (f) in units of cubic measure shall be in terms of the cubic yard, cubic foot, or cubic inch:

Provided, That nothing in this subsection shall prohibit the labeling of nonconsumer packages in terms of units of the Metric System.

ABBREVIATIONS: Any generally accepted abbreviation of a unit name may be employed in the quantity statement on a package of commodity (for commonly accepted abbreviations, see page B-76 ABBREVIATIONS).

CHARACTER OF DECLARATION: AVERAGE: The average quantity of contents in the packages of a particular lot, shipment, or delivery shall at least equal the declared quantity, and no unreasonable shortage in any package shall be permitted, even though overages in other packages in the same shipment, delivery, or lot compensate for such shortage.

USDA - 10/3/70 § 317.2(c)(4) Meat inspection: labels: definition; required features.
See page B-16.

USDA - 10/3/70 § 317.2(h)(4) Meat inspection: labels: definition; required features.
See page B-29.

Part D

REQUIREMENTS - SPECIFIC CONSUMER COMMODITIES

AEROSOLS AND SIMILAR PRESSURIZED CONTAINERS

Model Packaging Regulation

The declaration of quantity on an aerosol package, and on a similar pressurized package, shall disclose the net quantity of the commodity (including propellant), in terms of weight, that will be expelled when the instructions for use as shown on the container are followed.

FDA - 7/21/67 § 1.8b(g)

provided that in the case of foods packed in containers designed to deliver the food under pressure, the declaration shall state the net quantity of the contents that will be expelled when the instructions for use as shown on the container are followed. The propellant is included in the net quantity declaration.

Drug, Device & Cosmetic Regs - 6/28/68 § 1.102d(f) Drugs and devices in package form.

Provided, That in the case of drugs packed in containers designed to deliver the drug under pressure, the declaration shall state the net quantity of the contents that will be expelled when the instructions for use as shown on the container are followed. The propellant is included in the net quantity declaration.

Drug, Device & Cosmetic Regs - 6/28/68 § 1.202b(g) Cosmetics in package form.

- (1) In the case of cosmetics packed in containers designed to deliver the cosmetic under pressure, the declaration shall state the net quantity of the contents that will be expelled when the instructions for use as shown on the container are followed. The propellant is included in the net quantity declaration.

FTC - 3/19/68 § 500.22(a)

Provided, That in the case of a commodity packed in a container designed to deliver the commodity under pressure, the statement shall declare the net quantity of the contents that will be expelled when the instructions for use are followed. The propellant is included in the net quantity statement.

COMBINATION PACKAGES

Model Packaging Regulation

Any package containing individual units of dissimilar commodities (such as an antiquing kit, for example) shall bear on the label of the package a quantity declaration for each unit.

FTC - 12/1/70 § 500.26 Combination packages.

- (a) A combination package is a package intended for retail sale, containing two or more individual packages or units of dissimilar commodities. The declaration of net quantity for a combination package will contain an expression of weight, volume, measure or count or a combination thereof, as appropriate for each individual package or unit; Provided, That the quantity statements for identical packages or units shall be combined. Dual declarations will be included where applicable.

Examples:

- (1) Lighter fluid and flints: "2 cans--each 8 fl. ozs.; 1 package--8 flints."
 - (2) Sponges & Cleaner: "2 sponges each 4 in. x 6 in. x 1 in.; 1 box cleaner--Net Wt. 6 ozs."
 - (3) Picnic Pack: "20 spoons, 10 knives and 10 forks, 10 2-ply napkins 10 ins. x 10 ins. 10 cups--6 fl. ozs."
- (b) When the individual units in a combination package are either packaged or labeled and are intended for retail sale as individual units, each unit shall be in compliance with the applicable regulations under this Part 500.

CYLINDRICAL CONTAINERS

Model Packaging Regulation

In the case of cylindrical or nearly cylindrical containers, information required to appear on the principal display panel shall appear within that 40 percent of the circumference which is most likely to be displayed, presented, shown, or examined under customary conditions of display for retail sale.

DISPLAY CARD PACKAGE

Model Packaging Regulation

For an individual package affixed to a display card, or for a commodity and display card together comprising a package, the type size of the quantity declaration is governed by the dimensions of the display card.

Drug, Device & Cosmetic Regs - 6/28/68 § 1.102d(e)(3)

See page B-19.

Drug, Device & Cosmetic Regs - 6/28/68 § 1.202b(e)(2)

See page B-19.

FTC - 3/19/68 § 500.2(h)

See page A-10.

EGGS

Model Packaging Regulation

When cartons containing 12 eggs have been designed so as to permit division in half by the retail purchaser, the required quantity declaration shall be so positioned as to have its context destroyed when the carton is divided.

FDA - 8/22/68 § 1.1c(a)(9)

- (ii) Twelve shell eggs packaged in a carton designed to hold 1 dozen eggs are exempt from the placement requirements for the declaration of contents prescribed by § 1.8b(f) if the required content declaration is otherwise placed on the principal display panel of such carton and if, in the case of such cartons designed to permit division by retail customers into two portions of 1/2 dozen eggs each, the required content declaration is placed on the principal display panel in such a manner that the context of the content declaration is destroyed upon division of the carton.

MULTI-UNIT PACKAGES

Model Packaging Regulation

Any package containing more than one individual "commodity in package form" of the same commodity shall bear on the outside of the package a declaration of

- (a) the number of individual units,
- (b) the quantity of each individual unit, and
- (c) the total quantity of the contents of the multi-unit package:
Provided, That the requirement for a declaration of the total quantity of contents of the multi-unit package shall be effective (1) with respect to those labels revised after the effective date of this regulation, or (2) as of January 1, 1970, whichever occurs first. Any such declaration of total quantity shall not be required to include the parenthetical quantity statement of a dual quantity representation.

Whenever the quantity declaration appearing on individual units of a multi-unit package is located other than in the lower 30 percent of the principal display panel, the individual units of that multi-unit package may not be separately sold.

FDA - 2/12/70 § 1.8b Food labeling; declaration of net quantity of contents; when exempt.

- (s) On a multiunit retail package, a statement of the quantity of contents shall appear on the outside of the package and shall include the number of individual units, the quantity of each individual unit, and, in parentheses, the total quantity of contents of the multiunit package in terms of avoirdupois or fluid ounces, except that such declaration of total quantity need not be followed by an additional parenthetical declaration in terms of the largest whole units and subdivisions thereof, as required by paragraph (j)(1) of this section.

FTC - 10/23/70 § 500.24 Multiunit packages.

(a) A multiunit package is a package intended for retail sale, containing two or more individual packaged or labeled units of an identical commodity in the same quantity. The declaration of net quantity of contents of a multiunit package shall be expressed as follows:

- (1) The number of individual packaged or labeled units;
- (2) The quantity of each individual packaged or labeled unit including dual declarations when applicable; and
- (3) The total quantity of the multiunit package which may omit the parenthetical quantity statement of a dual quantity representation.

Examples: Soap bars: "6 Bars Net Wt. 3.4 ozs. each, Total Net Wt. 20.4 ozs." Facial Tissues: "10 Packs, each 25 two-ply tissues, 9.7 in. x 8.2 in., Total 250 Tissues."

- (b) The individual packages or labeled units of a multiunit package, when intended for individual sale separate from the multiunit package, shall be labeled in compliance with the regulations under this Part 500 applicable to that package.
- (c) A multiunit package containing unlabeled individual packages which are not intended for retail sale separate from the multiunit package may contain in lieu of the requirements of paragraph (a) of this section, a declaration of quantity of contents expressing the total quantity of the multiunit package without regard for inner packaging. For such multiunit packages it shall be optional to include a statement of the number of individual packages when such a statement is not otherwise required by the regulations.

Examples: Deodorant Cakes: "5 Cakes, Net Wt. 4 ozs. each, Total Net Wt. 20 ozs." or "5 Cakes, Total Net Wt. 20 ozs. (1 lb. 4 ozs.)";

Soap Packets: "10 Packets, Net Wt. 2 ozs. each, Total Net Wt. 20 ozs.," or "Net Wt. 20 ozs. (1 lb. 4 ozs.);" or "10 Packets, Total Net Wt. 20 ozs. (1 lb. 4 ozs.)."

USDA - 10/3/70 § 317.2(h)(12) Meat inspection: label: definition; required features.

On a multiunit retail package, a statement of the net quantity of contents shall appear on the outside of the package and shall include the number

of individual units, the quantity of each individual unit, and, in parentheses, the total net quantity of contents of the multiunit package in terms of avoirdupois or fluid ounces, except that such declaration of total quantity need not be followed by an additional parenthetical declaration in terms of the largest whole units and subdivisions thereof, as required by subparagraph (5) of this paragraph.

VARIETY PACKAGES

Model Packaging Regulation

Any package containing individual units of reasonably similar commodities (such as, for example, seasonal gift packages, variety packages of cereal) shall bear on the label of the package a declaration of the total quantity of commodity in the package.

Drug, Device & Cosmetic Regs - 6/28/68 § 1.202b(g) Cosmetics in package form.

- (2) In the case of a package which contains the integral components making up a complete kit, and which is designed to deliver the components in the manner of an application (for example, a home permanent wave kit), the declaration may state the net quantity of the contents in nondeceptive terms of the number of applications available in the kit when the instructions for use as shown on the container are followed.

FTC - 12/1/70 § 500.25 Variety packages.

- (a) A variety package is a package intended for retail sale, containing two or more individual packages or units of similar but not identical commodities. Commodities which are generically the same but which differ in weight, measure, volume, appearance or quality are considered similar but not identical. The declaration of net quantity for a variety package will be expressed as follows:
 - (1) The number of units for each identical commodity followed by the weight, volume or measure of that commodity including dual declarations when applicable; and
 - (2) The total quantity by weight, volume, measure, and count, as appropriate, of the variety package. Dual declarations may be omitted from the total quantity statement.

The statement of total quantity shall appear as the last item in the declaration of net quantity and shall not be of greater prominence than other terms used.

Examples:

- (i) "2 sponges 4-1/2 ins. x 4 ins. x 3/8 in.
1 sponge 4-1/2 ins. x 8 ins. x 3/4 in.
4 sponges 2-1/4 ins. x 4 ins. x 1/2 in.

Total 7 sponges"

- (ii)"2 soap bars Net Wt. 3.2 ozs. each
1 soap bar Net Wt. 5.0 ozs.

Total 3 bars Net Wt.11.4 ozs."

- (iii) Liquid Shoe Polish: "1 Brown 3 fl. ozs.
 1 Black 3 fl. ozs.
 1 White 5 fl. ozs.

Total 11 fl. ozs."

- (iv) Picnic Ware: "34 spoons
 33 forks
 33 knives

Total 100 pieces"

- (b) When the individual units in a variety package are either packaged or labeled and are intended for retail sale as individual units, each unit shall be labeled in compliance with the applicable regulations under this Part 500.

MEASUREMENT OF CONTAINER-TYPE COMMODITIES, HOW EXPRESSED

Model Packaging Regulation

General

Commodities designed and sold at retail to be used as containers for other materials or objects, such as bags, cups, boxes, and pans, shall be labeled with the declaration of net quantity as follows:

- (a) For bag-type commodities, in terms of count followed by linear dimensions of the bag (whether packaged in a perforated roll or otherwise).

When the unit bag is characterized by two dimensions because of the absence of a gusset, the width and length will be expressed in inches, except that a dimension of 2 feet or more will be expressed in feet with any remainder in terms of inches or common or decimal fractions of the foot. (Example: "25 bags, 17 in x 20 in" or "100 bags, 20 in x 2 ft 6 in" or "50 bags, 20 in x 2-1/2 ft.")

When the unit bag is gusseted, the dimensions will be expressed as width, depth, and length, in terms of inches, except that any dimension of 2 feet or more will be expressed in feet with any remainder in terms of inches or the common or decimal fractions of the foot. (Examples: "25 bags, 17 in x 4 in x 20 in" or "100 bags, 20 in x 12 in x 2-1/2 ft.")

- (b) For other square, oblong, rectangular, or similarly shaped containers, in terms of count followed by length, width, and depth, except depth need not be listed when less than 2 inches. (Example: "2 cake pans, 8 in x 8 in" or "roasting pan, 12 in x 8 in x 3 in.")
- (c) For circular or other generally round-shaped containers, except cups, and the like, in terms of count followed by diameter and depth, except depth need not be listed when less than 2 inches. (Example: "4 pie pans, 8 in diameter" or "2 cake pans, 8 in diameter x 4 in.")

Capacity

When the functional use of the container is related by label references in standard terms of measure to the capability of holding a specific quantity of substance or class of substances such references shall be a part of the net quantity statement and shall specify capacity as follows:

- (a) Liquid measure for containers which are intended to be used for liquids, semisolids, viscous materials, or mixtures of solids and liquids. The expressed capacity will be stated in terms of the largest whole unit (gallon, quart, pint, ounce), with any remainder in terms of the common or decimal fraction of that unit. (Example: Freezer Boxes - "4 boxes, 1-qt capacity, 5 in x 4 in x 3 in.")
- (b) Dry measure for containers which are intended to be used for solids. The expressed capacity will be stated in terms of the largest whole unit (bushel, peck), with any remainder in terms of the common or decimal fraction of that unit. (Example: Leaf Bags - "8 bags, 6-bushel capacity, 3 ft x 5 ft.")

Notwithstanding the above requirements, the net quantity statement for containers such as cups will be listed in terms of count and liquid capacity per unit. (Example: "24 cups, 6 fl. oz capacity.") For purposes of this section, the use of the terms "capacity," "diameter," and "fluid" is optional.

TEXTILE PRODUCTS, THREADS, AND YARNS

Model Packaging Regulation

Wearing Apparel

Wearing apparel (including nontextile apparel and accessories such as leather goods and footwear) sold as single-unit items, or if normally sold in pairs (such as hosiery, gloves, and shoes) sold as single-unit pairs, shall be exempt from the requirements for a net quantity statement by count, as required by subsection 6.3. of this regulation.

Textiles

Bedsheets, pillowcases, blankets, bedspreads, afghans, throws, flags, dresser and other furniture scarfs, curtains, drapes, facecloths, tablecloths, and napkins shall be exempt from the requirements of subsection 6.6.7. of this regulation: Provided, That

- (a) The net quantity statement for fitted sheets shall be expressed in terms of length and width measurement in inches of the size of mattress which the sheet will fit. The principal display panel may also contain a designation for the size of mattress which the sheet will fit, such as "twin," "double," "king," etc.
- (b) The net quantity statement for nonfitted or flat sheets shall be expressed in terms of the finished length and width measurements of the sheet in inches, which may be followed in parentheses by a statement of the length and width of the sheet prior to hemming in inches, such parenthetical expression to include the phrase "size before hemming" or words of similar import in the same type size as the required statement. The principal display panel may also contain a designation for the size of the mattress which the sheet was intended to fit, such as "twin," "double," etc.
- (c) The net quantity statement for pillowcases shall be expressed in terms of the finished length and width measurements in inches of the pillowcase, which may be followed in parentheses by a statement of length and width in inches of the pillowcase prior to hemming, such parenthetical expression to include the qualification "size before hemming" or "prehemming size." A designation of the size of the pillow which the pillowcase will fit may be included, such as "regular," "queen," "king," "bolster," etc.
- (d) The net quantity statement for blankets, bedspreads, afghans, and throws shall be expressed in terms of the finished length and width

Capacity

When the functional use of the container is related by label references in standard terms of measure to the capability of holding a specific quantity of substance or class of substances such references shall be a part of the net quantity statement and shall specify capacity as follows:

- (a) Liquid measure for containers which are intended to be used for liquids, semisolids, viscous materials, or mixtures of solids and liquids. The expressed capacity will be stated in terms of the largest whole unit (gallon, quart, pint, ounce), with any remainder in terms of the common or decimal fraction of that unit. (Example: Freezer Boxes - "4 boxes, 1-qt capacity, 5 in x 4 in x 3 in.")
- (b) Dry measure for containers which are intended to be used for solids. The expressed capacity will be stated in terms of the largest whole unit (bushel, peck), with any remainder in terms of the common or decimal fraction of that unit. (Example: Leaf Bags - "8 bags, 6-bushel capacity, 3 ft x 5 ft.")

Notwithstanding the above requirements, the net quantity statement for containers such as cups will be listed in terms of count and liquid capacity per unit. (Example: "24 cups, 6 fl. oz capacity.") For purposes of this section, the use of the terms "capacity," "diameter," and "fluid" is optional.

TEXTILE PRODUCTS, THREADS, AND YARNS

Model Packaging Regulation

Wearing Apparel

Wearing apparel (including nontextile apparel and accessories such as leather goods and footwear) sold as single-unit items, or if normally sold in pairs (such as hosiery, gloves, and shoes) sold as single-unit pairs, shall be exempt from the requirements for a net quantity statement by count, as required by subsection 6.3. of this regulation.

Textiles

Bedsheets, pillowcases, blankets, bedspreads, afghans, throws, flags, dresser and other furniture scarfs, curtains, drapes, facecloths, tablecloths, and napkins shall be exempt from the requirements of subsection 6.6.7. of this regulation: Provided, That

- (a) The net quantity statement for fitted sheets shall be expressed in terms of length and width measurement in inches of the size of mattress which the sheet will fit. The principal display panel may also contain a designation for the size of mattress which the sheet will fit, such as "twin," "double," "king," etc.
- (b) The net quantity statement for nonfitted or flat sheets shall be expressed in terms of the finished length and width measurements of the sheet in inches, which may be followed in parentheses by a statement of the length and width of the sheet prior to hemming in inches, such parenthetical expression to include the phrase "size before hemming" or words of similar import in the same type size as the required statement. The principal display panel may also contain a designation for the size of the mattress which the sheet was intended to fit, such as "twin," "double," etc.
- (c) The net quantity statement for pillowcases shall be expressed in terms of the finished length and width measurements in inches of the pillowcase, which may be followed in parentheses by a statement of length and width in inches of the pillowcase prior to hemming, such parenthetical expression to include the qualification "size before hemming" or "prehemming size." A designation of the size of the pillow which the pillowcase will fit may be included, such as "regular," "queen," "king," "bolster," etc.
- (d) The net quantity statement for blankets, bedspreads, afghans, and throws shall be expressed in terms of the finished length and width

measurements in inches, which shall be followed in parentheses by a statement of the length of any ornamentation, such as "including 2-inch fringe." A designation of the size of the mattress which the commodity is intended to fit may be included, such as "twin," "double," "king," "queen," etc.

- (e) The net quantity statement for tablecloths and napkins shall be expressed in terms of finished length and width in inches, which may be followed in parentheses by a statement of length and width in inches in terms of the cut size (size before hemming) and properly identified as such.
- (f) The net quantity statement for curtains, drapes, facecloths, flags, dresser and other furniture scarfs shall be expressed in terms of linear dimensions in inches for the finished size, which shall be followed in parentheses by a statement of the length of any ornamentation, such as "including 2-inch fringe."
- (g) The net quantity statement for carpets and rugs shall be expressed in terms of length and width in feet, with any remainder in common or decimal fractions of the foot or in inches, which shall be followed in parentheses by a statement of the length of any ornamentation, such as "including 2-inch fringe."

Sewing Threads, Handicraft Threads, and Yarns

Sewing and handicraft threads shall be exempt from the requirements of subsection 6.6.2. of this regulation: Provided, That

- (a) The net quantity statement for sewing and handicraft threads shall be expressed in terms of yards.
- (b) The net quantity statement for yarns shall be expressed in terms of weight.
- (c) Thread products may, in lieu of name and address, bear a trademark, symbol, brand, or other mark that positively identifies the manufacturer, packer, or distributor, provided that such marks, employed to identify the vendor, shall be filed with the director.
- (d) Each unit of industrial thread shall be marked to show its net measure in terms of yards or its net weight in terms of avoirdupois pounds or ounces, except that ready-wound bobbins which are not sold separately, shall not be required to be individually marked but the package containing such bobbins shall be marked to show the number of bobbins contained therein and the net yards of thread on each bobbin.

Part E

VARIATIONS TO BE ALLOWED

VARIATIONS TO BE ALLOWED

(PACKAGING VARIATIONS)

Model Packaging Regulation

VARIATIONS FROM DECLARED NET QUANTITY: Variations from the declared net weight, measure, or count shall be permitted when caused by unavoidable deviations in weighing, measuring, or counting the contents of individual packages that occur in good packaging practice, but such variations shall not be permitted to such extent that the average of the quantities in the packages of a particular commodity, or a lot of the commodity that is kept, offered, or exposed for sale, or sold, is below the quantity stated, and no unreasonable shortage in any package shall be permitted, even though overages in other packages in the same shipment, delivery, or lot compensate for such shortage. Variations above the declared quantity shall not be unreasonably large.

FDA - 7/21/67 § 1.8b

(q) The declaration of net quantity of contents shall express an accurate statement of the quantity of contents of the package. Reasonable variations caused by loss or gain of moisture during the course of good distribution practice or by unavoidable deviations in good manufacturing practice will be recognized. Variations from stated quantity of contents shall not be unreasonably large.

Drug, Device & Cosmetic Regs - 6/28/68 § 1.102d OTC drugs and devices in package form.

(q) The declaration of net quantity of contents shall express an accurate statement of the quantity of contents of the package. Reasonable variations caused by loss or gain of moisture during the course of good distribution practice or by unavoidable deviations in good manufacturing practice will be recognized. Variations from stated quantity of contents shall not be unreasonably large.

Drug, Device & Cosmetic Regs - 6/28/68 § 1.202b Cosmetics in package form.

- (s) The declaration of net quantity of contents shall express an accurate statement of the quantity of contents of the package. Reasonable variations caused by loss or gain of moisture during the course of good distribution practice or by unavoidable deviations in good manufacturing practice will be recognized. Variations from stated quantity of contents shall not be unreasonably large.

FTC - 3/19/68 § 500.22

- (b) Variations from the stated weight or measure shall be permitted when caused by ordinary and customary exposure, after the commodity is introduced into interstate commerce, to conditions which normally occur in good distribution practice and which unavoidably result in change of weight or measure.
- (c) Variations from the stated weight, measure or numerical count shall be permitted when caused by unavoidable deviations in weighing, measuring, or counting the contents of individual packages which occur in good packaging practice: Provided, That such variations shall not be permitted to such extent that the average of the quantities in the packages comprising a shipment or other delivery of the commodity is below the quantity stated, and no unreasonable shortage in any package will be permitted, even though overages in other packages in the same shipment or delivery compensate for such shortage. Variations from stated quantity of contents shall not be unreasonably large.

USDA - 10/3/70 § 317.2(h)(2) Meat inspection: labels: definition; required features.

Reasonable variations caused by loss or gain of moisture during the course of good distribution practices or by unavoidable deviations in good manufacturing practice will be recognized. Variations from stated quantity of contents shall not be unreasonably large.

VARIATIONS RESULTING FROM EXPOSURE

Model Packaging Regulation

Variations from the declared weight or measure shall be permitted when caused by ordinary and customary exposure to conditions that normally occur in good distribution practice and that unavoidably result in change of weight or measure, but only after the commodity is introduced into intrastate commerce: Provided, That the phrase "introduced into intrastate commerce" as used in this paragraph shall be construed to define the time and the place at which the first sale and delivery of a package is made within the State, the delivery being either

- (a) directly to the purchaser or to his agent, or
- (b) to a common carrier for shipment to the purchaser, and this paragraph shall be construed as requiring that, so long as a shipment, delivery, or lot of packages of a particular commodity remains in the possession or under the control of the packager or the person who introduces the package into intrastate commerce, exposure variations shall not be permitted.

MAGNITUDE OF PERMITTED VARIATIONS

Model Packaging Regulation

The magnitude of variations permitted in pages E-1 through E-3 of this regulation shall, in the case of any shipment, delivery, or lot, be determined by the facts in the individual case.

Part F

EFFECTIVE DATES
OF FEDERAL REGULATIONS

EFFECTIVE DATES

FPLA Sec. 13

This Act shall take effect on July 1, 1967: Provided, That the Secretary (with respect to any consumer commodity which is a food, drug, device, or cosmetic, as those terms are define by the Federal Food, Drug, and Cosmetic Act), and the Commission (with respect to any other consumer commodity) may by regulation postpone, for an additional twelve-month period, the effective date of this Act with respect to any class or type of consumer commodity on the basis of a finding that such a postponement would be in the public interest. (Approved November 3, 1966)

FDA - 7/21/67

This order shall become effective (1) December 31, 1967, for all new packages, new label designs, and labels being reordered and (2) July 1, 1968, for all packages introduced into interstate commerce; except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

FDA - 9/20/67

This order shall become effective (1) December 31, 1967, for all new packages, new label designs, and labels being reordered and (2) July 1, 1968, for all packages introduced into interstate commerce

Drug, Device & Cosmetic Regs - 6/28/68

This order shall become effective July 1, 1969, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

Drug, Device & Cosmetic Regs - 3/6/69

This order amending Part 1 in the FEDERAL REGISTER of June 28, 1968 (33 F.R. 9841), as amended by this order, shall become effective December 31, 1969.

- (c) As soon as practicable after the time for filing objections has expired, the Commission will publish a notice in the FEDERAL REGISTER specifying those parts of the order which have been stayed by the filing of objections or, if no objections sufficient to warrant the holding of a public hearing have been filed, stating the fact. This order shall become effective (1) January 1, 1969, for all new packages, new label designs, and labels being re-ordered and (2) July 1, 1969, for all packages introduced into interstate commerce, except as to (Secs. 4, 6, Stat. 1297, 1299, 1300, 15 U.S.C. 1453, 1455).

Part G

EXEMPTIONS

EXEMPTIONS

GENERAL

Model Packaging Regulation

Whenever any consumer commodity or package of consumer commodity is exempted from the requirements for dual quantity declaration, the net quantity declaration required to appear on the package shall be in terms of the largest whole unit (except see page D-6 subparagraph (c)).

PROCEDURE FOR REQUESTING EXEMPTIONS

Model Packaging Regulation

The Committee on Laws and Regulations of the National Conference reviews finalized exemptions granted by FDA and FTC for inclusion into the Model Packaging Regulation. These exemptions are included to insure that packages in intrastate commerce are labeled in accordance with requirements established by FDA and FTC for packages in interstate commerce.

FDA - 7/21/67 § 1.1a Foods, drugs, devices, and cosmetics; labeling; procedure for requesting variations and exemptions from required label statements.

Section 403(e) of the act (in this Part 1, the term "act" means the Federal Food, Drug, and Cosmetic Act) provides for the establishment by regulation of reasonable variations and exemptions for small packages from the required declaration of net quantity of contents. Section 403(i) of the act provides for the establishment by regulation of exemptions from the required declaration of ingredients, where such declaration is impracticable, or results in deception or unfair competition. Section 502(b) of the act provides for the establishment by regulation of reasonable variations and exemptions for small packages from the required declaration of net quantity of contents. Section 602(b) of the act provides for the establishment by regulation of reasonable variations and exemptions for small packages from the required declaration of net quantity of contents. Section 5(b) of the Fair Packaging and Labeling Act provides for the establishment by regulation of exemptions from certain required declarations of net quantity of contents, identity of commodity, identity and location of manufacturer, packer, or distributor, and from declaration of net quantity of servings represented, based on a finding that full compliance with such required declarations is impracticable or not necessary for the adequate protection of consumers, and a further finding that the nature, form, or quantity of the packaged consumer commodity or other good and sufficient reasons justify such exemptions. The Commissioner, on his own initiative or on petition of an interested person, may propose such findings and an exemption. The procedure followed and the criteria used in acting upon exemption requests of interested persons are as follows:

§ 1.1a Continued

- (a) If the petitioner shows that he is an interested person and furnishes reasonable grounds for his proposal, the Commissioner shall publish the proposal in the FEDERAL REGISTER and afford opportunity for interested persons to comment on it. After a study of all the facts available and of the comments received, the Commissioner will act upon the proposal and publish an order, pursuant to section 701(e) of the act, to which objection may be taken by persons who would be adversely affected.
- (b) Practical administration of the law requires that there be a substantial showing of merit before any proposal is published. In evaluating proposals submitted by petitioners for initiating actions, it will be the policy of the Food and Drug Administration to consider that reasonable grounds have been furnished when:
 - (1) The proposal includes or is accompanied by a statement of the facts that the petitioner asserts he can substantiate by evidence in the event the proceedings lead to a public hearing.
 - (2) The declared facts furnish substantial support of the proposal and warrant a conclusion that the proposal is reasonable.
 - (3) The proposal if adopted would not unduly impinge upon the consumer's right to information essential to efficient marketing and to the making of value comparisons and would not otherwise promote deception or unfair competition.
 - (4) Full compliance with the declarations required by law would be impracticable, deceptive, or otherwise unnecessary.
- (c) Opportunity will be given to amend petitions regarding as inadequate.
- (d) At any time prior to the issuance of an order acting on his proposal under section 701(e)(1) of the act, the petitioner may withdraw his petition without prejudice to a future filing. Notice of withdrawal of the petition and termination of the rulemaking proceeding will be published in the FEDERAL REGISTER.
- (e) Established exemptions will be set forth in § 1.1c.

- (e) Regulations will be promulgated by the Commissioner exempting particular consumer commodities from one or more of the requirements of section 4 of the Act and the regulations thereunder to the extent and under such conditions as are consistent with the declared policy of the Act whenever the Commissioner finds that, because of the nature, form, or quantity of the particular consumer commodity, or for other good and sufficient reasons, full compliance with all the requirements otherwise applicable is impracticable or is not necessary for the adequate protection of consumers. Proceedings for the promulgation of such exempting regulations may be commenced by the Commission upon its own initiative or pursuant to petition filed with the Secretary by any interested person or group stating reasonable grounds for the proposed exemption, pursuant to § 1.15 of this chapter of the Commission's general procedures.

RANDOM PACKAGES

Model Packaging Regulation

A random package bearing a label conspicuously declaring

- (a) the net weight,
- (b) the price per pound, and
- (c) the total price

shall be exempt from the type size, dual declaration, placement, and free area requirements of this regulation. In the case of a random package packed at one place for subsequent sale at another, neither the price per unit of weight nor the total selling price need appear on the package, provided the package label includes both such prices at the time it is offered or exposed for sale at retail. This exemption shall also apply to uniform weight packages of cheese and cheese products labeled in the same manner and by the same type of equipment as random packages exempted by this section.

FPLA Sec. 4(a)(3)(A)

- (ii) if on a random package, may be expressed in terms of pounds and decimal fractions of the pound carried out to not more than two decimal places.

FDA - 7/21/67 § 1.1c Exemptions from required label statements.

The following exemptions are granted from label statements required by this part:

- (a) Foods. (1) While held for sale, a food shall be exempt from the required declaration of net quantity of contents specified in this part if said food is received in bulk containers at a retail establishment and is accurately weighed, measured, or counted either within the view of the purchaser or in compliance with the purchaser's order.
- (2) Random food packages, as defined in § 1.8b(j), bearing labels declaring net weight, price per pound or per specified number of pounds, and total price shall be exempt from the type size, dual declaration, and placement requirements of § 1.8b if the accurate statement of net weight is presented conspicuously on the principal display panel of the package. In the case of food packed in random packages at one place for subsequent shipment and sale at another, the price sections of the label may be left blank provided they are filled in by the seller prior to retail sale. This exemption shall

§ 1.1c Continued

also apply to uniform weight packages of cheese and cheese products labeled in the same manner and by the same type of equipment as random food packages exempted by this subparagraph except that the labels shall bear a declaration of price per pound and not price per specified number of pounds.

(Amended: 34 F. R., 11541, July 12, 1969)

FTC - 3/19/68 § 500.9

- (b) If the net quantity of contents declaration appears on a random package, it may, when the net weight exceeds 1 pound, be expressed in terms of pounds and decimal fractions of the pound carried out to not more than two decimal places. When the net weight does not exceed 1 pound, the declaration on the random package may be in terms of decimal fractions of the pound in lieu of ounces. (Examples: "Net Wt., 0.75 lb." and "Net Weight 1.05 pounds.") Such decimal declaration shall be exempt from the type size, dual declaration and placement requirements of section 4(a) of the Act if the accurate statement of net weight is presented prominently and conspicuously on the principal display panel of the package.

USDA - 10/3/70 § 317.2(h)(9)(ii) Meat inspection: label: definition; required features.

Random weight consumer size packages bearing labels declaring net weight, price per pound, and total price, shall be exempt from the type size, dual declaration and placement requirements of this paragraph (h), if an accurate statement of net weight is shown conspicuously on the principal display panel of the package.

SMALL CONFECTIONS

Model Packaging Regulation

Individually wrapped pieces of "penny candy" and other confectionery of less than one-half ounce net weight per individual piece shall be exempt from the labeling requirements of this regulation when the container in which such confectionery is shipped is in conformance with the labeling requirements of this regulation. Similarly, when such confectionery items are sold in bags or boxes, such items shall be exempt from the labeling requirements of this regulation, including the required declaration of net quantity of contents, when the declaration of the bag or box meets the requirements of this regulation.

FDA Revision - 9/20/67 § 1.1c

(a)(4) Individually wrapped pieces of "penny candy" shall be exempt from the labeling requirements of this part when the container in which such candy is shipped is in conformance with the labeling requirements of this part. Similarly, when individually wrapped pieces of candy of less than one-half ounce net weight per individual piece are sold in bags or boxes, such individual pieces shall be exempt from the labeling requirements of this part, including the required declaration of net quantity of contents specified in this part when the declaration on the bag or box meets the requirements of this part.

INDIVIDUAL SERVINGS

Model Packaging Regulation

Individual-serving-size packages of foods containing less than 1/2 ounce or less than 1/2 fluid ounce for use in restaurants, institutions, and passenger carriers, and not intended for sale at retail, shall be exempt from the required declaration of net quantity of contents specified in this regulation.

FDA - 7/21/67 § 1.1c

(a)(3) Individual serving-size packages of foods containing less than 1/2 ounce or less than 1/2 fluid ounce for use in restaurants, institutions, and passenger carriers, and not intended for sale at retail, shall be exempt from the required declaration of net quantity of contents specified in this part.

USDA - 10/3/70 § 317.2(h)(9)(i) Meat inspection: label: definition; required features.

The following exemptions from the requirements contained in this paragraph (h) are hereby established:

- (i) Individually wrapped and labeled packages of less than 1/2-ounce net weight which are in a shipping container, need not bear a statement of net quantity of contents as specified in this paragraph (h) when the statement of net quantity of contents on the shipping container meets the requirements of this paragraph (h).

CUTS, PLUGS, AND TWISTS OF TOBACCO AND CIGARS

Model Packaging Regulation

When individual cuts, plugs, and twists of tobacco and individual cigars are shipped or delivered in containers that conform to the labeling requirements of this regulation, such individual cuts, plugs, and twists of tobacco and cigars shall be exempt from such labeling requirements.

Model Packaging Regulation

Nothing in this regulation shall be deemed to preclude the continued use of reusable (returnable) glass containers: Provided, That such glass containers ordered after the effective date of this regulation shall conform to all requirements of this regulation.

FPLA Sec. 6

- (d) No regulation adopted under this Act shall preclude the continued use of returnable or reusable glass containers for beverages in inventory or with the trade as of the effective date of this Act, nor shall any regulation under this Act preclude the orderly disposal of packages in inventory or with the trade as of the effective date of such regulation.

FDA - 7/21/67 § 3.57 Stocks of packages and labels not complying with section 4 of the Fair Packaging and Labeling Act.

- (a) Implementation of the Fair Packaging and Labeling Act (Public Law 89-755) will require changes in the labels of many foods, drugs, and cosmetics now on the market. The law does not contemplate a disruption of legitimate business practices nor destruction of all stocks of labels and packages rendered not-in-compliance by the effective date of the regulations promulgated pursuant to that Act. Section 6 of the Fair Packaging and Labeling Act provides that "no regulation adopted under this Act shall preclude the continued use of returnable or reusable glass containers for beverages in inventory or with the trade as of the effective date of this Act, nor shall any regulation under this Act preclude the orderly disposal of packages in inventory or with the trade as of the effective date of such regulation." Section 13 provides that the promulgating authority may by regulation postpone the effective date of the Fair Packaging and Labeling Act for an additional 12-month period for classes or types of consumer commodities.

CIGARETTES AND SMALL CIGARS

Model Packaging Regulation

Cartons of cigarettes and small cigars, containing ten individual packages of twenty, labeled in accordance with the requirements of this regulation, shall be exempt from the requirements set forth on page B-18 LOCATION, page B-60 MINIMUM HEIGHT OF NUMBERS AND LETTERS, page D-6 MULTI-UNIT PACKAGES: Provided, That such cartons bear a declaration of the net quantity of commodity in the package.

PACKAGED COMMODITIES WITH LABELING REQUIREMENTS
SPECIFIED IN FEDERAL LAW

Model Packaging Regulation

Packages of meat and meat products, poultry and poultry products, tobacco and tobacco products, insecticides, fungicides, rodenticides, alcoholic beverages, and seeds shall be exempt from the requirements set forth in pages B-45 WEIGHT: DUAL QUANTITY DECLARATION, B-48 FLUID MEASURE: DUAL QUANTITY DECLARATION, B-49 LENGTH MEASURE: DUAL QUANTITY DECLARATION, B-51 AREA MEASURE: DUAL QUANTITY DECLARATION, B-18 LOCATION, and page B-60 MINIMUM HEIGHT OF NUMBERS AND LETTERS: Provided, That quantity labeling requirements for such products are specified in Federal law, so as to follow reasonably sound principles of providing consumer information.

FPLA (Consumer Commodity) Sec 10(a)

Such term does not include--

- (1) any meat or meat product, poultry or poultry product, or tobacco or tobacco product;
- (2) any commodity subject to packaging or labeling requirements imposed by the Secretary of Agriculture pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act, or the provisions of the eighth paragraph under the heading "Bureau of Animal Industry" of the Act of March 4, 1913 (37 Stat. 832-833; 21 USC 151-157), commonly known as the Virus-Serum-Toxin Act;
- (3) any drug subject to the provisions of section 503(b)(1) or 506 of the Federal Food, Drug, and Cosmetic Act (21 USC 353(b)(1) and 356);
- (4) any beverage subject to or complying with packaging or labeling requirements imposed under the Federal Alcohol Administration Act (27 U. S. C. 201 et seq.); or
- (5) any commodity subject to the provisions of the Federal Seed Act (7 U. S. C. 1551-1610).

Drug, Device & Cosmetic Regs - 6/28/68 § 1.102c Prescription drugs in package form.

- (f) A statement of the quantity of a prescription or insulin-containing drug in terms of weight or measure applicable to such drug, under the provisions of paragraph (a) of this section, shall express with prominence and conspicuousness the number of the largest whole unit, as specified in paragraph (b) of this section, that are contained in the package. Any remainder shall be expressed in terms of common or decimal fractions of such unit or in terms of the next smaller whole unit and common or decimal fractions thereof.
- (g) The declaration of net quantity of contents shall express an accurate statement of the quantity of contents of the package. Reasonable variations caused by loss or gain of moisture during the course of good distribution practice or by unavoidable deviations in good manufacturing practice will be recognized. Variations from stated quantity of contents shall not be unreasonably large. In the case of a liquid drug in ampules or vials, intended for injection, the declaration shall be considered to express the minimum quantity and the variation above the stated measure shall comply with the excess volume prescribed by the National Formulary or the U. S. Pharmacopeia for filling of ampules. In the case of a solid drug in ampules or vials, the declaration shall be considered to express the accurate net weight. Variations shall comply with the limitations provided in the U. S. Pharmacopeia of the National Formulary.
- (h) A drug shall be exempt from compliance with the net quantity declaration required by this section if it is an ointment labeled "sample," "physician's sample," or a substantially similar statement and the contents of the package do not exceed 8 grams.

Drug, Device & Cosmetic Regs - 6/28/68 § 1.102d

- (r) A drug shall be exempt from compliance with the net quantity declaration required by this section if it is an ointment labeled "sample," "physician's sample," or a substantially similar statement and the contents of the package do not exceed 8 grams.

Drug, Device & Cosmetic Regs - 6/28/68 § 1.1c

- (b) Drugs. (1) Liquid over-the-counter veterinary preparations intended for injection shall be exempt from the declaration of net quantity of contents in terms of the U. S. gallon of 231 cubic inches and quart, pint, and fluid-ounce subdivisions thereof as required

by § 1.102d(b), (i), and (j), and from the dual declaration requirements of § 1.102d(i), if such declaration of net quantity of contents is expressed in terms of the liter and milliliter, or cubic centimeter, with the volume expressed at 68°F (20°C).

FLUID DAIRY PRODUCTS, ICE CREAM,
AND SIMILAR FROZEN DESSERTS

Model Packaging Regulation

- (a) When packaged in 1/2-liquid pint and 1/2 gallon measure containers, are exempt from the requirements for stating net contents of 8 fluid ounces and 64 fluid ounces, which may be expressed as 1/2 pint and 1/2 gallon respectively.
- (b) When packaged in 1-liquid pint, 1-liquid quart, and 1/2-gallon measure containers, are exempt from the dual net contents declaration requirements. (See page B-48)
- (c) When measured by and packaged in 1/2-liquid pint, 1-liquid pint, 1-liquid quart, 1/2-gallon, and 1-gallon measure containers as defined in "Measure Container Code of National Bureau of Standards Handbook 44," are exempt from the requirement that the declaration of net contents be located within the bottom 30 percent of the principal display panel. (See page B-18)
- (d) Milk and milk products when measured by and packaged in glass or plastic containers of 1/2-liquid pint, 1-liquid pint, 1-liquid quart, 1/2-gallon, and 1-gallon capacities are exempt from the placement requirement of page B-18 that the declaration of net contents be located within the bottom 30 percent of the principal display panel, provided that other required label information is conspicuously displayed on the cap or outside closure, and the required net quantity of contents declaration is conspicuously blown, formed, or molded on, or permanently applied to that part of the glass or plastic container that is at or above the shoulder of the container.

FDA - 8/26/68 § 1.1c Exemption from required label statements.

(a) Foods.

- (7)(i) Milk, cream, light cream, coffee or table cream, whipping cream, light whipping cream, heavy or heavy whipping cream, sour or cultured sour cream, half-and-half, sour or cultured half-and-half, reconstituted or recombined milk and milk products, concentrated milk and milk products, skim or skimmed milk, vitamin D milk and milk products, fortified milk and milk products, homogenized milk, flavored milk and milk products, buttermilk, cultured buttermilk, cultured milk or cultured whole buttermilk, low-fat milk (0.5 to 2.0 percent butterfat), and acidified milk and milk products, when packaged in containers of 8- and 64-fluid-ounce capacity, are exempt from the requirements of § 1.8b(b)(2) to the extent that net contents of 8 fluid ounces and 64 fluid ounces (or 2 quarts) may be expressed as 1/2 pint and 1/2 gallon respectively.
- (ii) The products listed in subdivision (1) of this subparagraph, when packaged in glass or plastic containers of 1/2-pint, 1-pint, 1-quart, 1/2-gallon, and 1-gallon capacities are exempt from the placement requirement of § 1.8b(f) that the declaration of net contents be located within the bottom 30 percent of the principal display panel, provided that other required label information is conspicuously displayed on the cap or outside closure and the required net quantity of contents declaration is conspicuously blown, formed or molded into or permanently applied to that part of the glass or plastic container that is at or above the shoulder of the container.
- (iii) The products listed in subdivision (1) of this subparagraph, when packaged in containers of 1-pint, 1-quart, and 1/2-gallon capacities are exempt from the dual net contents declaration requirement of § 1.8b(j).

FDA - 9/5/68 § 1.1c Exemptions from required label statements.

(a) Foods.

- (6)(i) Ice cream, french ice cream, ice milk, fruit sherbets, water ices, quiescently frozen confections (with or without dairy ingredients), special dietary frozen desserts, and products made in semblance of the foregoing, when measured by and packaged in 1/2-liquid pint and 1/2-gallon measure-containers, as defined in the "Measure Container Code of National Bureau of Standards Handbook 44," are exempt from the requirements of § 1.8b(b)(2) to the extent that net contents of 8-fluid ounces and 64-fluid ounces (or 2 quarts) may be expressed as 1/2 pint and 1/2 gallon, respectively.

§ 1.1c Continued

- (ii) The foods named in subdivision (i) of this subparagraph, when measured by and packaged in 1-liquid pint, 1-liquid quart, and 1/2-gallon measure-containers, as defined in the "Measure Container Code of National Bureau of Standards Handbook 44," are exempt from the dual net contents declaration requirement of § 1.8b(j).
- (iii) The foods named in subdivision (i) of this subparagraph, when measured by and packaged in 1/2-liquid pint, 1-liquid pint, 1-liquid quart, 1/2-gallon, and 1-gallon measure-containers, as defined in the "Measure Container Code of National Bureau of Standards Handbook 44," are exempt from the requirement of § 1.8b(f) that the declaration of net contents be located within the bottom 30 percent of the principal display panel.

SOFT DRINK BOTTLES

Model Packaging Regulation

Bottles of soft drinks shall be exempt from the placement requirements for the declaration of

- (a) identity, when such declaration appears on the bottle closure, and
- (b) quantity, when such declaration is blown, formed, or molded on or above the shoulder of the container and when all other information required by this regulation appears only on the bottle closure.

FDA - 7/12/68 § 1.1c Exemptions from required label statements.

(a) Foods.

- (5)(i) Soft drinks packaged in bottles shall be exempt from the placement requirements for the statement of identity prescribed by § 1.8(a) and (d) if such statement appears conspicuously on the bottle closure. When such soft drinks are marketed in a multi-unit retail package, the multi-unit retail package shall be exempt from the statement of identity declaration requirements prescribed by § 1.8 if the statement of identity on the unit container is not obscured by the multi-unit retail package.
- (ii) A multi-unit retail package for soft drinks shall be exempt from the declaration regarding name and place of business required by § 1.8a if the package does not obscure the declaration on unit containers or it if bears a statement that the declaration can be found on the unit containers and the declaration on the unit containers complies with § 1.8a. The declaration required by § 1.8a may appear on the top or side of the closure of bottled soft drinks if the statement is conspicuous and easily legible.
- (iii) Soft drinks packaged in bottles which display other required label information only on the closure shall be exempt from the placement requirements for the declaration of contents prescribed by § 1.8b(f) if the required content declaration is blown, formed, or molded into the surface of the bottle in close proximity to the closure.

MULTI-UNIT SOFT DRINK PACKAGES

Model Packaging Regulation

Multi-unit packages of soft drinks are exempt from the requirement for a declaration of

- (a) responsibility, when such declaration appears on the individual units and is not obscured by the multi-unit packaging, or when the outside container bears a statement to the effect that such declaration will be found on the individual units inside, and
- (b) identity, when such declaration appears on the individual units and is not obscured by the multi-unit packaging.

FDA - 7/21/68 § 1.1c Exemptions from required label statements.

(a) Foods.

- (5)(i) Soft drinks packaged in bottles shall be exempt from the placement requirements for the statement of identity prescribed by § 1.8(a) and (d) if such statement appears conspicuously on the bottle closure. When such soft drinks are marketed in a multi-unit retail package, the multi-unit retail package shall be exempt from the statement of identity declaration requirements prescribed by § 1.8 if the statement of identity on the unit container is not obscured by the multi-unit retail package.
- (ii) A multi-unit retail package for soft drinks shall be exempt from the declaration regarding name and place of business required by § 1.8a if the package does not obscure the declaration on unit containers if it bears a statement that the declaration can be found on the unit containers and the declaration on the unit containers complies with § 1.8a. The declaration required by § 1.8a may appear on the top side of the closure of bottled soft drinks if the statement is conspicuous and easily legible.
- (iii) Soft drinks packaged in bottles which display other required label information only on the closure shall be exempt from the placement requirements for the declaration of contents prescribed by § 1.8b(f) if the required content declaration is blown, formed, or molded into the surface of the bottle in close proximity to the closure.

BUTTER

Model Packaging Regulation

When packaged in 4-ounce, 8-ounce, and 1-pound units with continuous label copy wrapping, butter is exempt from the requirements that the statement of identity (see page B-1) and the net quantity declaration (see page B-21) be generally parallel to the base of the package. When packaged in 8-ounce and 1-pound units, butter is exempt from the requirement for LOCATION (see page B-18) of net quantity declaration and, when packaged in 1-pound units, is exempt from the requirement for DUAL QUANTITY DECLARATION (see page B-45).

FDA - 8/19/68 § 1.1c Exemptions from required label statements.

(a) Foods.

(10) Butter as defined in 42 Stat. 1500 (excluding whipped butter):

- (i) In 8-ounce and in 1-pound packages is exempt from the requirements of § 1.8b(f) that the net contents declaration be placed within the bottom 30 percent of the area of the principal display panel;
- (ii) In 1-pound packages is exempt from the requirements of § 1.8b(j)(1) that such declaration be in terms of ounces and pounds, to permit declaration of "1 pound" or "one pound"; and
- (iii) In 4-ounce, 8-ounce, and 1-pound packages with continuous label copy wrapping is exempt from the requirements of § 1.8(d) and § 1.8b(f) that the statement of identity and net contents declaration appear in lines generally parallel to the base on which the package rests as it is designed to be displayed, provided that such statement and declaration are not so positioned on the label as to be misleading or difficult to read as the package is customarily displayed at retail.

EGGS

Model Packaging Regulation

Cartons containing twelve eggs shall be exempt from the requirement for LOCATION (see page B-18) of net quantity declaration. When such cartons are designed to permit division in half, each half shall be exempt from the labeling requirements of this regulation if the undivided carton conforms to all such requirements.

FDA - 8/22/68 § 1.1c Exemptions from required label statements.

(a) Foods.

- (9)(i) Twelve shell eggs packaged in a carton designed to hold 1 dozen eggs and designed to permit the division of such carton by the retail customer at the place of purchase into two portions of 1/2 dozen eggs each are exempt from the labeling requirements of this part with respect to each portion of such divided carton if the carton, when undivided, is in conformance with the labeling requirements of this part.
- (ii) Twelve shell eggs packaged in a carton designed to hold 1 dozen eggs are exempt from the placement requirements for the declaration of contents prescribed by § 1.8b(f) if the required content declaration is otherwise placed on the principal display panel of such carton and if, in the case of such cartons designed to permit division by retail customers into two portions of 1/2 dozen eggs each, the required content declaration is placed on the principal display panel in such a manner that the context of the content declaration is destroyed upon division of the carton.

FLOUR

Model Packaging Regulation

Packages of wheat flour packaged in units of 2, 5, 10, 25, 50, and 100 pounds shall be exempt from the requirement in this regulation for LOCATION (see page B-18) of the net quantity declaration and, when packaged in units of 2 pounds, shall be exempt also from the requirement for a DUAL QUANTITY DECLARATION (see page B-45).

FDA - 7/17/68 § 1.1c Exemptions from required label statements.
(a) Foods.

- (8) Wheat flour products, as defined by §§ 15.1, 15.10, 15.20, 15.30, 15.50, 15.60, 15.70, 15.75, 15.80, and 15.90 of this chapter, packaged:
 - (i) In conventional 2-, 5-, 10-, 25-, 50-, and 100-pound packages are exempt from the placement requirement of § 1.8b(f) that the declaration of net contents be located within the bottom 30 percent of the area of the principal display panel of the label; and
 - (ii) In conventional 2-pound packages are exempt from the dual net contents declaration requirement of § 1.8b(j) provided the quantity of contents is expressed in pounds.

Model Packaging Regulation

On a principal display panel of five square inches or less, the declaration of quantity need not appear in the bottom 30 percent of the principal display panel if that declaration satisfies the other requirements of this regulation.

FDA - 7/21/67 § 1.8b(f)

See page B-18.

Drug, Device & Cosmetic Regs - 6/28/68 § 1.102d(e)(1)

See page B-18.

Drug, Device & Cosmetic Regs - 6/28/68 § 1.202b(f)(1)

See page B-19.

FTC - 3/19/68 § 500.6(b)(1)

See page B-20.

MARGARINE

Model Packaging Regulation

Margarine in 1-pound rectangular packages, except for packages containing whipped or soft margarine or packages containing more than four sticks, shall be exempt from the requirement in this regulation for LOCATION (see page B-18) of the net quantity declaration, and shall be exempt from the requirement for a DUAL QUANTITY DECLARATION (see page B-45).

FDA - 12/20/68 § 1.1c Exemption from required label statements.

(a) Foods.

- (11) Margarine as defined in §§ 45.1 and 45.2 of this chapter and imitations thereof in 1-pound packages are exempt from the requirement of § 1.8b(f) that the declaration of net quantity of contents appear within the bottom 30 percent of the principal display panel and from the requirement of § 1.8b(j)(1) that such declaration be expressed both in ounces and in pounds to permit declaration of "1 pound," or "one pound," provided an accurate statement of net weight appears conspicuously on the principal display panel of the package.

USDA - 10/3/70 § 317.2(h)(9)(iii) Meat inspection: label: definition; required features.

Margarine in 1 pound rectangular packages (except packages containing whipped or soft margarine or packages that contain more than four sticks) is exempt from the requirements of subparagraphs (3) and (5) of this paragraph regarding the placement of the statement of the net quantity of contents within the bottom 30 percent of the principal display panel and that the statement be expressed both in ounces and in pounds. If the statement appears as "1 pound" or "one pound" in a conspicuous manner on the principal display panel.

CORN FLOUR

Model Packaging Regulation

Corn flour packaged in conventional 5, 10, 25, 50, and 100-pound bags shall be exempt from the requirement in this regulation for LOCATION (see page B-18) of the net quantity declaration.

FDA - 1/22/69 § 1.1c Exemption from required label statements.

(a) Foods.

- () Corn flour and related products, as they are defined by §§ 15.50 through 15.514 of this chapter packaged:
 - (i) In conventional 2, 5, 10, 25, 50, and 100 pound bags are exempt from the placement requirement of § 1.8b(f) that the declaration of net contents be located within the bottom 30 percent of the area of the principal display panel of the label; and
 - (ii) In conventional 2-pound bags are exempt from the dual quantity of contents declaration requirement of § 1.8b(j) provided the quantity of contents is expressed in pounds.

PREScription AND INSULIN CONTAINING DRUGS

Model Packaging Regulation

Prescription and insulin-containing drugs subject to the provisions of section 503(b)(1) or 506 of the Federal Food, Drug, and Cosmetic Act shall be exempt from the provisions of this regulation.

EXEMPTION: MULTI-UNIT PACKAGE: LOCATION

Model Packaging Regulation

On individual units of a multi-unit retail package, the declaration of quantity need not appear in the bottom 30 percent of the principal display panel if that declaration satisfies the other requirements of this regulation.

FDA - 7/21/67 § 1.1b(e)

Where a consumer commodity is marketed in a multiunit retail package bearing the mandatory label information as required by this part and the unit containers are not intended to be sold separately, the net weight placement requirement of § 1.8b(f) applicable to such unit containers is waived if the units are in compliance with all the other requirements of this part.

EXEMPTION: DECORATIVE CONTAINER

Model Packaging Regulation

The principal display panel of a cosmetic marketed in a "boudoir-type" container including decorative cosmetic containers of the "cartridge," "pill box," "compact," or "pencil" variety, and those with a capacity of one-fourth ounce or less, may be a tear-away tag or tape affixed to the decorative container and bearing the mandatory label information as required by this regulation.

Drug, Device & Cosmetic Regs - 6/28/68 § 1.202b(e)(1)

See page B-19.

EXEMPTION: COMBINATION PACKAGES

Model Packaging Regulation

Combination packages are exempt from the requirements in this regulation for

- (a) LOCATION (see page B-18),
- (b) FREE AREA (see page B-25), and
- (c) MINIMUM HEIGHT OF NUMBERS AND LETTERS (see page B-60).

Drug, Device & Cosmetic Regs - 6/28/68 § 1.202b(g)(2)

See page D-8.

FTC - 12/1/70 § 500.26

See page D-2.

SINGLE STRENGTH AND LESS THAN SINGLE STRENGTH
FRUIT JUICE BEVERAGES, IMITATIONS THEREOF,
AND DRINKING WATER

Model Packaging Regulation

- (a) When packaged in glass, plastic, or fluid milk type paper containers of 8- and 64-fluid-ounce capacity, are exempt from the requirements of page B-32 subsection (b) to the extent that net contents of 8 fluid ounces and 64 fluid ounces (or 2 quarts) may be expressed as 1/2 pint (or half pint) and 1/2 gallon (or half gallon), respectively.
- (b) When packaged in glass, plastic, or fluid milk type paper containers of 1-pint, 1-quart, and 1/2-gallon capacities, are exempt from the dual net contents declaration requirements. (See page B-48)
- (c) When packaged in glass or plastic containers of 1/2-pint, 1-pint, 1-quart, 1/2-gallon, and 1-gallon capacities, are exempt from the placement requirement (see page B-18) that the declaration of net contents be located within the bottom 30 percent of the principal display panel: Provided, That other required label information is conspicuously displayed on the cap or outside closure and the required net quantity of contents declaration is conspicuously blown, formed, or molded into or permanently applied to that part of the glass or plastic container that is at or above the shoulder of the container.

FDA - 10/15/70 § 1.1c(a)(13)

- (i) Single strength and less than single strength fruit juice beverages, imitations thereof, and drinking water when packaged in glass or plastic containers of 1/2-pint, 1-pint, 1-quart, 1/2-gallon, and 1-gallon capacities are exempt from the placement requirement of § 1.8b(f) that the declaration of net contents be located within the bottom 30 percent of the principal display panel: Provided, That other required label information is conspicuously displayed on the cap or outside closure and the required net quantity of contents declaration is conspicuously blown, formed, or molded into or permanently applied to that part of the glass or plastic container that is at or above the shoulder of the container.

§ 1.1c(a)(13) Continued

- (ii) Single strength and less than single strength fruit juice beverages, imitations thereof, and drinking water when packaged in glass, plastic, or paper (fluid milk type) containers of 1-pint, 1-quart, and 1/2-gallon capacities are exempt from the dual net contents declaration requirement of § 1.8b(j).

- (iii) Single strength and less than single strength fruit juice beverages, imitations thereof, and drinking water when packaged in glass, plastic, or paper (fluid milk type) containers of 8- and 64-fluid-ounce capacity, are exempt from the requirements of § 1.8b(b)(2) to the extent that net contents of 8 fluid ounces and 64 fluid ounces (or 2 quarts) may be expressed as 1/2 pint (or half pint) and 1/2 gallon (or half gallon), respectively.

CAMERA FILM

Model Packaging Regulation

Camera film packaged and labeled for retail sale is exempt from the net quantity statement requirements of this regulation which specify how measurement of commodities should be expressed: Provided, That

- (a) The net quantity of contents on packages of movie film and bulk still film is expressed in terms of the number of lineal feet of usable film contained therein.
- (b) The net quantity of contents on packages of still film is expressed in terms of the number of exposures the contents will provide. The length and width measurements of the individual exposures, expressed in millimeters or inches, are authorized as an optional statement. (Example: "36 exposures, 36 x 24 mm" or "12 exposures, 2-1/4 x 2-1/4 in.")

FTC - 1/3/70 § 501.1

Camera film packaged and labeled for retail sale is exempt from the net quantity statement requirements of Part 500 of this chapter which specify how measurement of commodities should be expressed, provided:

- (a) The net quantity of contents on packages of movie film and bulk still film is expressed in terms of the number of lineal feet or usable film contained therein.
- (b) The net quantity of contents on packages of still film is expressed in terms of the number of exposures the contents will provide. The length and width measurements of the individual exposures, expressed in millimeters or inches, are authorized as an optional statement. (Example: "36 exposures, 36 x 24 mm. or 12 exposures, 2-1/4 x 2-1/4 inches.")

PAINTS AND KINDRED PRODUCTS

Model Packaging Regulation

Paints, varnishes, lacquers, thinners, removers, oils, resins, and solvents, when packed in 1-liquid-pint and 1-liquid-quart units shall be exempt from the dual quantity declaration requirements. (See page B-48)

AUTOMOTIVE COOLING SYSTEM ANTIFREEZE

Model Packaging Regulation

Antifreeze, when packed in 1-liquid-quart units, in metal or plastic containers, shall be exempt from the dual quantity declaration requirements. (See page B-48)

MOTOR OILS

Model Packaging Regulation

Motor oils, when packed in 1-liquid-quart units, shall be exempt from the dual quantity declaration requirements. (See page B-48) Additionally, motor oil in 1-liquid-quart, 1-gallon, 1-1/4-gallon, 2-gallon, and 2-1/2-gallon units, bearing the principal display panel on the body of the container, is exempt from the requirements of page B-1 to the extent that the SAE grade is required to appear on the principal display panel, provided the SAE grade appears on the can lid and is expressed in letters and numerals in type size of at least one-fourth inch.



Part H

NATIONAL CONFERENCE
INTERPRETATIONS

NCWM INTERPRETATION 1-70: ON § 6.8.1. SUPPLEMENTARY
QUANTITY DECLARATIONS

SUPPLEMENTARY QUANTITY DECLARATIONS.--It has been brought to the attention of the Committee that some clarification on the subject of supplementary quantity declarations on packaged consumer commodities is necessary. The use of supplementary quantity declarations that are not deceptive or misleading is certainly anticipated in the Model State Packaging and Labeling Regulation. Specific provisions for their use are presented in subsection 6.8.1.

It is the view of the Committee that a clear distinction between required and supplemental quantity declarations is mandated by the Model Regulation. Supplementary quantity declarations are those which are additive to the required statement. Presentation of such additional quantity information is at the option of the producer with the clear prohibition that such additional information cannot appear on the principal display panel(s).

The use of supplementary quantity statements does not create a conflict with the requirements of section 2.7. pertaining to principal display panels. The mere appearance on a panel other than the principal display panel of a supplemental statement as permitted by subsection 6.8.1. does not, in and of itself, transform such panel into a principal display panel. Also, the repetition of a portion of the required quantity statement in a nondeceptive or nonmisleading manner on the principal display panel or other panel is not prohibited by section 2.7. or 6.8.1.

NCWM INTERPRETATION 2-70: ON RETROACTIVE REQUIREMENTS

RETROACTIVE REQUIREMENTS. --A request has been made that the Committee recommend the addition of a clause to the Model State Packaging and Labeling Regulation prohibiting the requirements from being made retroactive for products in the stream of commerce at the time the Model Regulation is adopted. It is the Committee's view that this is not necessary. Many of the requirements in the Model Regulation are of long standing, and a blanket exclusion for products in the stream of commerce would be inappropriate. The Committee cautions, however, that the question of which requirements are retroactive and which are new should be carefully considered when implementing new regulations.

NCWM INTERPRETATION 3-70: ON QUANTITY
STATEMENTS BY COUNT

QUANTITY STATEMENTS BY COUNT. --The Committee endorses the policy of the Federal Trade Commission with respect to the "Statement of Net Quantity by Count for a Single Packaged Commodity," as stated in FTC Interpretive Bulletin No. 3 of November 1, 1969. It is felt that this policy is a reasonable one, and its application will in no way be detrimental to the interests of consumers or manufacturers, packers, and distributors.

Accordingly, it is the Committee's recommendation that this policy be adopted by weights and measures officials in all instances concerning single-unit packaged commodities:

When a consumer commodity is properly measured in terms of count only, or in terms of count and weight, volume, area, or dimension, the regulations are interpreted not to require the declaration of the net content as "one," provided the statement of identity clearly expresses the fact that only one unit is contained in the package. Thus, the unit synthetic sponge, the unit light bulb, and the unit dry cell battery do not require a net quantity statement of "one sponge," "one light bulb," or "one dry cell battery." However, there still exists the necessity to provide a net quantity statement to specify weight, volume, area, or dimensions when such are required. For example, the synthetic sponge which is packaged requires dimensions, such as "5 in x 3 in x 1 in." This interpretation does not preclude the option to enumerate a unit count on a single packaged commodity if so desired.

NCWM INTERPRETATION 4-70: ON § 2.7. PRINCIPAL
DISPLAY PANEL

PRINCIPAL DISPLAY PANEL--GENERAL MERCHANDISE ITEMS. --
Section 2.7. of the Model State Packaging and Labeling Regulation defines principal display panel as "that part, or those parts, of a label that is, or are, so designed as to most likely be displayed, presented, shown, or examined under normal and customary conditions of display and purchase." It is this portion or panel of the label which must bear the statement of identity and the quantity of contents declaration.

The principal display panel of the package is that surface of the package which bears the principal label panel. It is the area of this surface of the package that determine the size of the quantity of contents declaration. Use of the area of the principal display panel of the package to determine type size ensures that packages of substantially the same size will bear a quantity of contents declaration statement of a corresponding uniformity. The size of the label itself is not the subject of regulation. The label need be only of sufficient size to accommodate the required information, in a proper type size, adequately separated from other printed information, and in a conspicuous manner. It is important to note, however, that the presence of either a statement of identity or a statement of contents declaration alone on a label panel does not necessarily qualify the surface as a principal display panel. The criterion to be used is whether the manufacturer, either by design or through trade practice, customarily designates a specific package surface, or surfaces, for display of the product at retail.

A "header label," for example, attached at the top of a transparent or opaque bag could be utilized as a principal display panel, provided the header bears the required mandatory information and the bag itself is devoid of other mandatory information. In packages of this type, the quantity of contents declaration would appear in the lower 30 percent of the "header label." The size of the quantity of contents declaration would be determined by the area of the principal display panel of the package which in this case includes not only the "header label," but the entire front of the bag.

These considerations are important in determining the appropriateness of package labeling for general merchandise items that are displayed, for example, in step-up rack displays. In such circumstances, it is obviously the intent and responsibility of the manufacturer to designate a specific area of the package surface as the principal display panel. The required quantity of contents declaration must appear in the lower 30 percent of the area specified as the principal display panel. There is, of course, a prohibition against any mandatory labeling information appearing below the specified principal display panel area.



Part I

FOOD AND DRUG ADMINISTRATION
INTERPRETATIONS

TABLE OF CONTENTS - SECTION 7550

7550.1	INTRODUCTION TO SECTION
7551	§1.1 GENERAL
7552	§1.1a FOODS, DRUGS, DEVICES AND COSMETICS; LABELING; PROCEDURE FOR REQUESTING VARIATION AND EXEMPTIONS FROM REQUIRED LABEL STATEMENTS
7553	§1.1b PACKAGES; DEFINITION; PRESENCE OF MANDATORY LABEL INFORMATION
7554	§1.1c EXEMPTIONS FROM REQUIRED LABEL STATEMENTS
7555	§1.2 LABELING; LABEL; DEFINITIONS
7560	§1.7 FOOD IN PACKAGE FORM; PRINCIPAL DISPLAY PANEL
7561	§1.8 FOOD IN PACKAGE FORM; LABELING, IDENTITY
7562	§1.8a FOOD LABELING; NAME AND PLACE OF BUSINESS OF MANUFACTURER, PACKER, OR DISTRIBUTOR
7563	§1.8b FOOD LABELING; DECLARATION OF NET QUANTITY OF CONTENTS, WHEN EXEMPT
7564	§1.8c FOOD LABELING; NUMBER OF SERVINGS
7566	§1.10 FOOD LABELING; DESIGNATION OF INGREDIENTS
7590	§1.315 IMPORTS

TABLE OF CONTENTS - SECTION 7600

7600.1	INTRODUCTION TO SECTION
7601	SOFT DRINKS AND WATERS
7603	COFFEE AND TEA
7605	BREAD, ROLLS, BUNS, AND SWEET GOODS
7611	PROCESSED GRAINS AND STARCH PRODUCTS FOR HUMAN USE
7613	CANDY, CHEWING GUM, CHOCOLATE AND COCOA PRODUCTS
7614	SYRUPS, SUGARS, AND HONEY
7615	BUTTER AND BUTTER PRODUCTS
7616	CHEESE AND CHEESE PRODUCTS
7617	MILK AND MILK PRODUCTS
7618	DRIED MILK AND DRIED MILK PRODUCTS
7619	ICE CREAM AND RELATED PRODUCTS
7620	EGGS AND EGG PRODUCTS
7622	SHELLFISH, CRUSTACEANS AND OTHER AQUATIC ANIMALS (EXCEPT SMOKED)
7627	FRESH FRUITS AND JUICES
7628	FROZEN FRUITS AND JUICES
7633	ANIMAL FEEDS
7638	REFINED VEGETABLE OILS, VEGETABLE SHORTENING, AND OLEOMARGARINE
7639	FRESH VEGETABLES
7641	CANNED VEGETABLES, WITH OR WITHOUT SAUCES, AND JUICES
7643	CURED AND PROCESSED VEGETABLE PRODUCTS
7650	DIETARY SPECIALTIES, ARTIFICIAL SWEETENERS, CONVENTIONAL FOODS WITH NUTRITIONAL CLAIMS, AND MISCELLANEOUS DIETARY FOOD ITEMS
7651	MISCELLANEOUS FOOD - RELATED ESTABLISHMENTS

INTERPRETATIONS OF §1.1GENERAL

Prior to November 1966, when the FPLA was signed into law, the Food and Drug Administration operated within the framework of regulations issued to enforce the Food, Drug, and Cosmetic Act. The FPLA expanded the responsibilities of FDA in several areas which were already the subject of regulations. Rather than promulgate an additional set of regulations to implement the FPLA, a decision was reached to incorporate or "dovetail" the FPLA requirements into existing regulations so as to emerge with a common set of regulations that implement both the FPLA and the FD&C Act.

INTERPRETATIONS OF §1.1aFOODS, DRUGS, DEVICES, & COSMETICS; LABELING; PROCEDURE FOR REQUESTING VARIATIONS AND EXEMPTIONS FROM REQUIRED LABEL STATEMENTS

Section 5(b) of the Fair Packaging and Labeling Act mandates that when either of the responsible agencies finds that full compliance is impracticable in a given commodity or not necessary for adequate consumer protection, such agency shall issue regulations to exempt the commodity from certain of the requirements. The Fair Packaging and Labeling Act therefore obliges the Food and Drug Administration to publish any petition in the Federal Register which is adjudged to be supported by reasonable grounds. Publication of a proposal neither automatically implies FDA endorsement or approval, nor guarantees that the proposal will become a final regulation. The ultimate disposition of a petition for exemption is governed in large measure by the responses received from interested parties in the form of comments, suggestions, etc. The mechanics for processing the proposals are set forth in Section 701, Chapter VII, General Administrative Procedures of the Food, Drug and Cosmetic Act. These rule making procedures provide for the documentation of the handling of an exemption petition that becomes a public record and also contains such safeguards as are necessary to ensure that regulations will be meaningful, fair, and in the best interest of the consumer.

INTERPRETATIONS OF §1.1bPACKAGES; DEFINITION; PRESENCE OF MANDATORY LABEL INFORMATION

1. §1.1b Definitions of "Package" and "Consumer Commodities"
2. §1.1b(a) Blank Saran Wrap Considered Shipping Container
3. §1.1b(c) Effect of Repeal of Standard Container Acts
4. §1.1b(d) Explanation of "Tray Pack Displays"
5. §1.1b(e) Waiver of Quantity of Contents Placement on Multi-Unit Containers

1. §1.1b Definitions of "Package" and "Consumer Commodities"

The definition of "Package" in this section parallels that provided in Section 10(b) of the Fair Packaging and Labeling Act. It also supplements the definition of "Consumer Commodity" in Section 10(a) of the Fair Packaging and Labeling Act and confirms that coverage is directed to those products customarily produced or distributed for sale through retail sales agencies. We have advised that products which are directed to institutional distribution are not considered to be "consumer commodities" and need only comply with the Federal Food, Drug, and Cosmetic Act and the pertinent state laws.

2. §1.1b(a) Blank Saran Wrap Considered Shipping Container

Blank saran wrap used to wrap portions of blue cheese for delivery to the retailer, who then weighs and labels such portions, would not be regarded as a package as defined by the Act. Such wrapping would be considered a shipper container under Section 1.1b(a).

3. §1.1b(c) Effect of Repeal of Standard Container Acts

Repeal of the Standard Container Acts; 15 U.S.C. 234-236, the Act of August 31, 1916 (39 Stat. 673, as amended; 15 U.S.C. 251-256), or the Act of May 21, 1928 (45 Stat. 685, as amended; 15 U.S.C. 257-257i), by Public Law 90-628, dated October 22, 1968, amends Section 10(b)(3) of the Fair Packaging and Labeling Act so that it now reads: "Section 10(b)(3) containers subject to the provisions of the Act of August 3, 1912 (37 Stat. 250, as amended; 15 U.S.C. 231-233), or the Act of March 4, 1915 (38 Stat. 1186 as amended; 15 U.S.C. 234-236)." This amendment also serves to remove the indicated fresh fruit and vegetable baskets, hampers, etc. from the exemption provided for such containers in Section 1.1b(c) of the food regulations under the Fair Packaging and Labeling Act. The amendment also changes the definition of "package" (see Section 10(b) of the Fair Packaging and Labeling Act) so that these previously exempted containers are now subject to the Fair Packaging and Labeling Act when used to retail fresh fruit and vegetables. Inclusion

under the Fair Packaging and Labeling Act does not affect small open containers of fresh produce of one quart capacity or less since they are exempted from all label requirements by §5.1 of the regulations issued under the authority of Section 405 of the Food, Drug, and Cosmetic Act.

Repeal of the Standard Container Acts would have no effect on manufacturers of unlabeled baskets to be sold to a food packer or distributor. If, however, the basket manufacturer assumes the responsibility of labeling the baskets for his customers, then he should insure that the label information complies with the requirements of the Food, Drug, and Cosmetic Act, the Fair Packaging and Labeling Act, and regulations promulgated thereunder.

4. §1.1b(d) Explanation of "Tray Pack Displays"

"Tray pack displays" as used in this section is meant to provide for the practice by retailers of utilizing the shipping case, particularly in canned goods, as a display container.

5. §1.1b(e) Waiver of Quantity of Contents Placement on Multi-unit Retail Containers

The waiver of the quantity of contents placement requirement, as it applies to multi-unit retail containers that are not designed to be sold separately is meant to cover situation such as are presented by a transparent wrapped multi-unit retail package containing 12/1 oz. fully labeled boxes of raisins. The exemption serves to waive placement of the quantity of contents declaration in the lower 30% of each of the 12 principal display panels, provided the units are in compliance with all other requirements.

INTERPRETATIONS OF §1.1cEXEMPTIONS FROM REQUIRED LABEL STATEMENTS

1. §1.1c General
2. §1.1c(a)(2) Random Food Packages and Fixed Weight Cheese and Cheese Product Packages
3. §1.1c(a)(4) Penny Candy
4. §1.1c(a)(5) Soft Drinks
 - a. "Bottle" Interpreted As Being Either Glass or Plastic Types
 - b. Presence of Mandatory Labeling on Sidewall of Bottle Excludes Container from Exemption
 - c. Designation of Bottle Closure As Alternate Principal Display Panel
 - d. Interpretation of Phrase "In Close Proximity to the Closure"
5. Cross References

1. §1.1c General

The food regulations under the Fair Packaging and Labeling Act, published in the Federal Register on 7/21/67 as an order ruling on the proposal contained four exemptions of a non-controversial nature, §1.1c(a)(1) through (4). These exemptions were extracted from various segments of the food regulations which existed previously under the Food, Drug, and Cosmetic Act. Exemptions processed since the food regulations were finalized have followed the procedures set forth in Section 701 of the Food, Drug, and Cosmetic Act. One of the major considerations we have sought to satisfy, apart from those specifically set forth in Section 5(b) of the FPLA was consumer recognition of containers by virtue of their having been standardized by law or by custom. The philosophy being that if the consumer recognized a container on sight, such as a one-half gallon carton of milk, then full compliance with all aspects of the Fair Packaging and Labeling Act was not as urgent or necessary for the adequate protection of consumers as it would be in those commodities that are available in a variety of sizes, volumes, dimensions, etc.

2. §1.1c(a)(2) Random Food Packages and Fixed Weight Cheese and Cheese Product Packages

This exemption is designed to provide for a traditional retailing practice which truly facilitates value comparison. Originally designed for random packages, (See definition in Section 4(a)(5) of the Fair Packaging and

NOTE: SEE SECTION 7552 FOR DISCUSSION OF EXEMPTION PROCEDURES

Labeling Act), a petition by Kraft Foods was published in the Federal Register of November 28, 1968, 33 FR 417314, which proposed to expand the exemption to include cheese and cheese products of a fixed weight pattern that is packed in the same manner and on the same equipment as the random weight products. The comments received in response to this proposal were evaluated and an order ruling on the proposal was published in the Federal Register, July 12, 1969, 34 F.R. 11541. The order became effective on September 10, 1969.

3. §1.1c(a)(4) Penny Candy

This section is included to provide for the exemption that existed previously in §1.8(m)(2) of the regulations under the Food, Drug, and Cosmetic Act. A petition by the National Association of Chewing Gum Manufacturers (NACGM) was published in the Federal Register, 34 FR 758, which proposes that this "penny candy" exemption be expanded to include "penny gum" as well. A decision was made to revise this proposal so as to encompass "other confectionary," not only "penny gum." The revised proposal was published in the Federal Register, July 12, 1969, 34 F.R. 11423, and an order was published on October 2, 1969.

4. §1.1c(a)(5) Soft Drinks

(See Sec. 7601 Soft Drinks for a further discussion of the labeling of specific beverages)

a. "Bottle" Interpreted as Being Either Glass or Plastic Types

We have been asked if soft drinks in plastic containers are considered to be "soft drinks in bottles" as described in this section and thus qualified for an exemption. We have advised, "Although we do not believe the National Soft Drink Association intended its petition to encompass the plastic bottles commonly used by dairies for diluted fruit juice drinks, the exemption as adopted would apply to this type of product so packaged. Since the exemption does not specify "glass bottles," we believe the definition of "bottle" could encompass either glass or plastic."

b. Presence of Mandatory Labeling on Sidewall of Bottle Excludes Container from Exemption

The question has been raised on the applicability of the exemption to soft drinks in bottles bearing other mandatory labeling on the body in addition to the embossed or blown quantity of contents declaration at the neck. In our opinion, when a bottler chooses to label the body of the bottle with a trade name such as "_____ Cola," which is also the Statement of Identity, the product does not qualify for the soft drink exemption. The need for the exemption was occasioned by the space limitation on the cap. This also facilitated the practice of the soft drink industry packaging an entire line of flavored beverages in a standard utility bottle which bore only an embossed contents declaration. If the body of the bottle is labeled,

the space limitation no longer exists; and, in our opinion, an exemption is not needed.

c. Designation of Bottle Closure as Alternate Principal Display Panel

In instances where the soft drink does not qualify for the exemption due to a fully labeled sidewall, and the cap bears sufficient information to qualify it as an alternate principal display panel, we recognize the space limitation involved and would accept an embossed quantity of contents declaration on the bottle neck as satisfying our requirements with respect to the cap or closure.

d. Interpretation of Phrase "In Close Proximity to the Closure"

An interpretation has been requested of the phrase "in close proximity" to the closure," as appears in §1.1c(a)(5)(iii) of the soft drink exemption. We have advised that the intent of the language is to require the embossed quantity of contents declaration to appear at or near the shoulder of the bottle where it starts to taper. The embossed declaration must be 1/16 of an inch higher than the required height of a printed or silk screened declaration and must be separated the required distance from other printed label information including the "NO DEPOSIT-NO RETURN" declaration.

5. Cross References

For further discussion of the labeling of the following commodities, see the indicated Food section of this Manual:

<u>Commodity</u>	<u>Section</u>
Milk and Milk Products	7617
Margarine	7638

INTERPRETATIONS OF §1.2LABELING; LABEL; DEFINITIONS

Prior to passage of the Fair Packaging and Labeling Act, §1.2 consisted only of a definition of "labeling". This section has been revised to incorporate in paragraph (b) the definition of "label" found in Section 10(c) of the Fair Packaging and Labeling Act.

INTERPRETATIONS OF §1.7FOOD IN PACKAGE FORM, PRINCIPAL DISPLAY PANEL

1. §1.7 General
2. §1.7(a)
 - a. "Header Label" as Principal Display Panel
 - b. Area of Principal Display Panel on Open Mesh Bags
3. §1.7(b)
 - a. Area of Principal Display Panel on Cylindrical Containers
 - b. Type Size on "Tub Type" Containers
 - c. Designation of Principal Display Panel of Package
4. §1.7(c)
 - a. Area of Principal Display Panel on Bottles and Jars
 - b. Area of Principal Display Panel on Irregular Containers

1. §1.7 General

Section 10(f) of the Fair Packaging and Labeling Act defines Principal display Panel as "that part of a label that is most likely to be displayed, presented, shown, or examined under normal and customary conditions of display for retail sale." It is this portion or panel of the label which must bear the Statement of Identity, the Quantity of Contents declaration, and in certain instances, other information required to appear on the principal display panel by the Definitions and Standards for foods issued under Section 401 of the Food, Drug, and Cosmetic Act. The principal display panel of the package is that surface of the package which bears the principal label panel. It is the area of this surface of the package that determines the size of the quantity of contents declaration. Use of the area of the principal display panel of the package to ascertain type size ensures that packages of substantially the same size will bear a quantity of contents declaration of a corresponding uniformity. The size of the label itself is not the subject of regulation. The label need be only of sufficient size to accommodate the required information, in a proper type size, adequately separated from other printed label information, and in a conspicuous manner. It is important to note, however, that the presence of either a Statement of Identity or a quantity of contents declaration alone on a label panel does not necessarily qualify the surface as a principal display panel or an alternate principal display panel. In lieu of an actual market survey, the criteria to be used is whether the manufacturer, either by design or through general trade practice, customarily designates a specific package surface, or surfaces, for display of the product at retail.

2. §1.7

a. "Header Label" as Principal Display Panel

A "header label" attached across the top of a transparent or opaque bag could be utilized as the principal display panel provided the header bears the required mandatory information and the bag itself is devoid of other mandatory labeling information. In packages of this type, the quantity of contents declaration would appear in the lower 30% of the "header label". The size of the quantity of contents declaration would be determined by the area of the principal display panel of the package, which in this case includes not only the "header label", but the entire front of the bag as well.

b. Area of Principal Display Panel on Open Mesh Bags

As a guide for calculating the area of the principal display panel on open mesh bags, such as are used for produce, we have suggested that you lay the empty bag flat and treat the surface as a rectangle. Some paper sacks, such as those with fluted or bellows-like sides, when filled have one entire side which is obviously the principal display panel of the package. These filled packages are either essentially rectangular and should be treated as such, or they present one entire side as the obvious principal display panel. When a filled paper bag does not readily lend itself to measurement as a rectangular package, we suggest that you lay the empty bag flat and overlay a rectangle, representing the principal display panel of the package as it is filled. In this case, omit those parts of the empty flat bag which are folded under or folded back when the package is filled, to calculate the area of the rectangle. In instances where the measurement falls on the borderline between two type sizes, it is suggested that the larger type size be selected for the quantity of contents declaration.

3. §1.7(b)

a. Area of Principal Display Panel on Cylindrical Containers

We have advised firms, that for the type size requirement for cylindrical or nearly cylindrical containers to use the area of the lid or 40% of the product of the height times the circumference, whichever is greater. This suggestion, we feel, provides for minimum heights of type based on the size of the package, in the case of either squat containers with relatively large lids or tall containers with relatively small lids.

b. Type Size on "Tub Type" Containers

When measuring the circumference of "tub" type containers with tapered sidewalls, such as those used for cottage cheese, an average circumference between the largest and smallest diameters may be used for purposes of determining the quantity of contents type size.

c. Designation of Principal Display Panel of Package

Generally, the cylindrical lid of a tub is the principal display panel or alternate principal display panel. However, there may be one or more alternate principal display panels on the side of the tub. It is the individual manufacturer/packer, who, by design, typography, format, etc., creates a single panel (or panels) most likely to be displayed, presented, shown, or examined under customary conditions of display for retail sale.

4. §1.7(c)

a. Area of Principal Display Panel on Bottles and Jars

In determining the area of the principal display panel the rounded "heel" at the bottoms of jars may also be excluded along with flanges at tops and bottoms of cans and shoulders and necks of bottles or jars.

b. Area of Principal Display Panel on Irregular Containers

We have offered the following suggestion for measuring the area of the principal display panel of extremely irregular or odd-shaped containers. If the irregular container will lend itself to such a determination, the type size may be determined by utilizing a substitute, easily measured, container of the same capacity.

INTERPRETATIONS OF §1.8FOOD IN PACKAGE FORM, LABELING; IDENTITY

1. §1.8
 - a. Identity and Quantity of Contents Statements Must Appear on Principal Display Panel and Alternates
 - b. Identity Statements on Surfaces Other Than Principal Panel Display
2. §1.8d
 - a. Interpretation of Term "Bold Type"
 - b. Interpretation of Term "Generally Parallel" As Related to Statement of Identity

1. §1.8
 - a. Identity and Quantity of Contents Statements Must Appear on Principal Display Panel and Alternates

Section 4(a)(1) of the Fair Packaging and Labeling Act requires only that consumer commodities bear a label specifying the identity of the commodity. Unlike the provision in Section 4(a)(2) which requires placement of the quantity of contents declaration in a uniform location on the principal display panel of the label, the law does not specify where the Statement of Identity shall appear on the label. Manufacturers traditionally design their labels to include the product identity on that label panel most likely to be customarily displayed at retail. Since the Law directs that the quantity of contents declaration must appear on the same panel, the requirement that the Statement of Identity appear also was included in the regulations. This was necessary to ensure that these two important pieces of mandatory information are readily accessible on every principal display panel or alternate principal display panel as an assist to the consumer in keeping with the spirit of the law.
 - b. Identity Statement on Surfaces other than Principal Display Panel

When the package labeling complies in all other respects, we have not objected to the presence of additional statements of identity on other panels such as end flaps of cartons, etc., since the mere presence of a statement of identity on a package surface does not necessarily qualify it as a principal display panel, or alterate thereof, unless it is customarily used for retail display.
2. §1.8(d)
 - a. Interpretation of Term "Bold Type"

The term "bold type" as used in this section is meant to refer to "conspicuousness" rather than a style of type as defined in the printing industry.

b. Interpretation of Terms "Generally Parallel" as Related to Statement of Identity

We have been asked to interpret the requirement that the statement of identity be in lines generally parallel to the base on which the package rests when the package is a circular container and the lid is designated as the principal display panel. We have advised that if on a circular lid, the statement of identity is generally parallel to the quantity of contents declaration, we feel that Section 1.8(d) is satisfied. Further, the terms "generally parallel" afford some latitude in that we would not normally object to a statement of identity on a circular lid which appeared in a line following the curved outer perimeter of the lid-----provided the statement met all other requirements and the curvature was not so extreme as to render the statement inconspicuous. The declaration should be easily read without rotating the package or panel. (This same opinion would hold also for the quantity of contents declaration on a similar surface.)

INTERPRETATIONS OF §1.8aFOOD LABELING; NAME AND PLACE OF BUSINESS OF
MANUFACTURER, PACKER, OR DISTRIBUTOR

1. §1.8a(a) Labels Bearing Name and Address of Deceased Previous Owner
2. §1.8a(b) Use of Shortened Corporate Name
3. §1.8a(c)
 - a. Proper Label Designation of Responsible Firm
 - b. Designation of Several Firms As "Co-Packers"
 - c. Use of Letter Code to Identify Name and Address of Franchisee
 - d. Responsibility for Finished Product in Franchise Operations
 - e. Proper Label Declaration of Responsibility by Subsidiaries
4. §1.8a(d)
 - a. Address Must Include Designation of State
 - b. Inclusion of Zip Code May Await Plate Change
 - c. Addition of Zip Code While in Process of Relocation
5. §1.8a(e)
 - a. Multiple Listing of Plant Locations on Bottle Cap
 - b. Identification of Principal Place of Business

1. §1.8a(a) Labels Bearing Name and Address of Deceased Previous Owner
The question was raised on the legality of using stocks of potato bags, bearing the name of the deceased former packer, purchased from the estate by an unrelated packing firm. We advised that Section 403(e) of the Food, Drug, and Cosmetic Act and Section 4(a)(1) of the Fair Packaging and Labeling Act require a food label to bear the name and place of business of the manufacturer, packer, or distributor that is in no way misleading or the product could be considered misbranded. It was suggested that the bags be brought into compliance by overprinting, use of pressure sensitive labels, etc.
2. §1.8a(b) Use of Shortened Corporate Name
The declaration of the name of the manufacturer, packer, or distributor, required by this section, is satisfied by the full firm name. If the firm is a corporation, then the actual corporate name is required. Administrative approval has been granted to recognize a shortened corporate name, as well as the full name, in several specific instances which were adequately supported by grounds such as national recognition of the abbreviated firm name, or an abbreviated name that is generally more readily recognizable to the average consumer than the firm's full name. Any decision to recognize other than the full firm name as satisfying this section must be considered on an individual case basis and such recognition could not be made universally applicable to every firm. Following are instances where such approval has been granted:

- (a) The registered trade mark "A & P", or abbreviations such as "The Gr. A & P Tea Co.," and "The Gr. Atl. & Pac. Tea Co.," as well as the "The Great Atlantic & Pacific Tea Company, Inc." are all regarded as acceptable to satisfy Section 1.8a(b).
- (b) We would regard "Pfizer" as an acceptable contraction of the firm name "Chas. Pfizer & Co., Inc."

Abbreviations of portions of a firm name such as "Company" to "Co." "Incorporated" to "Inc.", "Limited" to "Ltd.", etc., are allowed without the necessity of securing administrative approval.

3. §1.8a(c)

a. Proper Label Designation of Responsible Firm

A food product fabricated by Company "A" contains a special ingredient, manufactured by Company "B", which imparts the unique characteristic to the finished product. The question was raised as to which firm should be shown as the manufacturer on the label. We advised that although Company "B's" ingredient supplied the unique characteristic, it was still only an ingredient in the finished product. The firm which incorporates the ingredients into the completed food as it is packaged, is the manufacturer of the product. If a firm other than the manufacturer is shown, then the name must be qualified to reveal their connection with the product.

b. Designation of Several Firms as "Co-Packers"

We were questioned on the practice of listing several firms on a label as "Co-Packers." We advised that we would not object to a declaration of the name and address of the manufacturer, the packer, and the distributor appearing on the same package, provided the packer's and distributor's names are suitably qualified. However, the listing of more than one firm on an "either/or" basis as the manufacturer, packer, or distributor is not permitted.

c. Use of Letter Code to Identify Name and Address of Franchisee

A manufacturer, who contracts with other firms to pack a product on a franchise basis, asks if the label can show his firm name and address (unqualified) with a letter code indicating the particular franchisee packing the product. We advised that if the individual franchisees are branches of the manufacturer, and do business as such, we would not object to the practice. If, however, the individual franchisees do business under their own names, then a listing of the franchisor on the label, along with a letter code, would not provide

the purchaser with the name of the person actually responsible for the product. We do not believe that providing the manufacturer with a franchise, formula, and perhaps the ingredients would make the franchisor responsible for the finished product. If a franchisor establishes responsibility for the product by direct supervision of its production or distribution, we would not object to use of his name and principal place of business on the label.

d. Responsibility for Finished Product in Franchise Operations

We have been asked for an interpretation of Section 1.8a(c) as it applies to franchise type beverage operations where the franchisor merely furnishes the beverage base. Our conclusion is that unless the franchisor is directly involved in the production or distribution of the finished beverage, his name could not be used on the label as that of the manufacturer, packer, or distributor. Merely providing an individual bottler with the beverage base would not, in our opinion, make the franchisor responsible for the finished beverage. To fully inform the purchaser, and to satisfy Section 1.8a, the label should read: "Bottled (or canned) under the authority of the _____ Beverage Co., Anytown, Louisiana, by (the full name and address of the particular bottler or canner)."

e. Proper Label Declaration of Responsibility by Subsidiaries

We have rendered the following interpretation of Section 1.8a(c) as it applies to a situation where firm "A" acquires firm "B" as a subsidiary with plans to allow the newly acquired firm "B" to continue packing a food product under its own label as well as the label of the parent corporation. The subsidiary firm would distribute the food product under both labels. We believe that in this case, the proper declaration would be, "Packed by 'B', a division of 'A', etc." As an alternate, Section 1.8a could be satisfied by the declaration, "Packed for 'A', etc."

4. §1.8a(d)

a. Address Must Include Designation of State

This section now amplifies the previous requirements of Section 1.8(b) as it existed under the Food, Drug, and Cosmetic Act, to require the address of the place of business to specifically designate the state and include the ZIP Code.

b. Inclusion of ZIP Code may Await Plate Change

A label that complies with the Food, Drug, and Cosmetic Act and the Fair Packaging and Labeling Act in all other respects, does not have to be revised solely to include the ZIP Code. This may be added at the next plate change.

c. Addition of ZIP Code While in Process of Relocation

A firm in the process of relocating asked for permission to reorder labels that did not bear a ZIP Code, on an interim basis, so as to continue their normal production. We advised that while their relocation was pending; we would not raise an objection to an interim order of labels that did not bear a ZIP Code.

5. §1.8a(e)

a. Multiple Listing of Plant Locations on Bottle Cap

The question was asked if it would be permissible to list six Ohio and Kentucky plant locations on a single soft drink bottle cap to avoid maintaining a separate bottle cap inventory for each plant. Or, alternatively, if it would be proper to list the four Ohio plants on one cap and the two Kentucky plants on another. We do not believe that such labeling would satisfy the requirement of 21 CFR 1.8(a) that the label shall specify conspicuously the name and place of business of the manufacturer, packer, or distributor, since the specific place of business is not stated.

b. Identification of Principal Place of Business

If a firm chooses to list all of the cities in which it does business, the address for the principal place of business should be complete. Locations other than the principal one may be shown as "offices", "plants", etc. Of course, the street addresses may be deleted if they are shown in a current city or telephone directory.

INTERPRETATIONS OF §1.8bFOOD LABELING; DECLARATION OF NET QUANTITY
OF CONTENTS; WHEN EXEMPT

1. Quantity of Contents Declaration on Multiunit Retail Packages
2. Quantity of Contents Declaration in Drained Weight

1. Quantity of Contents Declaration on Multiunit Retail Packages

We have traditionally recognized a multiunit retail package as being a container comprising two or more identical individual units, each of which is suitably labeled for independent sale and are also sometimes retailed that way. The regulations are not specific with respect to the manner in which a quantity of contents declaration shall appear on the outermost carton of such containers. We have in the past advised that a declaration which accurately describes the number of units and the contents of each is satisfactory. As an example, we have advised that the following are acceptable declarations: "Four-8 fl. oz. containers", "6-6 fl. oz. cans", "6-12 fl. oz. cans", etc. (See also Section 7601 of the General Interpretations for Foods). This position is not inflexible and we are receptive to any new facts or considerations. In keeping with this philosophy, we published a proposal in the Federal Register of June 26, 1969 (34 FR, No. 122), which was initiated by the National Conference of Weights and Measures, and which proposes that §1.8b be amended to require that the outer package of such containers bear a declaration of the number of individual units, the quantity of each unit, and the total net quantity of all the units.

2. Quantity of Contents Declaration in Drained Weight

Although the food regulations under the Fair Packaging and Labeling Act do not specifically provide for a declaration of drained weight, this form of declaration has been used traditionally in certain food products when considered to be a more accurate representation of the contents. We generally interpret drained weight to be the weight of the solid food in a container after the packing medium has been drained away, through a designated screening medium, for a specified period of time. "Drained weight" is not synonymous with "dry weight" since the presence and composition of the packing medium is a necessary consideration in arriving at a drained weight. Foods that lend themselves to a drained weight declaration are those which are packed in a medium which is inedible or invariably discarded. Examples of such foods are canned wet pack shrimp, green olives, ripe olives, canned mushrooms, canned clams, and canned artichokes. Under Section 403(d) of the Federal Food, Drug, and Cosmetic Act, a food is considered to be misbranded if its container is so made,

formed, or filled as to be misleading. We would regard it as deceptive, and in conflict with Section 403(d), to replace part of the food in the can with excessive packing medium, and this is true whether or not the label bears an accurate statement of the drained weight of the food. We have always held that the container should be as well filled with the solid food as practicable, and only the liquid packing medium added that is necessary to fill the interstices between the pieces of food, whether the packing medium is edible or not.

INTERPRETATION OF §1.8b(a)

1. General
2. Count Declarations Must Be Reasonably Accurate
3. Quantity of Contents Declaration on Fresh Fruits
4. Use of Term "Dozen" in Declarations by Count

1. General

This section spells out the terms in which the required quantity of contents declaration will be expressed on the principal display panel and provides that when consumer confusion exists, the Commissioner of Food and Drugs will by regulation designate the appropriate term to be used. The proposal for Pickle Products, published in the Federal Register, January 10, 1969 (34 F.R. 399) is an example of a procedures taken under this section.

2. Count Declarations Must Be Reasonably Accurate

A declaration by count, as provided for in this section, must be reasonably accurate. For example, we advised an importer of canned oysters that a declaration by "counts 31-40 oysters" spanned too wide a range to be sufficiently accurate to describe the contents.

3. Quantity of Contents Declaration on Fresh Fruits

The question was raised about the manner in which the quantity of contents should be declared on fresh fruit such as blueberries. We advised that such declarations should be in dry measure, eg., "one dry pint", etc. Packers of such produce are reminded, however, that §5.1 of the regulations under the Federal Food, Drug, and Cosmetic Act exempts small open containers of fresh produce of one quart, or less, from all label requirements. This exemption was not affected by repeal of the Standard Container Acts.

4. Use of Term "Dozen" in Declarations by Count

We offer no objection to use of the term "dozen" in quantity of contents declarations expressed by numerical count.

INTERPRETATIONS OF §1.8b(b)

1. §1.8b(b)(2)Quantity of Contents Declaration in Imperial Units
2. §1.8b(b)(2)(i)Quantity of Contents Declaration on Frozen Citrus Juice Concentrates

1. §1.8b(b)(2) Quantity of Contents Declarations in Imperial Units
The use of "Imperial gallon", or any Imperial subdivision thereof, as part of the declaration of quantity of contents or as a supplemental declaration should not be used since it would only serve to confuse the American consumer.
2. §1.8b(b)(2)(i) Quantity of Contents Declaration on Frozen Citrus Juice Concentrates

We have been asked for an opinion on the proper quantity of contents declaration to be used on products, such as frozen lemonade, that are purchased frozen, but are consumed in the liquid state. We have advised that because such products (presumably concentrates) are consumed in the liquid state, they should be declared in fluid ounces. This is the general practice of the trade in this country in declaring the net contents of frozen citrus juice concentrates.

INTERPRETATIONS OF §1.8b(c)

1. Count Declaration Must Be Augmented If Not Informative
2. Quantity of Contents Declaration on Packages of Ice Cream Cones
3. Quantity of Contents Declaration on Donuts, Enriched Rolls, etc.

1. Count Declaration Must Be Augmented If Not Informative

We have rendered the following interpretation of this section. Section 1.8b(c) provides for those situations where a statement of count is not fully informative, in which case the product would also be required to bear such statement of weight, measure, etc. as will provide full information to the consumer. In situations where a decision is reached that a combination declaration is necessary as in the case of a package of tea bags, (see Sec. 7603-Food Section), the combined declaration shall comply with all aspects of the Fair Packaging and Labeling Act. Conversely, in those instances where a statement of weight or volume is sufficient to be fully informative, inclusion of a statement of count on the principal display panel is not mandatory and may be included at the option of the manufacturer, packer, or distributor. An example of such a situation would be a package of candy bars such as is available during Halloween, a package of cheese slices, etc. The packer, however, usually wants to include a statement of count. It may be on the principal display panel, is not considered a supplementary declaration, and shall not be false or misleading in any particular. The Fair Packaging and Labeling Act Provisions for minimum type size, placement, etc., would not be applicable to such optional situation. We, therefore, would not object to a declaration of count which was in a type larger than that required for the particular package.

2. Quantity of Contents Declaration on Packages of Ice Cream Cones

We have been asked if, in the case of packages of ice cream cones, numerical count alone is sufficient to satisfy §1.8b of the regulations. In our opinion, the count should be augmented by a declaration of weight. We believe this is necessary to give accurate information of the quantity of contents to facilitate value comparison. (See Sec. 7605-Food Section)

3. Quantity of Contents Declaration on Donuts, Enriched Rolls, etc.

We were questioned on the proper method of declaring the quantity of contents on products such as donuts, rolls, buns, etc. within the context of §1.8b(c). We believe that on products such as donuts, which vary in size and weight, count alone is not sufficient to give the consumer accurate information as to the quantity of contents. We believe that to give consumers the information to which they are entitled, such products should be declared by both count and weight. In case of items such as frankfurter rolls or hamburger buns, which are relatively uniform in size and weight, we have expressed the belief that purchasers generally buy by count. Even here, however, if the rolls or buns are enriched and the required

information about percentages of minimum daily requirements of the vitamins and minerals is stated in terms of given weight, a quantity of contents statement in terms of count only would not be sufficient to supply the information needed to make the declaration about vitamins and minerals meaningful. (See Sec. 7605, Food Section).

INTERPRETATIONS OF §1.8b(e)

1. Quantity of Contents Declaration on Continuous Bread Wrapping
The bread manufacturers raised the question of a technical problem encountered with continuous bread wrapping, including bands, etc. They maintained that positioning these continuous wrappings on loaves of bread, so that the principal display panel of the label always coincided with the surface of the loaf it is to be displayed on, was not always possible. We offered the opinion that since these continuous wrappers usually have two or four identical or "repeat panels" each, the requirements of §1.7 and 1.8b(e) would be satisfied if the net weight statement appeared within the lower 30% of each "design repeat."

INTERPRETATIONS OF §1.8b(f)

1. Separation of Quantity of Contents Declaration from Vignettes
2. Separation of Quantity of Contents Declaration from Metric Declarations
3. Quantity of Contents Declaration in Mixed Type Sizes
4. Quantity of Contents Declaration Located At Extreme Lower Border of Label
5. Quantity of Contents Declaration Qualified by Term "Minimum"
6. Use of Terms "Standard Large Loaf" and "Or Over" on Bread
7. Quantity of Contents Declaration Qualified by Terms "When Packed"
8. Quantity of Contents Declaration Qualified by "Giant"
9. Use of Trade Names Such As "Giant" or "Jumbo"
10. Interpretation of Terms "Generally Parallel" As Related To Quantity of Contents Declaration

1. Separation of Quantity of Contents Declaration from Vignettes
The requirement of this section concerning the "free space" above, below, and to the right and left of the quantity of contents declaration applies only to separation from other printed label information. The defined spaces would not apply to separation of the statement from vignettes. The vignette should not render the quantity of contents statement inconspicuous.
2. Separation of Quantity of Contents Declaration from Metric Declarations
The separation requirements for the quantity of contents declaration from other printed label information does not apply to the presence of an additional declaration in metric terms so long as the metric declaration does not render the required statement inconspicuous.
3. Quantity of Contents Declaration in Mixed Type Sizes
When mixed sizes of type are used in the quantity of contents declaration, the separation of the declaration from other printed label information is to be based upon the minimum type size required.
4. Quantity of Contents Declaration Located at Extreme Lower Border of Label
A manufacturer asked if he could position a quantity of contents declaration at the extreme lower border of the label panel so that it is closer to the bottom of the container than a distance comparable to the height of the size type used. We advised that the separation requirements of §1.8b(f) relate to "other printed label information." There is no specific prohibition against placing a quantity of contents declaration at the extreme lower border so long as it is not rendered inconspicuous or obscured by the rolled seam of the container.
5. Quantity of Contents Declaration Qualified by Term "Minimum"
We have been asked for an opinion on use of the term "minimum" to qualify a quantity of contents declaration. We have advised that the food regulations under the FPLA do not permit the use of qualifying terms such as "Minimum" in a quantity of contents declaration. The quantity of contents declaration is based on an "average weight or volume" concept. Use of the

qualifying term "minimum" presupposes that no unit will contain less than the declared amount. The "average weight or volume" concept provides for reasonable variations as is set forth in §1.8b(q) of the food regulations under the Fair Packaging and Labeling Act.

6. Use of Terms "Standard Large Loaf" and "Or Over" on Bread

Any qualifying statement of the size of a loaf of bread such as "Standard Large Loaf", or of the weight of the product such as "or over" may not appear in conjunction with the declaration of net contents.

7. Quantity of Contents Declaration Qualified by Terms "When Packed"

Use of the phrase "when packed" to qualify a quantity of contents declaration is prohibited by Section 4(b) of the Fair Packaging and Labeling Act.

8. Quantity of Contents Declaration Qualified by "Giant"

The Fair Packaging and Labeling Act itself specifically prohibits the use of qualifying terms such as "giant" in conjunction with a net contents statement. Other uses of terms such as "GIANT" are not prohibited, but may be governed by future regulations issued under the authority of Section 5(c)(3) of the Fair Packaging and Labeling Act. In the absence of proof that use of the term "GIANT" as a size designation may be misleading, we are not prepared to initiate regulatory action solely because of its use. Consequently, we hesitate to advise firms to discontinue use of this term until such time as we have regulations concerning its use, or can prove that it is, in fact, misleading.

9. Use of Trade Names such as "Giant" or "Jumbo"

Use of trade names such as "GIANT" or "JUMBO" as part of the name of a product could be misleading to the consumer. If such names are used, they must, in any event, be disassociated from the quantity of contents statement or references to size of the article, and should clearly be identified as a brand name only.

10. Interpretation of Terms "Generally Parallel" as Related to Quantity of Contents

We have been asked to interpret the requirement of this section that the quantity of contents declaration shall be in lines generally parallel to the base upon which the package rests, as it is designed to be displayed, when the package is circular and the lid is the principal display panel. We have held that the intent of §1.8b(f) is satisfied on such container surfaces if the quantity of contents declaration is parallel to the statement of identity. Additionally, the terms "generally parallel" allow a degree of latitude in that we would not normally object to the quantity of contents declaration appearing in a line following the curved outer perimeter of the lid. The curvature should not be so extreme as to render the declaration inconspicuous. The declaration should be easy to read without rotating the package or panel. (This opinion would also apply to a similar positioning of the Statement of Identity.)

INTERPRETATIONS OF §1.8b(g)1. Quantity of Contents Declarations on Aerosols

This regulation provides that the quantity of contents declaration on aerosolized preparations shall include the propellant. Our position on the manner in which the quantity of contents shall be declared is as follows: We have not objected to the use of units of volume to declare the net contents of aerosol preparations that would be liquid if not combined with the propellant, and a net weight statement in avoirdupois units for products that would be solids if not combined with a propellant. This opinion has been rendered in the past and it is not inflexible. We are currently studying data submitted by the Department of Commerce, National Bureau of Standards, to support the position that the declaration of contents on aerosols be only by weight. A decision will be rendered shortly in this manner.

INTERPRETATIONS OF §1.8b(h)

1. Interpretation of Phrase "Legible Boldface Print or Type"
2. Additional Embossed Quantity of Contents Declarations

1. Interpretation of Phrase "Legible Boldface Print or Type"

The phrase "legible boldface print or type", as used in this section, is in reference to "conspicuousness" and not necessarily the style of type identified by the printing trade.

2. Additional Embossed Quantity of Contents Declarations

We would not object to the presence of an embossed "additional" declaration such as "One-half Gallon", "64 Fluid Oz.", or "2 Quarts" on the surface of a bottle of a single strength beverage such as orange juice (1) if the container closure is labeled to comply fully, or (2) if the container sidewall bears a label which has all the mandatory information expressed in the proper form.

INTERPRETATIONS OF §1.8b(i)1. Area of Largest Principal Display Panel Determines Size Of Quantity Of Contents Declaration

Since one of the intentions of the regulations is that packages of substantially the same size will have a quantity of contents declaration of a corresponding uniformity, we have held that on a given package, the declaration shall be the same size on all panels where it is required to appear. The minimum height for the quantity of contents declaration shall be determined by the area of the largest principal or alternate display panel of the package. The quantity of contents declaration must be separated from other printed label information, above and below, a distance equivalent to the height of the minimum required type size.

INTERPRETATIONS OF §1.8b(j)

1. §1.8b(j)(1) Dual Declaration Not Required On Packages Weighing Less Than One Pound
2. §1.8b(j)(3)
 - a. Use Of Term "Fluid" Sufficient To Identify Volumetric Declarations
 - b. No Provision For Separating "Net" From "Weight"
 - c. Term "Avoirdupois" Not Necessary In Quantity of Contents Declaration

1. §1.8b(j)(1) Dual Declaration Not Required on Packages Weighing Less Than One Pound

Dual net weight declarations are not required on packages containing less than one pound. On your 12-oz. and 14-oz. packages, we suggest that the declarations "(3/4 lb.)" and "(7/8 lb.)" be deleted. Rather than assist in value comparison, such dual net weight statements may confuse the purchaser.

2. §1.8b(j)(3)

- a. Use Of Term "Fluid" Sufficient To Identify Volumetric Declarations
The terms "Net Weight" or "Net Wt." must be used for all weight declaration. Use of the terms "Net", "Net Contents", or "Contents" are at the option of the manufacturer, packer, or distributor. The term "fluid", or its abbreviation "fl.", are sufficient to identify the declaration as volumetric. For example, the declaration "6 fl. oz." is acceptable.
- b. No Provision For Separating "Net" from "Weight"
The term "net weight" may either precede or follow the declaration but no provision is made for having the weight declaration between "net" and "weight", e.g., "Net 16 oz. weight."
- c. Term "Avoirdupois" Not Necessary In Quantity Of Contents Declaration
The term "avoirdupois", its abbreviation, or any variation thereof is not a required part of the net weight declaration and should not be used.

INTERPRETATIONS OF §1.8b(k)

1. Term "U. S." Not Necessary In Volumetric Declarations
Use of the term "U. S.", for example in the declaration "One U. S. Gallon" is not required and should be omitted.

INTERPRETATIONS OF §1.8b(n)

1. "Drained" May Be Abbreviated "Dr."
2. No Provision For Abbreviating "Net"

1. "Drained" May Be Abbreviated "Dr."
We do not object to use of the abbreviation "dr." in a declaration of drained weight on applicable food products.
2. No Provision For Abbreviating "Net"
The abbreviation "NT" for "NET" is not provided for in the regulations.

INTERPRETATIONS OF §1.8b(o)

1. Optional Placement Of Combination Quantity of Contents Declaration On Principal Display Panel
2. Use of Terms "Economy Pack," "Family Pack," "Family," etc.

1. Optional Placement Of Combination Quantity Of Contents Declarations On Principal Display Panel

We have offered the following interpretations of this section. Section 1.8b(o) provides for optional placement on the principal display panel of a package, of dual or combination quantity of contents declarations, etc. in those situations where the presence of both count and weight or volume is not considered necessary for full information and, therefore, not mandatory. As an example, a package of cheese containing eight/one ounce slices would be required to bear a net weight statement on the principal display panel to comply with the Fair Packaging and Labeling Act. A statement of count could also be included on the principal display panel and since this additional count declaration is not considered mandatory, we could not insist that it comply with the Fair Packaging and Labeling Act so long as it was not misleading.

2. Use Of Terms "Economy Pack", "Family Pack", "Family Size", etc.

We have been asked to comment on the use of terms such as "Economy Pack", "Family Pack", "Family Size", etc. Section 5(a) of the Fair Packaging and Labeling Act provides for the issuances of regulations to establish and define standards for characterization of the size of packages, however, we have not yet promulgated such regulations. We believe that such terms are qualifying words or phrases, which under Section 4(b) of the Fair Packaging and Labeling Act should not appear in conjunction with the net quantity of contents statement. Section 1.8b(o) of our regulations permits supplemental statements which are not deceptive or misleading, but only if these appear elsewhere than on the principal display panel.

INTERPRETATIONS OF §1.8b(p)

1. Metric Declarations Not Subject To Separation Requirements
 2. Use of Metric Quantity of Contents Declaration On Foreign Language Panel
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1. Metric Declarations Not Subject To Separation Requirements
Metric declarations authorized by this section are not considered to be subject to the separation requirements of §1.8b(f) so long as the metric declaration does not render the required declaration inconspicuous.
 2. Use Of Metric Quantity Of Contents Declaration On Foreign Language Panel
On packages of foods labeled in English, with an alternate principal display panel in a foreign language, we have not objected to the foreign language panel bearing only a metric declaration of net contents. This assumes of course, that the container labeling otherwise complies fully with the Food, Drug, and Cosmetic Act, the Fair Packaging and Labeling Act, and the regulations issued thereunder.

INTERPRETATIONS OF §1.8cFOOD LABELING; NUMBER OF SERVINGS1. §1.8c(a)

- a. Statements Such As "4 Big Servings" Not Satisfactory
- b. Portion Controlled Items Not Necessarily "Servings"
- c. Declaration of Servings On Complete Outdoor Meals

1. §1.8c(a)a. Statements Such As "4 Big Servings" Not Satisfactory

Statements such as "4 Big Servings" do not comply with the Fair Packaging and Labeling Act regulations. When a food bears a representation as to the number of servings contained in the package, it shall bear in immediate conjunction a statement of the net quantity of each serving. The quantity of each serving may be expressed in terms commonly used by the housewife such as "1/2 cup", "two table-spoons," etc.

b. Portion Controlled Items Not Necessarily "Servings"

We have been asked to interpret the phrase "a description of the size of each serving" when applied to portion controlled servings of assorted Hors d'oeuvres, snacks, canapes, pats of butter or margarine, bite size pastries, etc. We do not believe that such units could be properly described as "servings." In our opinion, a declaration of the number of units in the package, in addition to a net weight declaration, would be more appropriate. Such a declaration would be regarded not as a "serving" but as a "count" which is specifically provided in §1.8b(o) of the food regulations under the Fair Packaging and Labeling Act.

c. Declaration of Servings on Complete Outdoor Meals

We have been asked for an opinion on the proper method for declaring a statement of servings on products such as complete outdoor meals designed for camping, etc. The quantity of each serving should be declared in terms of total weight and total volume. For example, "Makes 4--8 oz. meals and 4--6 fl. oz. drinks."

INTERPRETATIONS OF §1.10FOOD LABELING; DESIGNATION OF INGREDIENTS

1. §1.10(h)
 - a. Ingredients Shall Be Listed In Order Of Decreasing Predominance, By Weight
 - b. Ingredient Statement On Multiunit Retail Containers

1. §1.10(h)
 - a. Ingredients Shall Be Listed In Order Of Decreasing Predominance, By Weight

This section clarifies the requirement for the statement of ingredients previously designated as §1.10(d)(1) of the food regulations under the Federal Food, Drug, and Cosmetic Act, which held that a label may be misleading by reason of the order in which the ingredients were listed. This was interpreted to mean that ingredients should be in the descending order of their predominance. The revised regulation now specifically states that ingredients shall be listed by common or usual name in order of decreasing predominance. The regulation further provides that the ingredient statement shall appear on a single panel. It may therefore appear on the principal display panel, or any other panel, so long as it is conspicuous. We are of the opinion that the listing of ingredients should generally be in order of decreasing predominance by weight.
 - b. Ingredient Statement On Multiunit Retail Containers

In order to comply with Section 201(k) of the Federal Food, Drug, and Cosmetic Act, the list of ingredients must either appear on the outermost container of a multiunit retail commodity, such as a six pack of canned juice, etc., or be easily legible through the outermost container.

SOFT DRINKS AND WATERS

1. Using Returnable Bottles For Different Juice Products
2. Cider Not Covered By Soft Drink Exemption
3. Fabricated Lemon Drink Qualifies For Soft Drink Exemption
4. Inner and Outer Labeling Of Multiunit Retail Containers
5. "Carrier" Type Containers Used For Soft Drinks
6. Quantity of Contents Declaration On Frozen Citrus Juices
7. Quantity of Contents Declaration On Bags of Ice Qualified By Terms "When Packed"

1. Using Returnable Bottles For Different Juice Products

Reusable, returnable 1/2 gallon juice bottles may be used for different juice products provided the closure bears a conspicuous product name and ingredient statement. The quantity of contents declaration in the proper type size and form shall appear in the lower 30% of the front panel of the bottle.

2. Cider Not Covered By Soft Drink Exemption

We do not consider cider to be covered by the soft drink exemption. (See §1.1c(a)(5)). The commonly accepted definition of "soft drink" would apply to a fabricated drink rather than a single strength fruit juice.

3. Fabricated Lemon Drink Qualifies For Soft Drink Exemption

We were asked if fabricated beverages such as a lemon drink in one-gallon glass or plastic containers is covered by the exemption granted soft drinks under §1.1c(a)(5).

Since the exemption covers "soft drinks" in bottles, the subject "lemon drink" and its container would qualify for the exemption. Therefore, placement of the embossed quantity of contents declaration on the shoulder of the bottle would be acceptable; however, there is no provision in the regulations for the declaration "One Half Gallon Liquid." It should be "64 Fl. Oz.

(2 qts.)." If it appears on the bottle (embossed, etc.), it should be in type at least 1/4-inch high, or 1/16-inch higher than a required declaration that is printed on a label, etc. We would not object if the declaration also appeared on the cap in 3/16-inch letters so long as this is the size determined by the area of the principal display panel of the package.

4. Inner and Outer Labeling Of Multiunit Retail Containers

Individual units within a fully enclosed multiunit retail container, such as certain six-packs of soft drinks, are not subject to the Fair Packaging and Labeling Act. The individual inner units need only comply with the Federal Food, Drug, and Cosmetic Act. The outermost carton, however, must comply with the Fair Packaging and Labeling Act. (See Sec. 7563-§1.8b, Interpretations Section for discussion of the quantity of contents declaration on such containers.)

5. "Carrier" Type Containers Used For Soft Drinks

The "carrier" type container used as a convenience item for transporting readily visible bottles of soft drinks in various sizes is not considered to be subject to the Fair Packaging and Labeling Act. The individual bottles must meet all requirements.

6. Quantity of Contents Declaration On Frozen Citrus Juices

We have been asked for an opinion on the proper manner in which to declare the quantity of contents on frozen lemonade. Because frozen lemonade (presumably concentrated) is consumed in the liquid state, it should be declared in fluid ounces. This is the practice of the trade in this country in declaring the net contents of frozen citrus juice concentrates.

7. Quantity of Contents Declaration On Bags Of Ice Qualified By Terms "When Packed"

We were asked for an opinion on use of the term "when packed" in conjunction with the quantity of contents declaration on bags of crushed and cubed ice. We appreciate that the phrase "when packed" is used in the quantity of contents declaration because of the possibility of thawing during or after shipment. However, Section 4(b) of the Fair Packaging and Labeling Act specifically prohibits use of such qualifying phrases. (See Sec. 7563.6-§1.8b(f) - Interpretations Section for a discussion of qualifying phrases.)

COFFEE AND TEA1. Packages Of Tea Bags Require Both Count And Net Weight

On packages of tea bags, the statement of the number of tea bags is considered part of the declaration of net contents. The statement of count and the statement of net weight should appear in type of specified minimum height, be located within the bottom 30% of the area of the label panel, and be separated from other printed label information by the spacing set forth in §1.8b(f).

BREAD, ROLLS, BUNS, AND SWEET GOODS

1. Placement of Quantity of Contents Declaration On Continuous Bread Wrapping
2. Quantity of Contents Declaration On Donuts
3. Quantity of Contents Declaration On Unenriched Frankfurter Rolls
4. Quantity of Contents Declaration On Enriched Rolls, Buns, etc.
5. Quantity of Contents Declaration On Packages of Ice Cream Cones
6. Use of Terms "Standard Large Loaf" And "Or Over" On Bread

1. Placement Of Quantity of Contents Declaration On Continuous Bread Wrapping
We were asked for an opinion on a technical problem caused by the difficulty in positioning continuous wrapping or bands on loaves of bread so that the quantity of contents declaration always appears in the lower 30% of the principal display panel. Since these continuous wrappers usually have two or four identical or "repeat panels" each, the requirements of §1.7 and 1.8b(e) would be satisfied if the net weight statement appeared within the lower 30% of each "design repeat." (See Sec. 7563.5, §1.8b(e) Interpretations Section.)
2. Quantity of Contents Declaration On Donuts
On donuts, a declaration of contents by count alone is not sufficient to fully inform the consumer. Donuts should be declared by net weight since they may vary considerably in both size and weight. We would not object to an additional declaration by count. We have also advised that the additional statement of count may appear in conjunction with the statement of identity, e.g. "12 Powdered Donuts." In instances where it is determined that the nature of the container is such that a statement of weight is insufficient to furnish full consumer information, a combination declaration of both count and net weight may be required. Such declarations, of necessity, must then comply with all provisions of the Fair Packaging and Labeling Act regulations, e.g. lower 30% of the principal display panel, type size, free space from other printed label information, etc.
3. Quantity of Contents Declaration On Unenriched Frankfurter Rolls
Frankfurter rolls, if unenriched, and relatively uniform in size and weight, may be declared by count since purchasers generally buy them by count.
4. Quantity of Contents Declaration On Enriched Rolls, Buns, etc.
If rolls, buns, etc. are enriched, and the required information about percentages of minimum daily requirements (MDR) of vitamins and minerals is stated in terms of a given weight, then a statement of count alone would not be sufficient to make the declaration of vitamins and minerals meaningful. In enriched rolls, we believe that the quantity of contents should be by weight. A statement of count would be optional.

5. Quantity of Contents Declaration On Packages Of Ice Cream Cones

We have been questioned on the advisability of declaring the quantity of contents on packages of ice cream cones by count alone. In our opinion, the count should be augmented by a declaration of weight. We believe this to be necessary to achieve the objectives of the Fair Packaging and Labeling Act, i.e., to give accurate information as to the quantity of contents and to facilitate value comparison.

6. Use of Terms "Standard Large Loaf" And "Or Over" On Bread

Any qualifying statement of the size of a loaf of bread such as "Standard Large Loaf", or of the weight of the product such as "or over" may not appear in conjunction with the declaration of net contents.

PROCESSED GRAINS AND STARCH PRODUCTS FOR HUMAN USE

See reprints of exemptions from certain labeling requirements for Wheat
Flour - See page G-22, and for Corn Products - See page G-25.

CANDY, CHEWING GUM, CHOCOLATE AND COCOA PRODUCTS1. Quantity of Contents Declaration On Sticks of Chewing Gum

Chewing gum is a food as defined by the Federal Food, Drug, and Cosmetic Act. The traditional method of declaring the quantity of contents by the number of sticks in lieu of weight satisfies both the Food, Drug, and Cosmetic Act and the Fair Packaging and Labeling Act.

See discussion of exemption of "penny candy" from certain labeling requirements, See page G-7.

Also, see proposal published July 10, 1969, 34 F. R. 11423, to amend §1.1c(a)(4) to include confectionery such as chewing gum

SYRUPS, SUGARS & HONEY

1. Quantity of Contents Declaration On Syrups
2. Quantity of Contents Declaration On Honey
1. Quantity of Contents Declaration On Syrups
We do not object to inclusion of a statement of weight along with a declaration by volume on syrups.
2. Quantity of Contents Declaration On Honey
We have advised that the quantity of contents on honey is properly declared by net weight. We would not object to an additional declaration by volume.

BUTTER AND BUTTER PRODUCTS

See exemption of butter from certain labeling requirements, See page G-20.

MILK AND MILK PRODUCTS1. Yogurt Not Included In Milk Products Exemption

Yogurt is not included in the designated milk and milk products covered by the exemption, §1.1c(a)(7), since it is available in a range of sizes which are not recognized as containers of standard capacity as are the sizes included in the exemption for milk and milk products.

See exemption of milk products from certain labeling requirements, page G-16.

DRIED MILK AND DRIED MILK PRODUCTS1. Dilution Directions on Instant Nonfat Dry Milk

Instant nonfat dry milk is sometimes packed in envelopes each of which contains solids sufficient to prepare one quart of reconstituted skim milk. We have not objected to a label declaration concerning the number of such packets in a retail package with an indication that each will make a quart. Such declaration in addition to the statement of the net weight is not considered a supplemental declaration within the meaning of the Fair Packaging & Labeling Act. It may, therefore, appear on the principal display panel.

ICE CREAM AND RELATED PRODUCTS

See exemption of frozen desserts from certain labeling requirements,
page G-16.

EGGS AND EGG PRODUCTS

See exemption of eggs in divisible cartons of a dozen from certain labeling requirements, page G-21.

SHELLFISH, CRUSTACEANS & OTHER AQUATIC
ANIMALS (EXCEPT SMOKED)

1. Quantity of Contents Declaration In Imperial Units
2. Unlabeled "Window-Type" Lids On "Stock" Oyster Tins
3. Quantity of Contents Declaration On Cooked Lobster Meat In Brine
4. Quantity of Contents Declaration On Canned Abalone In Brine
5. Oysters In Gallons, To Be Repacked Are Not Consumer Commodities

1. Quantity of Contents Declaration In "Imperial" Units

A quantity of contents declaration in Imperial units can not be sanctioned on oysters since it would only serve to confuse the American Consumer.

2. Unlabeled "Window-Type" Lids On "Stock" Oyster Tins

We have no objection to use of "stock" oyster tins, which bear a "window-type" lid that is devoid of labeling, so long as the sidewall of the container complies in all respects with both the Fair Packaging and Labeling Act and the Federal Food, Drug, and Cosmetic Act. Conversely, if the lid is used for retail display, or bears a statement of identity or sufficient labeling to qualify it as an alternate principal display panel, then it must also bear a quantity of contents declaration in a size identical to that required on the sidewall.

3. Quantity of Contents Declaration On Cooked Lobster Meat In Brine

Cooked lobster meat in brine, either refrigerated or frozen, shall bear a quantity of contents declaration in terms of the drained weight of the lobster meat. We cannot sanction a declaration of net contents which includes the weight of the brine as well as the weight of the lobster meat, since we have always interpreted the requirements of the United States law to exclude from the quantity of contents declaration any inedible packing medium or one which is normally discarded.

4. Quantity of Contents Declaration On canned Abalone In Brine

Canned abalone in brine is the subject of limited experience, however, we understand that the brine packing medium is edible and may be used as food along with the rest of the contents of the can. On this basis, we have considered it appropriate to declare the quantity of contents in terms of net weight, including the weight of the brine, rather than in terms of the drained weight of the abalone. We have held that the can should be as well filled as practicable with the food, and only the liquid packing medium added that is necessary to fill the interstices between the pieces of food, whether the packing medium is edible or not. It would be deceptive, and in conflict with section 403(d) of the Federal Food, Drug, and Cosmetic Act, to pack only a small amount of abalone and fill the remainder of the can with brine.

5. Oysters In Gallons To Be Repackaged, Are Not Consumer Commodities
Gallon cans of oysters, destined for either institutional sale or for further repackaging into smaller consumer sized units, are not considered to be consumer packages as defined in the regulations which implement the Fair Packaging and Labeling Act. They would therefore be exempt from placement of the quantity of contents declaration in the lower 30% of the label panel. The labels should, of course, bear an accurate statement of the quantity of contents as required by section 403(e)(2) of the Federal Food, Drug, and Cosmetic Act, and should otherwise comply with that Act.

FRESH FRUITS & JUICES

1. Inclusion of Apple Variety Not Mandatory
2. Name and Address of Packer, Distributor, Etc. On Inserts In Poly Apple Bags
3. Mandatory Information On Inserts In Poly Apple Bags
4. Insert Need Be Only Sufficiently Large To Bear Mandatory Information

See 7639 for policy on the labeling of fresh produce in transparent wrapping or packaging under the Fair Packaging and Labeling Act. This policy also applies to fresh fruits.

1. Inclusion Of Apple Variety Not Mandatory
We agree that the word "apples" is sufficient to satisfy the statement of identity requirement of §1.8 for the food regulations under the Fair Packaging and Labeling Act. The variety name is not considered a mandatory part of the statement of identity and may appear on any suitable label panel, tape or tab closure, or on an insert. When the variety is designated, it should be accurate and in no way misleading.
2. Name and Address of Packer, Distributor, Etc. On Inserts In Poly Apple Bags
We would not object to use of inserts bearing the name and address of the packer, distributor, etc., in "stock" apple bags, when such bags are otherwise labeled to comply with both the Fair Packaging and Labeling Act and the Federal Food, Drug, and Cosmetic Act. We have advised, however, that such inserts should be positioned and secured in such a way as to prevent their "rolling under" and being hidden from view to the consumer or otherwise difficult to read or inconspicuous.
3. Mandatory Information On Inserts In Poly Apple Bags
We were asked to comment on the use of inserts, labeled with the statement of identity and a quantity of contents declaration, in a poly bag of apples that bore only the name and address of the packer, shipper, etc. An insert used in this manner is considered the principal label panel of the label and as such should conspicuously declare the statement of identity and a quantity of contents declaration in a size based on the area of the principal display panel of the package. Since the name and address of the packer, distributor, etc. may appear on any label surface, including the principal display panel, its presence on the same package surface as the insert does not necessarily cause the principal label panel (insert) to be expanded to encompass the entire front of the bag. This opinion is not meant to permit or sanction the practice of placing the quantity of contents declaration only on the insert, the statement of identity only on the bag, or the reverse thereof. These two pieces of mandatory information must both appear on the principal label panel whether it consists of an insert or is on the bag surface.

4. Insert Need Be Only Sufficiently Large To Bear Mandatory Information
An insert need be only large enough to contain the mandatory information required to be on the principal display panel of the package. Placement of grading information and other information required by the States on an insert does not in our view cause the insert to be a "label" within the meaning of the Federal Food, Drug and Cosmetic Act or the Fair Packaging and Labeling Act.

See proposed exemption of some fruit juice beverages from certain labeling requirements, Section 7544, pg 33 and 34.

FROZEN FRUITS AND JUICES1. Quantity Of Contents Declaration On Frozen Citrus Juices

We have been asked for an opinion on the proper manner in which to declare the quantity of contents on frozen lemonade. Because frozen lemonade (presumably concentrated) is consumed in the liquid state, it should be declared in fluid ounces. This is the practice of the trade in this country in declaring the net contents of frozen citrus juice concentrates.

ANIMAL FEEDS

1. Animal Feeds In Retail Channels Subject To FPLA
2. Dog Food Under FPLA
3. Calf Feed Not Necessarily Subject To FPLA

1. Animal Feeds In Retail Channels Subject to FPLA

Only those feed products that are intended for sale at retail to consumers, such as pet food, bird feed, etc. are subject to the labeling requirements of the Fair Packaging and Labeling Act. Large bags of feed, not intended for retail sale to consumers, are not subject to the Fair Packaging and Labeling Act. They need comply only with the Federal Food, Drug, and Cosmetic Act and any appropriate State laws and/or regulations.

2. Dog Food Under FPLA

Dog food in 25-pound bags is an article subject to the labeling requirements of the Fair Packaging and Labeling Act.

3. Calf Feed Not Necessarily Subject to FPLA

Calf feed in a 40-pound bag sold for commercial feeding purposes is not a package within the meaning of section 1.1b of the Fair Packaging and Labeling Act, and is therefore subject to the Federal Food, Drug, and Cosmetic Act.

REFINED VEGETABLE OILS, VEGETABLE
SHORTENINGS, AND OLEOMARGARINE

1. Inner And Outer Labeling Of Margarine Should Be Consistent

Consumer commodities, such as oleomargarine that are marketed in individually labeled units within a fully labeled outer carton, should bear information that is consistent. For example, it is noted that 1/4-pound prints of margarine are sometimes labeled with a firm name and address, which when unqualified, identifies the firm as the manufacturer. Conversely, the outer carton, containing four 1/4-pound prints of the margarine, is labeled with a different firm name and address that is qualified as the distributor. While we do not believe such a practice would be prohibited from a statutory standpoint, we believe the inconsistencies in the inner and outer labeling to be confusing to the consumer.

See exemption of margarine from certain labeling requirements, page G-24.

FRESH VEGETABLES

1. Labeling of Fresh Produce in Transparent Wrapping or Packages
2. Produce In 50 and 100 Pound Bags Not Ordinarily Subject To FPLA
3. Fresh Tomatoes In Cellophane Wrapped "Tubes"

1. Labeling Of Fresh Produce in Transparent Wrapping or Packages

- a. Should bear the name of the food on the package to comply with Part 1, Section 1.8 of the regulations for the enforcement of the Federal Food, Drug, and Cosmetic Act and the Fair Packaging and Labeling Act. However, we do not now plan to initiate legal action solely for omission of name of product, if the identity of the article is readily apparent through the wrapper.
- b. Should bear net weight, if sold by weight, unless exempted by Section 1.1c(a)(i). However, if the packaged product is sold by count, and the number in the package is clearly obvious, we do not now anticipate taking legal action solely for the omission of the statement of count.
- c. If the product has been treated with post-harvest chemicals or colors, the product must be labeled to comply with Section 403(k) and (1) of the Federal Food, Drug, and Cosmetic Act.
- d. The name and address of the manufacturer, packer, distributor, etc. should be shown. However, if there is no labeling at all on individually wrapped items such as one or more heads of lettuce, celery stalks, or similar produce, then the labeling requirements required under the provisions of the Federal Food, Drug, and Cosmetic Act may be accomplished on the outer box.

2. Produce in 50- and 100-Lb. Bags Not Ordinarily Subject to FPLA

Based on available information, containers of produce such as potatoes, onions, etc., in 50-pound or 100-pound bags are not customarily produced or distributed for sale through retail sales agencies. We would therefore regard such bags as exempt shipping containers as defined in §1.1b(a) of the Fair Packaging and Labeling Act. It follows, however, that the responsibility for determining whether the pattern of distribution of a commodity in wholesale or retail rests with the manufacturer or packer, and the commodity should be labeled accordingly.

3. Fresh Tomatoes in Cellophane Wrapped "Tubes"

Fresh tomatoes in cellophane wrapped "tubes" need not bear a statement of identity because the nature of the product is obvious. The product should bear a quantity of contents declaration on the principal display panel of the package which complies in all respects. The administrative exemption would apply only to fresh produce in cellophane wrappers and could not be applied to all commodities across the board. If the product can not be readily identified, e.g., fresh mixed vegetables for salads, or a dill pickle as contrasted with a sweet, then a statement of identity would be required.

CANNED VEGETABLES, (WITH OR WITHOUT
SAUCES); AND JUICES

1. Quantity of Contents Declaration On Canned Corn-On-The-Cob

With respect to canned corn-on-the-cob, we have reconsidered our position and will now accept a declaration by count only. A net weight declaration on canned corn-on-the-cob may not be meaningful to consumers since it would include the weight of the inedible cobs and packing medium which is customarily discarded.

CURED AND PROCESSED VEGETABLE PRODUCTS1. Quantity of Contents Declarations on Pickles In Packages of 1, 2, and More Than 2

We recognize that there will be significant variations in the net or drained weight of one, two, or three pickles in transparent sealed plastic bags and would not object to a declaration by count on packages of one or two pickles. If more than two pickles are so packaged, the net contents should be expressed in terms of volume.

DIETARY SPECIALTIES, ARTIFICIAL SWEETENERS, CONVENTIONAL
FOODS WITH NUTRITIONAL CLAIMS, AND MISCELLANEOUS DIETARY FOOD ITEMS

1. Quantity of Contents Declaration On Individual Packets of Salt & Sugar
Substitutes

Sugar and salt substitutes need not bear a quantity of contents declaration if packaged in individual packets enclosed in a fully labeled outer carton. Assuming these products are sold to consumers only in fully labeled outer cartons, the outer labeling should include a declaration of total net weight in avoirdupois terms and a statement of the number and size of the packets, e.g. "200 packets, .03 oz. each", etc.

MISCELLANEOUS FOOD-RELATED ESTABLISHMENTS1. Quantity of Contents Declaration On Sandwiches Suitable For Vending Machines

Prepackaged sandwiches, suitable for sale in vending machines may bear a declaration of either net weight or count, if the product is fully visible to the consumer and is otherwise in compliance with the Federal Food, Drug and Cosmetic Act and the Fair Packaging and Labeling Act.

Part J

FEDERAL TRADE COMMISSION
INTERPRETATIONS

FTC POLICY AND INTERPRETATIONS

<u>Subject</u>	<u>Page</u>
1. Commodities Excluded From FPLA Jurisdiction (Source: FTC - FPLA Inspection Manual)	1
2. Commodities Included Under FTC - FPLA Jurisdiction (Source: FTC - FPLA Inspection Manual)	8
3. Part 503 Interpretations (Source: FTC - FPLA Reference Manual)	
503.1 Interpretations	11
503.2 Status of Specific Items Under FPLA	12
503.3 Name and Place of Business of Manufacturer	13
503.4 Net Quantity of Contents, Numerical Count	14
503.5 Interpretation of "Consumer Commodity"	15
4. Interpretative Bulletins (Source: FTC - FPLA Reference Manual)	
#1 Manufacturer of Consumer Commodity	17
#2 Effective Dates of Regulations	20
#3 Statement of Quantity by Count for a Single Commodity	22
#4 Packaged or Labeled Consumer Commodity	24
#5 Additional Declaration of Quantity on Principal Display Panel and Variation in Required Type Size	26
#6 Type Size to Express Statement of Quantity of Contents, Section 500.18	29
5. Annotated Staff Interpretations (Source: FTC - FPLA Reference Manual)	
500.2(c) Consumer Commodity	34
500.2(d) Package	34
500.2(e) Label	35
500.2(h) Principal Display Panel	36
500.3 Prohibited Acts	36
500.4 Identity	36
500.5 Name and Place of Business	37

	<u>Subject</u>	<u>Page</u>
500.6	Net Quantity Statement, Location	38
500.7	Net Quantity of Contents, Method of Expression	38
500.10	Fluid Measure, How Expressed	39
500.12	Measurement by Length and Width	39
500.15	Units of Count, More Than One Ply	39
500.18	Type Size	40
500.19	Abbreviations	40
500.21	Metric Equivalent	40

COMMODITIES EXCLUDED FROM FPLA
JURISDICTION

Reproduced on the following pages is a list of commodities and commodity groups that are not within the scope of that portion of the Fair Packaging and Labeling Act administered by the Federal Trade Commission. It is strongly recommended that the observer familiarize himself with the list and refer to it while conducting field surveys or periodic inspections to insure that appropriate products are scrutinized and reported upon.

Appearing behind each commodity is a code designating the reason that the particular commodity has been excluded. The following table includes an explanation of the code and references to the Act and regulations.

CI - Commission Interpretation -- designates those categories that have been excluded by the Commission in the light of legislative history of the definition of "consumer commodity". (Section 503.5) By applying this definition to individual commodities, the Commission has more narrowly applied the latter term and set forth a list of items that do not meet the criteria of consumer commodities (Section 503.2(a)). Finally, on occasion the Commission is requested in both a formal and informal manner from time to time to consider individual products and to determine their status relative to the definition of "consumer commodity" as it is used in the Act (Section 500.24).

FDA - designates those commodities which are subject to regulation by the Food and Drug Administration either under the portion of the FPLA administered by that agency or the Federal Food, Drug and Cosmetic Act. (Section 10(a)(3))

and Section 7 of the FPLA). Following the code FDA will be a letter further designating the commodity as either a food (f), drug (d), cosmetic (c), or device (dv).

USDA - designates those commodities excluded from jurisdiction by Section 10(a) of the FPLA and represents a commodity within one of the following categories:

- (1) Meat or meat products, poultry or poultry products, or tobacco or tobacco products.
- (2) Commodities subject to FIFRA (Federal Insecticide, Fungicide, and Rodenticide Act).

UST - designates those commodities excluded from jurisdiction by Section 10(a) of the FPLA and subject to the Federal Alcohol Administration Act.

It may be of some help in ascertaining whether a particular product is or is not included within the FPLA definition of "consumer commodity" and thus subject to FTC jurisdiction under that Act, to refer to the following definition.

" . . . ANY ARTICLE, PRODUCT, OR COMMODITY OF ANY KIND OR CLASS WHICH IS CUSTOMARILY PRODUCED OR DISTRIBUTED FOR SALE THROUGH RETAIL SALES AGENCIES OR INSTRUMENTALITIES FOR CONSUMPTION BY INDIVIDUALS, OR USE BY INDIVIDUALS FOR PURPOSES OF PERSONAL CARE OR IN THE PERFORMANCE OF SERVICES ORDINARILY RENDERED WITHIN THE HOUSEHOLD, AND WHICH IS USUALLY CONSUMED OR EXPENDED IN THE COURSE OF SUCH USE."

By applying these criteria to the particular product in question and then reviewing the list of excluded commodities, the observer will be able, in most instances, to determine the status of the item. In the event, however, that the observer is unable to ascertain whether a

particular commodity is covered or excluded from FTC jurisdiction, a report should be completed and forwarded to the staff for an opinion.

The following list of commodities are excluded from FTC jurisdiction under FPLA:

ADHESIVE TAPE (FDA-D)
ALCOHOLIC BEVERAGES (UST)
ALUMINUM CLOTHESLINE (Including Plastic Clothes-
line with a Steel Core) (CI)
ANTIFREEZE (CI)
ARTIFICIAL FLOWERS AND PARTS (CI)
AUTOMOTIVE ACCESSORIES (Including Floor Mats,
Seat Covers, Spare Parts, etc.) (CI)
AUTOMOTIVE CHEMICAL PRODUCTS (Including Auto
Polish, Wax, and Finish Conditioner, Rubbing
Compound, Tire Paint, Chrome Polish, Gasoline
Additives, etc.) (CI)

BATH OIL AND BUBBLE BATH (FDA-C)
BICYCLE TIRES AND TUBES (CI)
BOOKS (CI)
BOTTLED GAS FOR COOKING OR HEATING (CI)
BRUSHES (Bristle, Nylon, etc., Including Hair-
brushes, Toothbrushes, Hand and Nail Brushes,
Paint Brushes, etc.) (CI)
BROOMS AND MOPS (Glass and Dish Mops, Floor Mops,
etc.) (CI)
"BUG PROOF" SHELF PAPER (USDA-FIFRA)

CANDLE HOLDERS (Packaged Without Candles) (CI)
CAMERAS (CI)
CHINAWARE (CI)
CHRISTMAS LIGHT SETS (Note, however, that
replacement or other bulbs sold separately are
included) (CI)
CIGARETTE LIGHTERS (CI)
CLOTHESPINS (CI)
CLOTHING AND WEARING APPAREL (Including Socks,
Gloves, Shoelaces, Underwear, etc.) (CI)
COMPACTS AND MIRRORS (CI)
COSMETICS (Defined by Section 201(i) of the Food,
Drug, and Cosmetic Act as "(1) articles
intended to be rubbed, poured, sprinkled,

or sprayed on, introduced into, or otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting attractiveness, or altering the appearance, and (2) articles intended for use as a component of any such articles; except that such term shall not include soap.") (FDA-C)
COTTON PUFFS (Sterilized) (FDA-D)
CRYSTALWARE (CI)

DETERGENT BAR WITH ANY DRUG OR COSMETIC CLAIM
(Undoubtedly the observer will experience difficulty in ascertaining whether or not a given product is a soap or a detergent. In this event, complete and submit a survey form and the staff will contact either the company involved or FDA and advise the reporter of the product's status.) (CI)

DECORATIVE MAGNETS (CI)

DEVICES (Defined by Section 201(h) of the Food, Drug, and Cosmetic Act as "instruments, apparatus, and contrivances, including their components, parts, and accessories, intended (1) for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals; or (2) to affect the structure or any function of the body of man or other animals." This category includes trusses, syringes, arch supports, etc.) (FDA-DV)

DIARIES AND CALENDARS (CI)

DISINFECTANTS (USDA-FIFRA)

DRUGS (Defined by Section 201(g)(1) of the Food, Drug, and Cosmetic Act as "(a) articles recognized in the official United States Pharmacopeia, official Homeopathic Pharmacopeia, or official National Formulary, or any supplement to any of them; and (b) articles intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals; and (c) articles (other than food) intended to affect the structure or any function of the body of man or other animals; and (d) articles intended for use as a component of any articles

specified in clause (a), (b) or (c); but does not include devices or their components, parts, or accessories." (FDA-D)
DURABLE ARTICLES OR COMMODITIES (CI)

FIFRA COVERED PRODUCTS (Products subject to regulation under the Federal Insecticide, Fungicide, and Rodenticide Act which is administered by the Department of Agriculture.) (USDA-FIFRA)

FINGERNAIL FILES (CI)

FLOWERS, FLOWER SEEDS, FERTILIZER, AND FERTILIZER MATERIALS, PLANTS OR SHRUBS, GARDEN AND LAWN SUPPLIES (CI)

FOOD (Defined by Section 201(f) of the Food, Drug, and Cosmetic Act as "(1) articles used for food and drink for man or other animals, (2) chewing gum, and (3) articles used for components of any such article.") (FDA-F)

FOUNTAIN PENS, MECHANICAL PENCILS, AND KINDRED PRODUCTS (Including ball point pens, lead pencils, and lead refills, etc.) (CI)

GARDEN TOOLS (Including hose, trowels, grass clippers, etc.) (CI)

GERMKILLING OR GERMPROOFING PRODUCTS (USDA-FIFRA)

GIFT TAPE AND TIES (Including ribbon, tape, etc.) (CI)

GIFT WRAPPING MATERIAL (Including decorative wrapping foil, paper, cellophane, etc.) (CI)

GLASSES AND GLASSWARE (Note, however, disposable plastic glasses are included) (CI)

GLOVES (Of any type) (CI)

GREETING CARDS (CI)

HAIR COMBS, HAIR NETS, HAIRPINS (FDA-DV)

HAND TOOLS (CI)

HANDICRAFT AND SEWING THREAD (Including yarn, etc.) (CI)

HARDWARE (Including extension cords, thumb-tacks, hose clamps, all nails and screws, picture hangers, etc.) (CI)

HOUSEHOLD APPLIANCES, EQUIPMENT, OR FURNISHINGS,

INCLUDING FEATHER AND DOWN-FILLED PRODUCTS,
SYNTHETIC-FILLED BED PILLOWS, MATTRESS PADS
AND PATCHWORK QUILTS, COMFORTERS, AND
DECORATIVE CURTAINS (CI)

INK (CI)

INSECTICIDES (Including insect repellants in any
form, mothballs, etc.)(USDA-FIFRA)

IRONING BOARD COVERS (CI)

JEWELRY (CI)

LAMBS WOOL DUSTERS (CI)

LUGGAGE (CI)

MAGNETIC RECORDING TAPE (Including reels,
cassettes, and cartridges.)(CI)

MEAT AND MEAT PRODUCTS (USDA)

METAL PAILS (CI)

MOTOR OIL (Including additives. Household
multi-purpose oil is included, however.)(CI)

MOUSE AND RAT TRAPS (CI)

MOUTHWASH (FDA-D)

MUSICAL INSTRUMENTS (CI)

PAINTS AND KINDRED PRODUCTS (Including wallpaper,
turpentine, putty, paint removers, caulking
and glazing compounds, wood fillers, etc.
Note, however, that bathroom caulking materials
are included as are patching plaster, spackling
compound, and plastic wood. In the event of
uncertainty, complete and forward a survey
sheet for a staff interpretation.)(CI)

PAINTINGS AND WALL PLAQUES (CI)

PET CARE SUPPLIES (CI)

PEWTERWARE (CI)

PHOTO ALBUMS (CI)

PICTURES (CI)

PLASTIC BUCKETS AND GARBAGE CANS (CI)

PLASTIC TABLECLOTHS, PLASTIC PLACE MATS (CI)

PLASTIC SHELF LINING (CI)

PRE-MOISTENED TOWELETTES (FDA-C)

POLISHING CLOTHS (Note, however, that polishing
cloths that are impregnated with polish or
chemicals (silicone, etc.) are included.)(CI)

POULTRY AND POULTRY PRODUCTS (USDA)

RUBBER GLOVES (CI)

RUBBING ALCOHOL (FDA-D)

SAFETY FLARES (CI)

SAFETY PINS (CI)

SANITARY NAPKINS (Including Tampex Types) (FDA-D or C)

SCHOOL SUPPLIES (Including rulers, crayons, paper, pencils, etc.) (CI)

SELF STICK PROTECTIVE FELT TABS (CI)

SEEDS OF ALL KINDS (USDA)

SEWING ACCESSORIES (Including needles of any type, thimbles, kindred articles, etc.) (CI)

SHAMPOO (FDA-C or D)

SHOELACES (CI)

SMALL ARMS AMMUNITION (CI)

SILVERWARE, STAINLESS STEELWARE, AND PEWTERWARE (CI)

SMOKING PIPES (CI)

SOAP BARS WITH A DRUG CLAIM (Including any claim for removing facial blemishes, etc. Refer to Detergent Bars (Supra.) for further discussion in this area.) (FDA-D)

SOAP DISHES (CI)

SOUVENIRS (CI)

SPORTING GOODS (CI)

STATIONERY AND WRITING SUPPLIES (Including looseleaf binders, paper tablets, etc.) (CI)

TEXTILES AND ITEMS OF WEARING APPAREL (Including cloth laundry bags, towels, cheese cloth, shoe shine cloths, etc.) (CI)

TOBACCO AND TOBACCO PRODUCTS (Including pipes, cigarettes, etc.) (USDA)

TOOTHPASTE (FDA-D)

TOYS (CI)

TYPEWRITER RIBBON (CI)

WIRE OF ANY TYPE (CI)

WOODENWARE (CI)

COMMODITIES INCLUDED UNDER
FTC-FPLA JURISDICTION

- (1) Soaps and Detergents
 - (a) Powder, flakes, chips, etc.
 - (b) Liquid
 - (c) Paste, cake, or tablet
 - (d) Other

- (2) Cleaning Compounds
 - (a) Liquid
 - (b) Powder
 - (c) Paste or cake
 - (d) Other

- (3) Laundry Supplies
 - (a) Conditioners and softeners,
ironing aids, distilled water
 - (b) Sizings and starches
 - (c) Bluings and bleaches
 - (d) Pre-soaks, enzymes, etc.
 - (e) Other

- (4) Cleaning Devices
 - (a) Sponges
 - (b) Steel wool, scouring, and soap
pads
 - (c) Chamois
 - (d) Other

- (5) Food Wraps
 - (a) Plastic and cellophane
 - (b) Wax paper and paper
 - (c) Foil
 - (d) Other

- (6) Paper Products
 - (a) Toweling
 - (b) Napkins, table cloths, and
place mats
 - (c) Facial tissues

- (d) Bathroom tissues
 - (e) Disposable diapers
 - (f) Crepe paper
 - (g) Other, e.g., shelf paper, wrapping paper, eye glass tissues, etc.
- (7) Waxes and Polishes
- (a) Powder
 - (b) Liquid
 - (c) Paste and cake
 - (d) Other, e.g., polish impregnated cloths, scratch removers, etc.
- (8) Household Supplies
- (a) Matches
 - (b) Candles and holders
 - (c) Toothpicks
 - (d) Cordage (string, twine, rope, clothes line, etc.)
 - (e) Drinking straws
 - (f) Lighter and propane torch fuel, flints, pipe cleaners, etc.
 - (g) Household lubricants
 - (h) Picnic supplies
 - (i) Sand paper and emory paper
 - (j) Charcoal briquets, chips, logs, etc.
 - (k) Dyes and tints
 - (l) Camera film and photo supplies
 - (m) Protective fabric sprays
 - (n) Other
- (9) Containers
- (a) Paper (plain, waxed, or plastic coated)
 - (b) Foil
 - (c) Plastic or styrofoam
 - (d) Other
- (10) Air Fresheners and Deodorizers

- (11) Adhesives and Sealants
 - (a) Pastes
 - (b) Glue
 - (c) Specialty adhesives and sealants, including solder
 - (d) Tapes (pressure sensitive, masking, electrical, binding, etc.)
 - (e) Other
- (12) Electrical Supplies
 - (a) Light bulbs and flash light bulbs
 - (b) Household batteries
 - (c) Fuses
 - (d) Other, e.g., transistors
- (13) Decorations
 - (a) Christmas
 - (b) Birthday
 - (c) Other holidays and special events

16 CFR -- PART 503

SECTION 503.1

INTERPRETATIONS

§ 503.1 Interpretations.

The regulations in this part are necessarily general in application and requests for formal rulings, statements or policy or interpretations shall be addressed to the Secretary of the Commission for consideration. Statements of policy or interpretation binding on the Commission will be published in the **FEDERAL REGISTER** (including the policy statement accompanying the issuance of the regulations in this part). However, technical questions not involving policy consideration may be answered by the staff.

HISTORY:

Published: 34 F.R. 12944, August 9, 1969.

Redesignated: 35 F.R. 13643 & 13644, August 27, 1970.

SECTION 503.2

STATUS OF SPECIFIC ITEMS UNDER

THE FAIR PACKAGING AND LABELING ACT

PART 503—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

Status of Specific Items Under Fair Packaging and Labeling Act

Since the publication of § 503.2 of the Fair Packaging and Labeling Act's regulations on September 30, 1969 (34 F.R. 15245), questions concerning the status of additional articles, products, or commodities as "consumer commodities" within the meaning of that term as defined in section 10(a) of the Fair Packaging and Labeling Act, have been submitted. The Commission has responded to these inquiries and has concluded that the responses should be further promulgated for industrywide information. Accordingly, pursuant to the authority contained in the Fair Packaging and Labeling Act (sections 4, 6, 10, 80 Stat. 1297, 1299, 1300, 1301; 15 U.S.C. 1453, 1455, 1456), § 503.2 of Part 503 is amended to read as follows:

§ 503.2 Status of specific items under the Fair Packaging and Labeling Act.

Recent questions submitted to the Commission concerning whether certain articles, products or commodities are included under the definition of the term "consumer commodity", as contained in section 10(a) of the Fair Packaging and Labeling Act, have been considered in the light of the Commission's interpretation of that term as set forth in § 503.5 as follows:

(a) The Commission is of the opinion that the following commodities or classes of commodities are not "consumer commodities" within the meaning of the Act.

Antifreeze.
Artificial flowers and parts.
Automotive accessories.
Automotive chemical products.
Automotive replacement parts.
Bicycle tires and tubes.
Books.
Brushes (bristle, nylon, etc.).
Brooms and mops.
Cameras.
Chinaware.
Christmas light sets.
Cigarette lighters.
Clothespins (wooden, plastic).
Compacts and mirrors.
Diaries and calendars.
Flower seeds.
Footwear.
Garden tools.
Gift ties and tapes.

Glasses and glassware.
Gloves (work type).
Greeting cards.
Hand tools.
Handicraft and sewing thread.
Hardware.
Household cooking utensils.
Inks.
Jewelry.
Luggage.
Magnetic recording tape.
Metal pails.
Motor oil (automobile).
Mouse and rat traps.
Musical instruments.
Paintings and wall plaques
Photo albums.
Pictures.
Plastic table cloths, plastic placement and plastic shelf paper.
Rubber gloves (household).
Safety flares.
Safety pins.
School supplies.
Sewing accessories.
Silverware, stainless steelware and pewterware.
Small arms ammunition
Smoking pipes.
Souvenirs.
Sporting goods.
Toys.
Typewriter ribbons.
Woodenware.

(b) The Commission is of the opinion that the following commodities or classes of commodities are "consumer commodities" within the meaning of the Act:

Adhesives and sealants
Aluminum foil cooking utensils
Aluminum wrap.
Camera supplies.
Candles.
Christmas decorations.
Cordage.
Disposable diapers.
Dry cell batteries.
Light bulbs.
Liquified petroleum gas for other than heating and cooking.
Lubricants for home use.
Photographic chemicals.
Pressure sensitive tapes, excluding gift tapes.
Solder.
Solvents and cleaning fluids for home use.
Sponges and chamois.
Waxes for home use.

Issued: April 13, 1970.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 70-4639; Filed, Apr. 15, 1970;
8:47 a.m.]

HISTORY:

Published: 34 F.R. 15245, September 30, 1969.

Revised: 35 F.R. 6185-6185, April 16, 1970.

SECTION 503.3

NAME AND PLACE OF BUSINESS OF MANUFACTURER, PACKER, OR DISTRIBUTOR

§ 503.3 Name and place of business of manufacturer, packer, or distributor.

To clarify the identity of a manufacturer, packer, or distributor for the purpose of § 500.5 of this chapter, the following represents the opinions of the Commission.

(a) A manufacturer of a bulk product who supplies the product to a contract packager and permits his bulk product to be packaged by the contract packager remains the manufacturer of the commodity, if the contract packager does not perform any act other than package filling and labeling.

(b) (1) A manufacturer of a bulk product who supplies the bulk to a contract packager but permits the packager to modify the bulk commodity by the addition of any substance which changes the identity of the bulk, ceases to be the manufacturer of the consumer commodity. At that point, if the manufacturer of the bulk elects to use his name on the label of the consumer commodity, his name should be qualified to show "Distributed by -----", or "Manufactured for -----".

(2) The identity of a bulk substance received by a contract packager is changed if the packager, for example, adds a propellant as in the case of an aerosol, or adds a solvent as in the case of a paint, or blends two or more components, or changes the physical state as in the case of a liquid being changed to a gel or a semisolid being changed to a solid.

(c) A person or firm who supplies a formula and/or specifications to a contract packager but who takes no part in the actual production of the consumer commodity is not the manufacturer of the consumer commodity for the purpose of § 500.5(a) of this chapter. This is true whether the person or firm who supplies the formula or specifications, or both, also supplies the raw materials which are to be reacted, mixed, or otherwise modified to produce the consumer commodity.

(d) A corporation which wholly owns a manufacturing subsidiary which retains its separate corporate identity, is not the manufacturer of the consumer commodities manufactured by the wholly owned subsidiary, but must qualify its name if it elects to use its name on the label. Such qualification may be "Manufactured for -----", "Distributed by -----", or "Manufactured by ----- (XYZ, Inc., City, State, Zip Code, a subsidiary of ABC, Inc.)".

Issued: June 30, 1969.

By direction of the Commission.

[SEAL]

JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69-7096; Filed, July 2, 1969;
8:51 a.m.]

HISTORY:

Published - 34 F.R. 4956, March 7, 1969.

Amended to add subsection (d), 34 F.R. 11199,
July 3, 1969.

SECTION 503.4

NET QUANTITY OF CONTENTS, NUMERICAL COUNT

§ 503.4 Net quantity of contents, numerical count.

To clarify the requirement for declaration of net quantity in terms of count for the purpose of §§ 500.6 and 500.7 of the regulations in Part 500 of this subchapter, the following interpretation is rendered.

(a) When a consumer commodity is properly measured in terms of count only, or in terms of count and weight, volume, area, or dimension, the regulations are interpreted not to require the declaration of the net content as "one", provided the statement of identity clearly expresses the fact that only one unit is contained in the package. Thus the unit synthetic sponge, the unit light bulb, and the unit dry cell battery do not require a net quantity statement of "one sponge," "one light bulb," or "one dry cell battery." However, there still exists the necessity to provide a net quantity statement to specify weight, volume, area, or dimensions when such are required. For example, the synthetic sponge which is packaged, requires dimensions such as "5 in. x 3 in. x 1 in." A multicomponent package or a package containing two or more units of the same commodity shall bear the net quantity statement in terms of count, and weight, volume, area, or dimensions as required. This interpretation does not preclude the option to enumerate a unit count on a single packaged commodity if so desired.

Issued: November 5, 1969.

By direction of the Commission.

[SEAL]

JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69-13326; Filed, Nov. 7, 1969;
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HISTORY:

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Revised - 34 F.R. 18086, November 8, 1969.

INTERPRETATION OF THE DEFINITION OF "CONSUMER COMMODITY"

§ 503.5 Interpretation of the definition of "consumer commodity" as contained in section 10(a) of the Fair Packaging and Labeling Act.

(a) Section 10(a) of the Fair Packaging and Labeling Act defines the term "consumer commodity" in four classifications. These are:

(1) Any food, drug, device, or cosmetic;

(2) And any other article, product, or commodity of any kind or class which is customarily produced or distributed for sale through retail sales agencies or instrumentalities.

(i) For consumption by individuals and which usually is consumed or expended in the course of such consumption.

(ii) For use by individuals for purposes of personal care and which usually is consumed or expended in the course of such use.

(iii) For use by individuals in the performance of services ordinarily rendered within the household and which usually is consumed or expended in the course of such use.

(b) Section 10(a) then expressly excludes (1) meats, poultry, and tobacco, (2) economic poisons and biologics for animals, (3) prescription drugs, (4) alcoholic beverages, and (5) agricultural and vegetable seeds.

(c) Pursuant to sections 5 and 7 of the Fair Packaging and Labeling Act, the authority to promulgate regulations and to enforce the Act as to any food, drug, device, or cosmetic has been delegated to the Secretary of Health, Education, and Welfare and as to any other "consumer commodity" to the Federal Trade Commission.

(d) As to these articles, products, or commodities subject to regulation by the Federal Trade Commission, the legislative history of the Act demonstrates the intent of Congress, for the reasons stated therein, to place the following categories outside the scope of the definition of "consumer commodity":

(1) Durable articles or commodities;
(2) Textiles or items of apparel;
(3) Any household appliance, equipment, or furnishing, including feather and down-filled products, synthetic-filled bed pillows, mattress pads and patchwork quilts, comforters and decorative curtains;

(4) Bottled gas for heating or cooking purposes;

(5) Paints and kindred products;

(6) Flowers, fertilizer, and fertilizer materials, plants or shrubs, garden and lawn supplies;

(7) Pet care supplies;

(8) Stationery and writing supplies, gift wraps, fountain pens, mechanical pencils, and kindred products.

(e) The articles, products, or commodities that are within the terms of section 10(a) of the Act and subject to regulation by the Federal Trade Commission are either expendable commodities for consumption by individuals, expendable commodities used for personal care, or expendable commodities used for household services. The primary terms in section 10(a) for defining these categories are:

(1) Consumption by individuals;

(2) Use by individuals;

(3) Personal care by individuals;

(4) Performances of services ordinarily rendered within the household by individuals;

(5) Consumed or expended.

(f) These terms are defined as follows:

(1) *Consumption by individuals.* This term as it is used in section 10(a) means the using up of an article, product, or commodity by an individual.

(2) *Use by individuals.* This term as it is used in section 10(a) means the employment or application of an article, product, or commodity by an individual.

(3) *Personal care by individuals.* This term as it is used in section 10(a) means that activity of an individual which is concerned with protecting, enhancing, and providing for the general cleanliness, health, or appearance of the individual.

(4) *Performance of services ordinarily rendered within the household by individuals.* These terms as they are used in section 10(a) mean: The term "household" refers to the interior and exterior of dwellings or residences occupied by individuals, including the surrounding premises. The term "performance of services ordinarily rendered within the household" means the doing of any activity by an individual within the above-described area which is normally done in connection with the maintenance and occupation of the above-described area as a habitation for individuals.

(5) *Consumed or expended.* These terms as they are used in section 10(a) mean (1) the immediate destruction or extinction of an article, product, or commodity, or of the part used; or (2) the substantial diminution in the quantity, quality or utility of an article, product, or commodity which results from usage upon one or several occasions over a comparatively short period of time.

(g) The foregoing definition serves to amplify the definition of "consumer commodity" supplied by Congress in section 10(a) of the Act. As questions arise as to whether specific articles, products, or commodities are included in the above definition, the Commission will consider, among other things, the Congressional policy declared in section 2 of the Act, namely, that packages and labels should enable consumers to obtain accurate information as to the quantity of contents and should facilitate value comparisons. That is, in making its determinations of inclusions and exclusions under this definition, the Commission will consider the requirements of both the Act and the pertinent regulations and in that connection will regard as one criterion the extent to which the disclosures required on "consumer commodities" are material to a consumer's selection of a particular article, product, or commodity. Interpretative rulings in such instances will be made public, and can be expected to further contribute to the development of clearer delineation of the scope of the term "consumer commodity".

(h) With respect to articles, products, or commodities included within the definition of "consumer commodities", the Commission will consider requests for exemptions in accordance with section 5 (b) of the Act and § 500.3(e) of this chapter, and will make public its rulings on all such requests.

Issued: August 5, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69-9384; Filed, Aug. 8, 1969;
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HISTORY:

Published - 34 F.R. 12945, August 9, 1969.

"Manufacturer of Consumer Commodity"

Several requests have been made for interpretation of Section 500.5 which requires the appearance of the "Name and place of business of manufacturer, packer, or distributor" on the label of a consumer commodity. Specifically, the requests are related to the conditions which qualify a person or firm to be the manufacturer of a consumer commodity, for the purpose of Section 500.5.

For example, a custom packager may supply only the service function of filling and closing a customer's packages with the customer's product. At times a custom packager may actually mix the customer's raw materials according to a procedure supplied by the customer, after which the custom packager fills and closes the customer's packages. Particularly, in the area of aerosol packaging, a custom packager may add a propellant or a solvent to a bulk product supplied by a customer after which the custom packager completes the remaining procedures to produce a finished consumer commodity.

The specific question of interest to many persons and firms having responsibilities under FPLA is when may a person or a firm use its name unqualified by terms such as "Manufactured for _____", or "Distributed by _____", to satisfy the requirement of Section 500.5(a).

It is the Commission's opinion that one of the most significant criteria in determining the manufacturer of a commodity, is the degree of responsibility exercised in producing the commodity so it has a substantive identity recognized by the purchaser of the commodity. Therefore, to interpret Section 500.5 of the FPLA regulations, the Commission concludes that:

Note: This Bulletin consolidates the information previously contained in Bulletin No. 1 dated March 1, 1969 and Bulletin No. 6 dated June 30, 1969 which are hereby rescinded.

(1) A manufacturer of a bulk product who supplies the product to a contract packager and permits his bulk product to be packaged by the contract packager remains the manufacturer of the commodity, if the contract packager does not perform any act other than package filling and labeling.

(2) A manufacturer of a bulk product who supplies the bulk to a contract packager but permits the contract packager to modify the bulk commodity by the addition of any substance which changes the identity of the bulk, ceases to be the manufacturer of the consumer commodity for the purpose of Section 500.5(a). At that time, the manufacturer of the bulk commodity must qualify his name to show "Distributed by _____" or "Manufactured for _____", if he elects to use his name.

The identity of a bulk substance received by a contract packager is changed if the packager, for example, adds a solvent or a propellant as in the case of an aerosol, or blends two or more components, or changes the physical state as in the case of a liquid being changed to a gel or a semi-solid being changed to a solid.

(3) A person or firm who supplies a formula and/or specifications to a contract packager but who takes no part in the actual production of the consumer commodity is not the manufacturer of the consumer commodity for the purpose of Section 500.5(a). This is true whether the person or firm who supplies the formula or specifications, or both, also supplies the raw materials which are to be reacted, mixed, or otherwise modified to produce the consumer commodity.

Another question raised was as follows: "Although Corporation B is a wholly owned subsidiary of Corporation A, it has maintained a separate corporate identity. However, Corporation B manufactures certain products in sufficient quantities to satisfy its own marketing demands and those of Corporation A, as well. Since production economies can be achieved thereby, Corporation A wishes to place its name

and address on some of these products as manufacturer in compliance with the requirements of Section 500.5. The question thus presented is whether the name of the parent may be used as 'manufacturer' on goods produced by its wholly owned subsidiary."

The Commission's conclusion is that a corporation which wholly owns a manufacturing subsidiary which retains its separate corporate identity, is not the manufacturer of the consumer commodities manufactured by the wholly owned subsidiary, but must qualify its name if it elects to use its name on the label. Such qualification may be "Manufactured for _____", "Distributed by _____", or "Manufactured by _____" (here insert subsidiary name and place of business) a subsidiary of (here insert parent firm name)."

This interpretation is unchanged whether the subsidiary manufactures exclusively for the parent firm or if the subsidiary manufactures in part for the parent firm, and in part for itself and/or other firms. In substance, a manufacturing firm which has its own corporate status is alone the manufacturer of the consumer commodities it manufactures, for the purpose of Section 500.5. Other firms which distribute the commodities of the manufacturing firm should qualify their names if used to show the goods were manufactured for, or distributed by, or to show whatever true qualification expresses the relationship of the firms to the commodities.

"Effective Dates of Regulations"

The Commission has received several requests to extend the effective dates of the regulations under the FPLA because of various reasons stated. The Commission's answer to one such request is digested for the information of all concerned.

The request involved a labeler handling some one thousand products including his own brands as well as those of others. These products were distributed in lithographed packages which he felt could not be entirely redesigned and accepted by July 1, 1969. Redesign had not been undertaken until the Commission's publication of June 15, 1968 which categorized his products as consumer commodities. In addition, the request sought information concerning inventories in the hands of retailers since some products involved had a shelf life of two years.

In answering this request the Commission stated that they could find no compelling reason to grant extensions of the effective dates. When the regulations were promulgated on March 19, 1968, a time period for labeling revisions was anticipated by setting the effective dates as January 1, 1969 and July 1, 1969. It was the conclusion of the Commission at that time that adequate time was provided for necessary changes and the Commission still believes that sufficient time is in fact granted taking into consideration the date of June 15, 1968 when many products were specifically categorized as consumer commodities. Following publication of the June 15, 1968 statement there still remained a six month period prior to the initial date of effectiveness, and a full year to prepare for complete effectiveness of the regulations.

The Commission pointed out that the Act in Section 6(1) provides that any promulgated regulations shall not preclude the orderly disposal of packages in inventory or with the trade as of the effective dates of the regulations. It was further noted that new orders may be filled using unmodified packages prior to July 1, 1969, assuming the unmodified packages have not been reordered since January 1, 1969. Thus, it was concluded that shelf goods displayed for retail sale after July 1, 1969 in unmodified packages, if they were properly in inventory prior to July 1, 1969, will not be held in non-compliance even though shelf life might extend two years. In reaching this conclusion the Commission assumed good faith in the quantitative nature of pre-July 1 packaging and labeling being related to normal packaging and distribution practices. The Commission does not anticipate a need to have industry remove packaged commodities from inventory channels after July 1, 1969, if such commodities were not in violation of the regulations when placed in inventory prior to July 1, 1969.

In conclusion it was stated that because the Act was effective as of July 1, 1967, with an extension to July 1, 1968 being provided for by the Act, the Commission does not concur that general extensions beyond July 1, 1969 are in the best interests of the public, nor are such further extensions consistent with the intent of Congress.

Note: This Bulletin is rescinded and the number is being saved for future use.

"Statement of Net Quantity by Count for
a Single Packaged Commodity"

The Commission has received many inquiries relating to the need to declare the quantity of contents upon the packages or labels of consumer commodities when these are packaged in units of one.

Section 4(a)(2) of the Fair Packaging and Labeling Act requires that any packaged commodity in commerce shall bear a label separately and accurately stating the net quantity of contents in terms of weight, measure, or numerical count, in a uniform location on the principal display panel of the label. Section 500.6 of the Commission's regulations issued pursuant to the FPLA repeats the requirement of Section 4(a)(2) of the Act, and Section 500.7 specifies that the net quantity of contents shall be expressed in terms of weight, measure, numerical count, or a combination of numerical count and weight, size, or measure.

In those instances in which commodities are packaged in units of one and visual observation or traditional description make it clear that the package contains only one unit, the need for the requirement was questioned. For example, members of industry have questioned the need for listing net quantity of such items as: (1) a single synthetic sponge packaged in a clear polyethylene bag with a tag label identifying the contents as a synthetic sponge, (2) a single light bulb contained in a package of minimal size and labeled to identify the content as a light bulb, and (3) a dry cell battery attached to a blister display card with proper identity.

Note: This revises Bulletin No. 3 dated May 27, 1969. Only examples of consumer commodities were changed to correspond with the interpretation contained in Section 503.5 of the regulations.

From the above questions, the Commission recognizes a need to clarify the regulations, particularly Section 500.6 and Section 500.7 in order to provide guidance to affected industries. Accordingly, the following policy is promulgated to assist those who are concerned with literal compliance with those regulations issued pursuant to the FPLA requiring net quantity statements where packaging of single unit commodities is involved.

When a consumer commodity is properly measured in terms of count only, or in terms of count and weight, volume, area, or dimension, the regulations are interpreted not to require the declaration of the net content as "one", provided the statement of identity clearly expresses the fact that only one unit is contained in the package. Thus the unit synthetic sponge, the unit light bulb, and the unit dry cell battery do not require a net quantity statement of "one sponge," "one light bulb," or "one dry cell battery". However, there still exists the necessity to provide a net quantity statement to specify weight, volume, area, or dimensions when such are required. For example, the synthetic sponge which is packaged, requires dimensions such as "5 in. X 3 in. X 1 in." A multi-component package or a package containing 2 or more units of the same commodity shall bear the net quantity statement in terms of count, and weight, volume, area, or dimensions as required. This interpretation does not preclude the option to enumerate a unit count on a single packaged commodity if so desired.

This interpretative bulletin appears as a statement of policy in Section 503.4 of the Commission's regulations issued in implementation of the Fair Packaging and Labeling Act.

"Packaged or Labeled Consumer Commodity."

The Commission has received many inquiries regarding the precise dividing line between unlabeled consumer commodities and those commodities bearing some form of labeling or packaging sufficient to warrant full compliance with the dictates of the Fair Packaging and Labeling Act and the implementing regulations issued by the Federal Trade Commission. These inquiries reveal a lack of clear definition affecting many industries. This Bulletin is designed to clarify these areas of apparent misunderstanding.

Consumer commodities included under the FPLA can, for this purpose and discussion be placed in one of three categories: (1) packaged, (2) labeled but not packaged, and (3) unpackaged and unlabeled. Under the FPLA, all packaged or labeled consumer commodities unless exempted through proceedings under Section 5(b) of the Act shall be labeled in accordance with the Act and regulations issued thereunder. An unlabeled and unpackaged commodity is not within the Act. Typical examples of packaged commodities include a carton of soap powder, a blister pack of tacks, a spool of thread, a roll of tape wound on a core, a bottle of furniture polish, or a card mounted piece of jewelry. On the other hand, examples of unpackaged but labeled commodities include an ash tray to which is affixed a paper label, a dish pan with a label tied to the handle. Finally, the unpackaged and unlabeled product is exemplified by the small toy devoid of any labeling except for a stamp announcing foreign origin on the base, a glass ash tray with a molded trademark on the bottom, a silver platter with the abbreviated company name engraved on the bottom or a plastic product with a molded catalogue number on the handle. Common to the unpackaged product is the singular nature of the commodity. It is a unit item, where if count were required as a matter of net contents, count would be the factor of "one".

The regulations in Section 500.2(e) define a label but excepts the inspector's tag or other non-promotional matter affixed to or appearing upon the consumer commodity. There has been some confusion experienced by members of industry who make a practice of imprinting, engraving, embossing or molding some identification to an unpackaged commodity. The question is whether this constitutes labeling as promotional matter which would thereafter require complete labeling according to the regulations under the FPLA.

The Commission has concluded that a glued on label, a string or wire attached label or an otherwise affixed or attached label on an unpackaged and unlabeled commodity constitutes labeling requiring full compliance with the FPLA and regulations thereunder. However, in general, the etching into a product, stamping on that product or molding directly on the product does not constitute labeling.

One further problem closely allied with the "unpackaged" and "unlabeled" discussion above arises when such unlabeled commodities are enclosed in a clear wrapping for the primary purpose of protecting the product from dust or handling damage and dirt. It is the opinion of the Commission that this is included within the concept of the exception made in Section 500.2(d) where transparent wrappers or containers which do not bear written, printed or graphic matter obscuring any part of the label information required by this part are excluded from the definition of package. Thus, both the properly labeled product whose labeling can be seen through the clear wrap and the single unlabeled item contained in the clear wrap are excepted as packaging required to repeat any label information required by the Act and regulations. The clear wrapped single unlabeled unit should not be confused with multi-units enclosed in a clear wrap. In the latter instance you have a multi-unit or multi-component package which requires the labeling prescribed by the Act and regulations, e.g., 25 plastic or wooden single use spoons in a clear polyethylene bag.

"Additional Declaration of Net Quantity
on Principal Display Panel, and Variation in
Required Type Size"

Section 500.6 of the regulations issued under the Fair Packaging and Labeling Act calls for placing of the net quantity of contents declaration in the lower 30 percent of the principal display panel. The Commission has been asked on numerous occasions whether it is permissible to repeat the quantity of content declaration, in whole or in part, elsewhere on the principal display panel.

The Act (Section 4(a)(2)) provides that the net quantity of contents should be stated separately and accurately in a uniform location upon the principal display panel. In implementing this provision, the Commission deemed it desirable for consumers to become accustomed to look for the net quantity of contents declaration on consumer commodities within the lower 30 percent of the principal display panel. (Section 500.6(b) Commission FPLA regulations.) To permit the declaration of contents also to be placed at other locations on the principal display panel would be contrary to the purpose of Section 4(a)(2) of the Act.

The Commission does not object to repetition of a portion of the net quantity of contents statement on any part of a package or label other than the principal display panel. A portion of the net contents statement should not be emphasized in a manner which would be misleading or deceptive, however. Moreover, it should be kept in mind that an alternate principal display panel may be created by repeating parts of the net content statement. As a

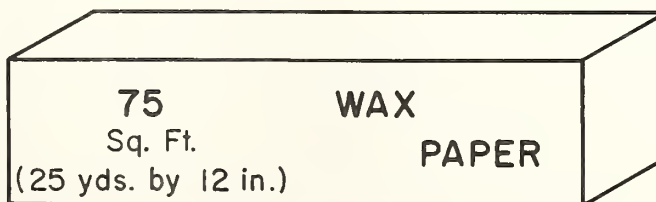
general rule, such a panel is created whenever elements of net quantity and identity appear together on the same panel. When this occurs, all elements of the principal display panel required by the regulations must be set forth.

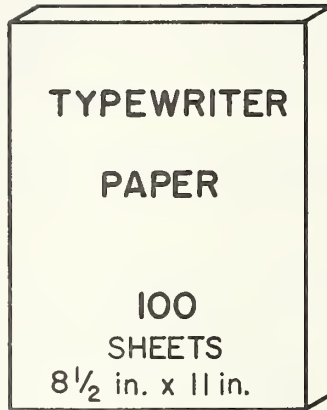
An example of the proper use of a portion of the net contents statement would be the disclosure of this information for the purpose of distinguishing different quantity packages of a commodity when the packages look alike, e.g., rolls of plastic wrap marked on the end panels with "25 sq. ft.," "50 sq. ft.," or "75 sq. ft." This type of marking facilitates identification for consumer and retailer alike.

Questions have also arisen with respect to the use of a type size several times larger than the minimum required by Section 500.18 of the regulations to express a portion of the mandatory net quantity of contents. The Commission does not object to use of a type size larger than the required minimum. Nor does the Commission object to the extension of the statement of net quantity beyond the lower 30 percent of the principal display panel, provided the statement occupies the entire lower 30 percent. In addition, the type size may vary within a single declaration of net contents, provided each type size is at least the minimum size required, and provided the use of more than one type size does not obscure any portion of the prescribed statement.

In all cases of the use of type sizes larger than the required minimum, however, the Commission is of the opinion that the separation of statement of contents from other printed label information should be at least the minimum required by Section 500.6(b) and that the ratio of height to width of letters prescribed by Section 500.18(e) may not be exceeded.

Examples of acceptable net contents declarations wherein different type sizes are used, and the lower 30 percent of the principal display panel is used and exceeded are as follows:





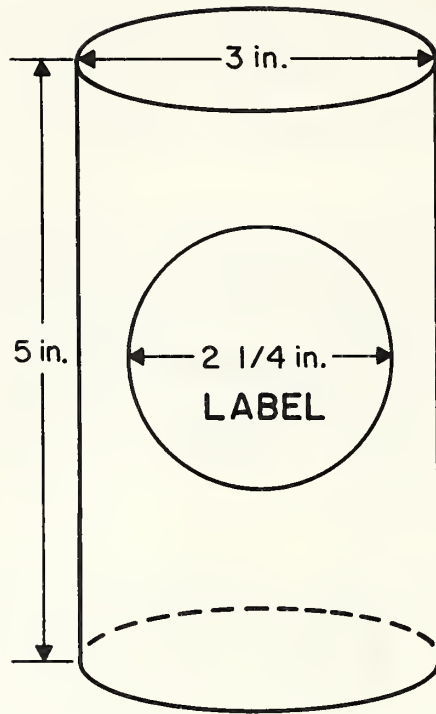
Type Size to Express Statement of
Quantity of Contents, Section 500.18.

It has become apparent that many packagers are misinterpreting the requirements of Section 500.18 of the FPLA regulations. Section 500.18 requires the statement of net quantity of contents to be in letters and numerals of a type size based on the area of the principal display panel of the package or commodity. The area of the principal display panel of the package is not the same as the area of the principal display panel of the label. Section 500.18 also expresses how the area of the principal display panel of the package or commodity is measured.

A review of many labels revised by packagers or labelers to comply with the requirements of the regulations indicates that some packagers or labelers are using the area of the principal display panel of the label as a determinant of the minimum type size to be used to express quantity of contents. The purpose of this Bulletin is to emphasize the correct method to use to determine proper type size. The following illustrations should accomplish this purpose. Included are examples of the minimum type size requirements as they affect declarations of quantity expressed in upper and lower case. Section 500.18(d) requires that when lower case letters are used, or when upper and lower case letters are used, the minimum type size relates to the lower case letters.

Example 1

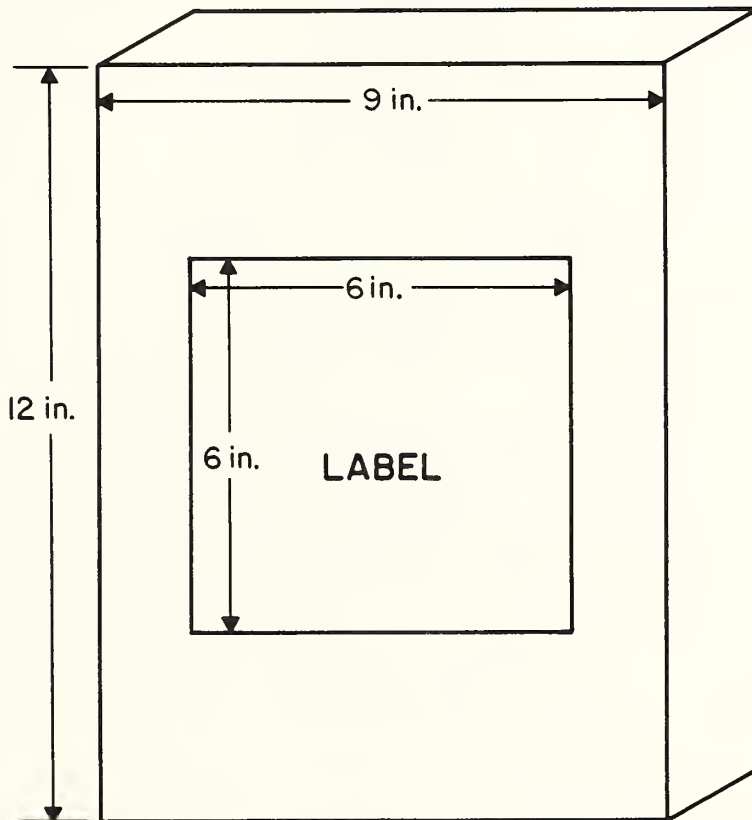
A spot label is to be applied to a cylindrical can. The spot label is circular and has a diameter of 2 1/4 inches, and an area of less than 5 square inches. The cylindrical can is 5 inches high and has a diameter of 3 inches. What is the minimum size type to be used on the label to properly express quantity of contents?



ANSWER: While the area of the principal display panel of the label is less than 5 square inches, the area of the principal display panel of the can is 40 percent of the product of the can height X can circumference. Thus, 40 percent of (5 in. X 9.42 in.) is 18.84 square inches. (Circumference is $2\pi \cdot r$, or $2 \times 3.14 \times 1.5$.) Therefore, the required minimum type size to express quantity of contents on the label is 1/8 inch, in spite of the label itself having an area of less than 5 square inches. When the expression takes the form of "Net Weight 12 ozs.", the lower case letters must meet the 1/8 inch requirement, making the upper case "N" and "W" somewhat higher than 1/8 inch.

Example 2

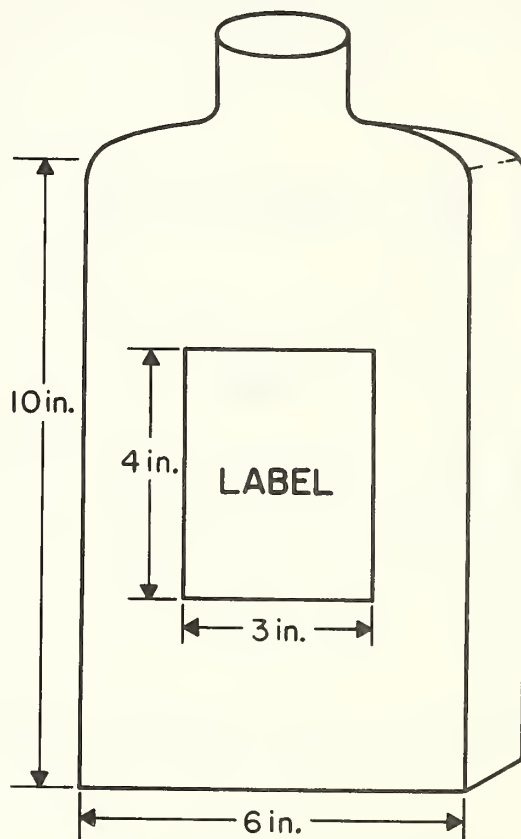
A rectangular package is 12 inches high and 9 inches wide. Printed directly on the package is labeling which begins 3 inches from the package top and extends to 3 inches from the bottom, and extends 6 inches across the width of the package. What is the required type size to express quantity of contents? The area of the printed space is 36 square inches.



ANSWER: Since the package is rectangular, the area of the principal display panel of the package is 9 in. X 12 in. or 108 square inches. Therefore, the minimum type size to express quantity of contents is 1/4 inch. The fact that the printed portion of the package (label) is 36 square inches has no bearing on the minimum type size. The statement "NET WEIGHT 48 OZ. (3 LBS.)" in this instance, must have all letters and numerals 1/4 inch high. If printed in the form of "Net Weight 48 Oz. (3 lbs.)" the lower case letters must be 1/4 inch, thus requiring the upper case "N", "W", and "O" to be somewhat higher.

Example 3

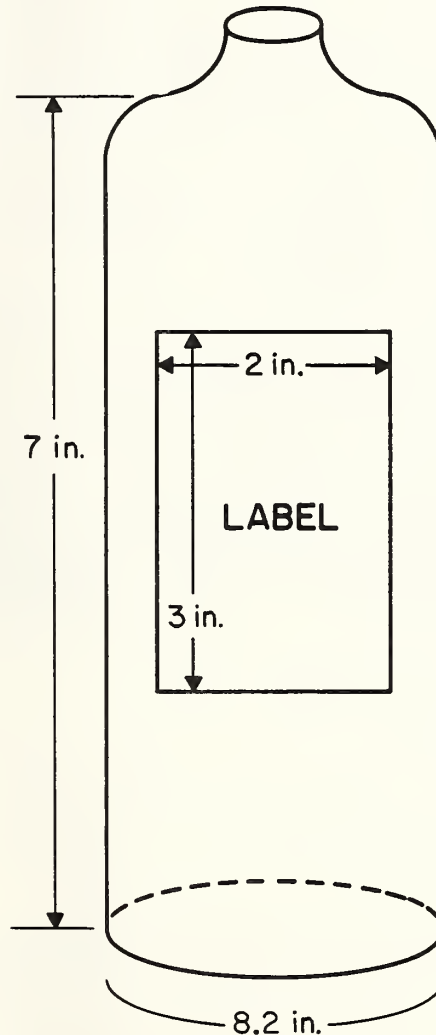
A liquid cleaner is bottled in a "flat" plastic bottle. From the bottom of the flask to the start of the shoulder of the flask, there is a 10 inch height. The flask is 6 inches in width. The labeler at times applies a 4 in. X 3 in. rectangular paper label to the face of the flask, but at other times intends to pack the cleaner fluid in the same flask but with all labeling molded on the plastic surface. In what minimum size type should the quantity of contents appear (1) on the paper label? (2) in the molded label information?



ANSWER: Excluding the shoulder of this "flat" plastic bottle, the area of the principal display panel of the bottle is 10 in. X 6 in., or 60 square inches. A minimum type size of $\frac{3}{16}$ inch is required to express quantity of contents on the paper label which itself occupies only 12 square inches. However, since the regulations require the minimum type size of molded labeling to be increased by $\frac{1}{16}$ inch, the minimum type size on the molded flask must be $\frac{1}{4}$ inch.

Example 4

A glass bottle, cylindrical in shape, has a wrap around label. The label has a principal display panel of 3 in. X 2 in. or 6 square inches. The bottle has a height of 7 inches exclusive of shoulders and neck, and a circumference of 8.2 inches. What is the minimum size print of the quantity of contents statement.



ANSWER: Since the area of the principal display panel of the bottle is 40 percent of the product of height (7 inches) times circumference (8.2 inches), the area is 23 square inches. The minimum type size of the quantity of contents statement is $\frac{1}{8}$ inch. Notice that the area of the label also happens to be less than 25 square inches and more than 5 square inches, but this is only a coincidence and does not govern the minimum type size to be used for this container.

Annotated Staff Interpretations:

1. 500.2(c) - Consumer Commodity

(a) The Act is not limited in application solely to those items which are sold exclusively at the retail level. Section 10(a) of the Act prescribes only that a consumer commodity be "customarily produced or distributed for sale through retail sales agencies or instrumentalities" to be included under the Act. Thus, regardless of percentage of total production of an item, that portion which is customarily produced or distributed for retail sale would meet the requirements of Section 10(a) which defines an article as a consumer commodity. Conversely, those portions produced or distributed for industrial or institutional use are not consumer commodities within the meaning of the FPLA and are not bound by the FPLA labeling requirements of the Act or its implementing regulations.

(b) Packaged or labeled items imported into the United States, if consumer commodities, are subject to the FPLA and must be in compliance with the Act before being offered for sale to the public at the retail level.

(c) There is no exemption from the requirements of the FPLA merely because a packaged or labeled consumer commodity is also subject to the labeling requirements of the Federal Hazardous Substances Act. Hazardous consumer commodities are bound by the labeling requirements of both acts.

2. 500.2(d) - Package

(a) Cans, cartons, bags, boxes, tubes, or other packaging materials filled after September 10, 1969, which contain consumer commodities, must comply with the FPLA regulations.

(b) When a carton is designed as a display case and contains labeling printed thereon, the labeling of the carton should be in compliance with the FPLA even though it contains, for display purposes, single unit consumer commodities which are neither packaged nor labeled. In such case, since it is unlikely that any consumer would purchase the entire display case a total count declaration is deemed unnecessary. However, the display case should reflect identity and the name and place of business of the manufacturer, packer, or distributor.

(c) Transparent wrappers which do not bear written, printed, or graphic matter obscuring any part of the label information required by Part 500 are excluded from the definition of "package". Thus, where a blister is mounted on a card containing all of the proper label information, but the clear plastic extends from the blister to encompass the whole card, this new outer wrapping, if clear, does not require repetition of the label material on the card which can be plainly seen.

(d) Clarification of a packaged or labeled consumer commodity versus those which are unpackaged and unlabeled is reflected in Interpretative Bulletin No. 4.

3. 500.2(e) - Label

(a) When a commodity is sold to the consumer in a package which is properly labeled in accordance with the FPLA and its implementing regulations, the commodity itself need not be labeled.

(b) Commodities produced, sold, or distributed solely to industrial or institutional users need not be labeled in accordance with the FPLA. The fact that there may be occasional, isolated, minimal, sporadic sales of such commodities at retail to household consumers would not remove such commodities from the exception, provided the sales at retail were unintended by the manufacturer and were in fact beyond his control. Under any other circumstances that portion of the manufacturer's production which is sold at the retail level must be labeled in compliance with the Act, notwithstanding the fact that the majority of his commodities are distributed only to industrial or institutional users.

(c) Bulk shipments of unpackaged consumer commodities, as such, imported for reprocessing, assembly, and/or subsequent packaging are not required to conform to the mandatory requirements of FPLA. However, before being made available for sale to the public through retail channels, the commodities, if either packaged or labeled, must be in compliance. To expedite shipments and avoid unnecessary enforcement activity under the Act importers would be well advised to have some form of documentary proof that partially labeled commodities will not be offered for retail sale until they meet the requirements of FPLA.

4. 500.2(h) - Principal Display Panel

(a) A package which is designed so the "front" and "back" sides are basically identical involves the principle of alternate principal display panels. In such case each side should be identical in all respects relative to the labeling information required by FPLA. This type of package is frequently designed so that it can be read while either hanging from a display hook or when stacked on a shelf. (See Interpretative Bulletin No. 5).

(b) The principal display panel does not have to be the top of a box. It could be the end of the box or a side panel if such portion "is most likely to be displayed, presented, shown, or examined under normal and customary conditions of display for retail sale".

(c) Directions for the use of any commodity may appear on the principal display panel or elsewhere on the package. Directions should be clearly legible.

Annotated Staff Interpretations:

500.3 - Prohibited Acts

(1) A retailer or wholesaler is not subject to the prohibitions specified in the Act when he is not engaged in packaging or labeling of consumer commodities, nor prescribing or specifying the manner of packaging or labeling. (See Section 3(b) of FPLA.)

(2) See Interpretative Bulletin No. 4, for clarification of the circumstances under which a consumer commodity is considered neither packaged nor labeled.

Annotated Staff Interpretations:

500.4 - Identity

(1) Since there are many types of composition used in freezer wraps, including plastic, foil, paper, etc., in the case of a "polyethylene coated paper freezer wrap" the term "freezer wrap" is not sufficiently descriptive as a statement of identity. The absence of the qualifying word "paper" could be misleading to the consumer.

(2) The specification of identity must not be false, misleading or deceptive in any respect. Accordingly, when a commodity is a "reject", a "second", an "irregular", or otherwise has a known material deficiency of quality, that fact should be included in the specification of identity on the label of the article or package.

(3) The color of a commodity can be pertinent to its proper identity and, in appropriate cases, should be included in the statement of identity. For example, packages of colored tapers (candles) would be properly identified as "Blue Tapers" or "Yellow Tapers", etc.

(4) Identity statements which mention an ingredient but which do not properly identify that substitutes or imitations have been used for that ingredient mislead the consumer to believe that the actual ingredient was used; such a statement would be in violation of Section 500.4(d) which provides that the specification of identity shall not be false, misleading, or deceptive in any respect.

(5) Even though the nature of the commodity may be obvious, if a commodity is labeled or packaged, the labeling must include a statement of identity, e.g., dry cell batteries in a clear blister pack.

(6) When a commodity is an imitation of another product the identity statement should contain the word "imitation" or words of similar import.

Annotated Staff Interpretations:

500.5 - Name and Place of Business

(1) For clarification of the identity of a manufacturer packer, or distributor see Section 503.3 and Interpretative Bulletin No. 1.

(2) The actual corporate name, rather than a derivation thereof, is required except that the use of initial articles such as "the" need not be included as part of the full corporate name. For example, if the firm name is actually "The C.B. Phrosoki Co., Inc.", it is not proper to use "Phrosoki Co." The name should properly be shown as "The C. B. Phrosoki Co., Inc." or "C.B. Phrosoki Co., Inc."

(3) There is no requirement that the label of a packaged item bear the name and place of business of the manufacturer. The basic requirement is that when the name shown is not that of the manufacturer, the name and place of business of the packer or distributor shown must be qualified by terms such as "Distributed by _____", "Packed for _____", "Packed by _____", "Imported by _____", etc.

(4) The regulations require in all instances that both the name of the city and the state be disclosed. Therefore, "New York City 10034" is not in compliance.

(5) The FPLA does not sanction the use of a firm name on a packaged or labeled commodity unless it is the actual and true name of the business. When the correct name is used on the label and is not to be found as such in the local telephone or city directory, the address on the label must include the street address, in addition to the city, state, and zip code.

(6) The name and place of business may appear any place on the label, as long as it appears conspicuously.

Annotated Staff Interpretations:

500.6 - Net Quantity Statement, Location

(1) The face of a card on which a "blister" is mounted and on which the identity of the product is declared qualifies as the principal display panel. Accordingly, the net quantity statement must be declared on the face of the card, within the lower 30 percent of the principal display panel. Where the back of the card qualifies as an alternate principal display panel, the required information including the quantity of contents statement must then be repeated. See Interpretative Bulletin No. 5.

(2) Assuming that the other requirements of Part 500 are met with respect to the printing required on packages (identity, name and place of business, etc.) at the time the package itself is being manufactured, the quantity of content statement may be added to the principal display panel (lower 30 percent) after packaging, by means of a "stick-on" label. Thus, a company could use a common size box for packing commodities which are similar in nature, but which vary in size, shape, or number.

Annotated Staff Interpretations:

500.7 - Net Quantity of Contents, Method of Expression

(1) For clarification of the requirement for declaration of net quantity of contents by count in the case of a single packaged commodity, see Section 503.4 and Interpretative Bulletin No. 3.

(2) When a synthetic sponge is either labeled or packaged the label should reflect the size of the sponge by its three dimensions, e.g., "5 in. X 3 in. X 2 in." This will assist the consumer in making value comparisons.

(3) Either "1 dozen" or "12" is acceptable in stating count.

(4) A statement of numerical count may be optionally spelled out as "ten" or the number used such as "10".

(5) The term "approximate" may not be used in any statement of net quantity. The FPLA requires that the net quantity statement be accurate and unqualified.

Annotated Staff Interpretations:

500.10 - Fluid Measure, How Expressed

(1) Neither of the terms "Net" or "Net Contents" has to be used in the declaration of net quantity of contents in terms of fluid measure. A simple statement such as "8 fluid ounces" or "8 fl. oz." is acceptable.

Annotated Staff Interpretations:

500.12 - Measurement by Length and Width

(1) The following is an example of a proper declaration of net quantity in the instance of rolls of aluminum foil, plastic wrap, wax paper, etc.; "75 sq. ft. (25 yd. X 12 in.)". Section 500.12(c) permits dimensions of less than 2 feet to be stated in inches within the parenthetical.

(2) Tape is an example of a product which is exempt from area declaration if it has a width of less than 4 inches (500.12(c)(2)).

Annotated Staff Interpretations:

500.15 - Units of Count, More Than One Ply

(1) An example of how a roll of paper towels might be labeled is as follows:

30 sq. ft., 36 - 2-ply sheets,
each 11 in. X 11 in.

(2) Packages containing more than one roll of paper towels should bear a quantity statement in terms of total square feet, the number of rolls in the package, the square feet and sheet count of a single roll, the number of ply (if applicable), and the dimensions of a single sheet. For example:

"60 sq. ft., 2 rolls, each 30 sq. ft.,
consisting of 36 - 2-ply sheets,
each 11 in. X 11 in."

Annotated Staff Interpretations:

500.18 - Type Size

(1) Section 500.18 prescribes the minimum type size which must be used. Larger type size than that specified may be used in the statement of net quantity of contents and the statement may exceed the lower thirty percent of the principal display panel as long as it first occupies all of the lower thirty percent. No one part of the net quantity statement should be so large, in comparison with the remainder, as to be misleading or to cause one to disassociate that part from the rest of the quantity of contents statement. See Interpretative Bulletin No. 5.

(2) The "count-measurement" statement may involve a type size larger for count than for measurement, provided the smaller type is at least the required minimum size and the two sizes used are so proportioned that the smaller type does not lose its conspicuousness. For example:

25 SHEETS, each 5 in. X 7 in.

Annotated Staff Interpretations:

500.19 - Abbreviations

(1) The abbreviations shown in Section 500.19 are the only abbreviations authorized. Consequently, the symbols for feet and inch, e.g., ' and " may not be used. Likewise "av." is not a proper abbreviation for avoirdupois.

Annotated Staff Interpretations:

500.21 - Metric Equivalent

(1) Although Section 500.16 provides that decimal fractions are not to be carried out beyond two places it is the staff's opinion that this limitation does not apply to expressions in the metric equivalents where, in particular, the amount is expressed in a fraction of the liter. When using the liter, however, the expression should be confined to three decimal places where in fact, the third place is significant, e.g., "48 fl. oz. (1 qt., 1 pt.) 1.652 liters".

Part K

MODEL STATE PACKAGING AND LABELING
REGULATION

OUTLINE OF CONTENTS

1. APPLICATION
2. DEFINITIONS
3. DECLARATION OF IDENTITY: CONSUMER PACKAGE
4. DECLARATION OF IDENTITY: NONCONSUMER PACKAGE
5. DECLARATION OF RESPONSIBILITY: CONSUMER AND NONCONSUMER PACKAGE
6. DECLARATION OF QUANTITY: CONSUMER PACKAGE
7. DECLARATION OF QUANTITY: NONCONSUMER PACKAGE
8. PROMINENCE AND PLACEMENT: CONSUMER PACKAGE
9. PROMINENCE AND PLACEMENT: NONCONSUMER PACKAGE
10. SPECIFIC CONSUMER COMMODITIES, PACKAGES, CONTAINERS
11. EXEMPTIONS
12. VARIATIONS
13. REVOCATION OF CONFLICTING REGULATIONS

TABLE OF CONTENTS

	<u>Page</u>
1. APPLICATION	1
2. DEFINITIONS	1
2.1. Commodities in Package Form	1
2.2. Consumer Package	2
2.3. Nonconsumer Package	2
2.4. Random Package	2
2.5. Label	2
2.6. Person	2
2.7. Principal Display Panel (Label PDP)	2
2.8. Multi-Unit Package	3
3. DECLARATION OF IDENTITY	3
3.1. Consumer Package	3
3.1.1. Parallel Identity - Consumer Package	3
4. DECLARATION OF IDENTITY: NONCONSUMER PACKAGE	3
5. DECLARATION OF RESPONSIBILITY: CONSUMER AND NONCONSUMER PACKAGES	3
6. DECLARATION OF QUANTITY: CONSUMER PACKAGES	4
6.1. Largest Whole Unit	4
6.2. Net Quantity	4
6.2.1. Use of 'Net Weight'	4
6.2.2. Lines of Type	4
6.3. Terms: Weight, Measure, or Count	4
6.3.1. Combination Declaration: Weight or Measure	4
6.3.2. Combination Declaration: Count	5
6.4. Units: Weight, Measure	5
6.4.1. Abbreviations	6
6.5. Units with Two or More Meanings	6
6.6. Prescribed Units	6
6.6.1. Less Than One Foot, One Square Foot, One Pound, or One Pint	6

	<u>Page</u>
6.6.2. Four Feet, Four Square Feet, Four Pounds, One Gallon, or More	7
6.6.3. Weight: Dual Quantity Declaration	7
6.6.4. Fluid Measure: Dual Quantity Declaration	7
6.6.5. Length Measure: Dual Quantity Declaration	7
6.6.6. Area Measure: Dual Quantity Declaration	7
6.6.7. Bidimensional Commodities	8
6.6.8. Count: Ply	8
6.7. Fractions	9
6.8. Supplementary Declarations	9
6.8.1. Supplementary Quantity Declarations	9
6.8.2. Metric System Declarations	9
6.9. Qualification of Declaration Prohibited	10
7. DECLARATION OF QUANTITY: NONCONSUMER PACKAGES	10
7.1. Location	10
7.2. Terms: Weight, Liquid Measure, or Count	10
7.3. Units: Weight, Measure	10
7.3.1. Abbreviations	11
7.4. Character of Declaration: Average	11
8. PROMINENCE AND PLACEMENT: CONSUMER PACKAGES	11
8.1. General	11
8.1.1. Location	11
8.1.2. Style of Type or Lettering	11
8.1.3. Color Contrast	12
8.1.4. Free Area	12
8.1.5. Parallel Quantity Declaration	12
8.2. Calculation of Area of Principal Display Panel for Purposes of Type Size (Package PDP)	12
8.2.1. Minimum Height of Numbers and Letters	12
8.2.2. Numbers and Letters: Proportion	13
9. PROMINENCE AND PLACEMENT: NONCONSUMER PACKAGE	13
9.1. General	13
10. REQUIREMENTS: SPECIFIC CONSUMER COMMODITIES, PACKAGES, CONTAINERS	13
10.1. Display Card Package	13

	<u>Page</u>
10. 2. Eggs	14
10. 3. Aerosols and Similar Pressurized Containers	14
10. 4. Multi-Unit Packages	14
10. 5. Combination Packages	14
10. 6. Variety Packages	14
10. 7. Cylindrical Containers	14
10. 8. Measurement of Container-Type Commodities, How Expressed	15
10. 8. 1. General	15
10. 8. 2. Capacity	15
10. 9. Textile Products, Threads, and Yarns	16
10. 9. 1. Wearing Apparel	16
10. 9. 2. Textiles	16
10. 9. 3. Sewing Threads, Handicraft Threads, and Yarns	18
11. EXEMPTIONS	19
11. 1. General	19
11. 2. Random Packages	19
11. 3. Small Confections	19
11. 4. Individual Servings	19
11. 5. Cuts and Plugs	20
11. 6. Returnable Glass Containers	20
11. 7. Cigarettes and Small Cigars	20
11. 8. Packaged Commodities with Labeling Requirements Specified in Federal Law	20
11. 9. Fluid Dairy Products, Ice Cream, and Similar Frozen Desserts	20
11. 10. Single Strength and Less Than Single Strength Fruit Juice Beverages, Imitations Thereof, and Drinking Water	21
11. 11. Soft-Drink Bottles	22
11. 12. Multi-Unit Soft-Drink Packages	22
11. 13. Butter	22
11. 14. Eggs	23
11. 15. Flour	23
11. 16. Small Packages - Location Exemption	23
11. 17. Multi-Unit Packages	23
11. 18. Decorative Container	23
11. 19. Combination Packages	23
11. 20. Margarine	23

11. 21.	Corn Flour	24
11. 22.	Prescription and Insulin-Containing Drugs	24
11. 23.	Camera Film	24
11. 24.	Paints and Kindred Products	24
11. 25.	Automotive Cooling System Antifreeze	24
11. 26.	Motor Oils	
12.	VARIATIONS TO BE ALLOWED	25
12. 1.	Packaging Variations	25
12. 1. 1.	Variations from Declared Net Quantity	25
12. 1. 2.	Variations Resulting from Exposure	25
12. 2.	Magnitude of Permitted Variations	25
13.	REVOCATION OF CONFLICTING REGULATIONS	26

MODEL STATE PACKAGING AND LABELING

REGULATION OF 1970

1. APPLICATION. --This regulation shall apply to packages and to commodities in package form, but shall not apply to:

- (a) inner wrappings not intended to be individually sold to the customer,
- (b) auxiliary containers or outer wrappings used to deliver packages of such commodities to retail customers if such containers or wrappings bear no printed matter pertaining to any particular commodity,
- (c) containers used for retail tray pack displays when the container itself is not intended to be sold (e. g. , the tray that is used to display individual envelopes of seasonings, gravies, etc. and the tray itself is not intended to be sold),
- (d) commodities put up in variable weights and sizes for sale intact and intended to be either weighed or measured at the time of sale, where no package quantities are represented, and where the method of sale is clearly indicated in close proximity to the quantity being sold, or
- (e) open carriers and transparent wrappers or carriers for containers when the wrappers or carriers do not bear any written, printed, or graphic matter obscuring the label information required by this regulation.

2. DEFINITIONS.

2.1. COMMODITY IN PACKAGE FORM. --The term "commodity in package form" shall be construed to mean a commodity put up or packaged in any manner in advance of sale in units suitable for either wholesale or retail sale. An individual item or lot of any commodity not in package form as defined in this section, but on which there is marked a selling price based on an established price per unit of weight or of measure, shall be construed to be a commodity in package form. Where the term "package" is used in this regulation, it shall be construed to mean "commodity in package form" as here defined.

2. 2. CONSUMER PACKAGE: PACKAGE OF CONSUMER COM-MODITY. --A "consumer package" or "package of consumer commodity" shall be construed to mean a commodity in package form that is custom-arily produced or distributed for sale through retail sales agencies or instrumentalities for consumption by individuals, or use by individuals for the purposes of personal care or in the performance of services or-dinarily rendered in or about the household or in connection with personal possessions.

2. 3. NONCONSUMER PACKAGE: PACKAGE OF NONCONSUMER COMMODITY. --A "nonconsumer package" or "package of nonconsumer commodity" shall be construed to mean any commodity in package form other than a consumer package, and particularly a package intended solely for industrial or institutional use or for wholesale distribution.

2. 4. RANDOM PACKAGE. --The term "random package" shall be construed to mean a package that is one of a lot, shipment, or delivery of packages of the same consumer commodity with varying weights; that is, packages of the same consumer commodity with no fixed pattern of weight.

2. 5. LABEL. --The term "label" shall be construed to mean any written, printed, or graphic matter affixed to, applied to, attached to, blown into, formed, molded into, embossed on, or appearing upon or adjacent to a consumer commodity or a package containing any consumer commodity, for purposes of branding, identifying, or giving any infor-mation with respect to the commodity or to the contents of the package, except an inspector's tag or other nonpromotional matter affixed to or appearing upon a consumer commodity shall not be deemed to be a label requiring the repetition of label information required by this regulation.

2. 6. PERSON. --The term "person" shall be construed to mean both singular and plural, and shall include any individual, partnership, com-pany, corporation, association, and society.

2. 7. PRINCIPAL DISPLAY PANEL OR PANELS. --The term "principal display panel or panels" shall be construed to mean that part, or those parts, of a label that is, or are, so designed as to most likely be displayed, presented, shown, or examined under normal and custom-ary conditions of display and purchase. Wherever a principal display panel appears more than once on a package, all requirements pertaining to the "principal display panel" shall pertain to all such "principal display panels."

2. 8. MULTI-UNIT PACKAGE. --The term "multi-unit package" shall be construed to mean a package containing two or more individual packages of the same commodity, in the same quantity, with the individual packages intended to be sold as part of the multi-unit package but capable of being individually sold in full compliance with all requirements of this regulation.

3. IDENTITY.

3. 1. DECLARATION OF IDENTITY: CONSUMER PACKAGE. --A declaration of identity on a consumer package shall appear on the principal display panel, and shall positively identify the commodity in the package by its common or usual name, description, generic term, or the like.

3. 1. 1. PARALLEL IDENTITY DECLARATION: CONSUMER PACKAGE. A declaration of identity on a consumer package shall appear generally parallel to the base on which the package rests as it is designed to be displayed.

4. DECLARATION OF IDENTITY: NONCONSUMER PACKAGE. -- A declaration of identity on a nonconsumer package shall appear on the outside of a package and shall positively identify the commodity in the package by its common or usual name, description, generic term, or the like.

5. DECLARATION OF RESPONSIBILITY: CONSUMER AND NON-CONSUMER PACKAGES. --Any package kept, offered, or exposed for sale, or sold, at any place other than on the premises where packed shall specify conspicuously on the label of the package the name and address of the manufacturer, packer, or distributor. The name shall be the actual corporate name, or, when not incorporated, the name under which the business is conducted. The address shall include street address, city, State, and ZIP Code; however, the street address may be omitted if this is shown in a current city directory or telephone directory. The requirement for inclusion of the ZIP Code shall apply only to labels that have been developed or revised after July 1, 1968.

If a person manufactures, packs, or distributes a commodity at a place other than his principal place of business, the label may state the principal place of business in lieu of the actual place where the commodity was manufactured or packed or is to be distributed, unless such statement would be misleading. Where the commodity is not manufactured by the person whose name appears on the label, the name shall be qualified by a phrase that reveals the connection such person has with such commodity, such as "Manufactured for and packed by _____, " "Distributed by _____, " or any other wording of similar import that expresses the facts.

6. DECLARATION OF QUANTITY: CONSUMER PACKAGES.

6. 1. LARGEST WHOLE UNIT. --Where this regulation requires that the quantity declaration be in terms of the largest whole unit, the declaration shall, with respect to a particular package, be in terms of the largest whole unit of weight or measure, with any remainder expressed in

- (a) common or decimal fractions of such largest whole unit, or in
- (b) the next smaller whole unit, or units, with any further remainder in terms of common or decimal fractions of the smallest unit present in the quantity declaration.

6. 2. NET QUANTITY. --A declaration of net quantity of the commodity in the package, exclusive of wrappers and any other material packed with such commodity, shall appear on the principal display panel of a consumer package and, unless otherwise specified in this regulation (see Subsections 6. 6. through 6. 6. 8.) shall be in terms of the largest whole unit.

6. 2. 1. USE OF "NET WEIGHT." --The term "net weight" shall be used in conjunction with the declaration of quantity in terms of weight; the term may either precede or follow the declaration of weight.

6. 2. 2. LINES OF PRINT OR TYPE. --A declaration of quantity may appear on one or more lines of print or type.

6. 3. TERMS: WEIGHT, LIQUID MEASURE, OR COUNT. --The declaration of the quantity of a particular commodity shall be expressed in terms of liquid measure if the commodity is liquid, or in terms of weight if the commodity is solid, semisolid, viscous, or a mixture of solid and liquid, or in terms of numerical count. However, if there exists a firmly established general consumer usage and trade custom with respect to the terms used in expressing a declaration of quantity of a particular commodity, such declaration of quantity may be expressed in its traditional terms, if such traditional declaration gives accurate and adequate information as to the quantity of the commodity.

6. 3. 1. COMBINATION DECLARATION: WEIGHT OR MEASURE. --A declaration of quantity in terms of weight or measure shall be accompanied by a declaration of the count or size of the individual units of the commodity, unless a declaration of weight or measure alone is fully informative to the consumer. Such declaration shall appear on the principal display panel.

6.3.2. COMBINATION DECLARATION: COUNT. --A declaration of quantity in terms of count shall be accompanied by a declaration of the weight, measure, or size of the individual units of the commodity, or of the total weight or measure of the commodity, unless a declaration of count alone is fully informative to the consumer. Such declaration shall appear on the principal display panel.

6.4. UNITS: WEIGHT, MEASURE. --A declaration of quantity

- (a) in units of weight shall be in terms of the avoirdupois pound or ounce;
- (b) in units of liquid measure shall be in terms of the United States gallon of 231 cubic inches or liquid-quart, liquid-pint, or fluid-ounce subdivisions of the gallon, and shall express the volume at 68°F (20°C), except in the case of petroleum products, for which the declaration shall express the volume at 60°F (15.6°C), and except also in the case of a commodity that is normally sold and consumed while frozen, for which the declaration shall express the volume at the frozen temperature, and except also in the case of a commodity that is normally sold in the refrigerated state, for which the declaration shall express the volume at 40°F (4°C);
- (c) in units of linear measure shall be in terms of the yard, foot, or inch;
- (d) in units of area measure, shall be in terms of the square yard, square foot, or square inch;
- (e) in units of dry measure shall be in terms of the United States bushel of 2,150.42 cubic inches, or peck, dry-quart, and dry-pint subdivisions of the bushel;
- (f) in units of cubic measure shall be in terms of the cubic yard, cubic foot, or cubic inch;

Provided, That in the case of a commodity packed for export shipment, the declaration of quantity may be in terms of the Metric System of weight or measure.

6. 4. 1. ABBREVIATIONS. --Any of the following abbreviations, and none other, may be employed in the quantity statement on a package of commodity:

avoirdupois	avdp	quart	qt
cubic	cu	square	sq
feet or foot	ft	weight	wt
fluid	fl	yard	yd
gallon	gal	cubic centimeter	cc
inch	in	gram	g
liquid	liq	kilogram	kg
ounce	oz	microgram	mcg
pint	pt	milligram	mg
pound	lb	milliliter	ml

(There normally are no periods following, nor plural forms of, these abbreviations. For example, "oz" is the abbreviation for both "ounce" and "ounces.")

6. 5. UNITS WITH TWO OR MORE MEANINGS. --When the term "ounce" is employed in a declaration of liquid quantity, the declaration shall identify the particular meaning of the term by the use of the term "fluid;" however, such distinction may be omitted when, by association of terms (for example, as in "1 pint 4 ounces"), the proper meaning is obvious. Whenever the declaration of quantity is in terms of the dry pint or dry quart, the declaration shall include the word "dry."

6. 6. PRESCRIBED UNITS.

6. 6. 1. LESS THAN ONE FOOT, ONE SQUARE FOOT, ONE POUND, OR ONE PINT. --The declaration of quantity shall be expressed in terms of

- (a) in the case of length measure of less than one foot, inches and fractions of inches;
- (b) in the case of area measure of less than one square foot, square inches and fractions of square inches;
- (c) in the case of weight of less than one pound, ounces and fractions of ounces;
- (d) in the case of fluid measure of less than one pint, ounces and fractions of ounces;

Provided, That the quantity declaration appearing on a random package may be expressed in terms of decimal fractions of the largest appropriate unit, the fraction being carried out to not more than two decimal places.

6.6.2. FOUR FEET, FOUR SQUARE FEET, FOUR POUNDS, ONE GALLON, OR MORE. --In the case of

- (a) length measure of four feet or more

the declaration of quantity shall be expressed in terms of feet, followed in parentheses by a declaration of yards and common or decimal fractions of the yard, or in terms of feet followed in parentheses by a declaration of yards with any remainder in terms of feet and inches. In the case of

- (a) area measure of four square feet or more;
- (b) weight of four pounds or more;
- (c) fluid measure of one gallon or more

the declaration of quantity shall be expressed in terms of the largest whole unit.

6.6.3. WEIGHT: DUAL QUANTITY DECLARATION. --On packages containing one pound or more but less than four pounds, the declaration shall be expressed in ounces and, in addition, shall be followed by declaration in parentheses, expressed in terms of the largest whole unit: Provided, That the quantity declaration appearing on a random package may be expressed in terms of pounds and decimal fractions of the pound carried out to not more than two decimal places.

6.6.4. FLUID MEASURE: DUAL QUANTITY DECLARATION. --On packages containing one pint or more but less than one gallon, the declaration shall be expressed in ounces and, in addition, shall be followed by a declaration in parentheses, expressed in terms of the largest whole unit.

6.6.5. LENGTH MEASURE: DUAL QUANTITY DECLARATION. --On packages containing one foot but less than four feet, the declaration shall be expressed in inches and, in addition, shall be followed by a declaration in parentheses, expressed in terms of the largest whole unit.

6.6.6. AREA MEASURE: DUAL QUANTITY DECLARATION. --On packages containing one square foot but less than four square feet, the declaration shall be expressed in square inches and, in addition, shall be followed by a declaration in parentheses, expressed in terms of the largest whole unit.

6.6.7. BIDIMENSIONAL COMMODITIES. --For bidimensional commodities (including roll-type commodities) the quantity declaration shall be expressed,

- (a) if less than one square foot, in terms of linear inches and fractions of linear inches;
- (b) if at least one square foot but less than four square feet, in terms of square inches followed in parentheses by a declaration of both the length and width, each being in terms of the largest whole unit: Provided, That
 - (1) no square inch declaration is required for a bidimensional commodity of four inches width or less, and
 - (2) a dimension of less than two feet may be stated in inches within the parenthetical, and
 - (3) commodities consisting of usable individual units (except roll-type commodities with individual usable units created by perforations, for which see Subsection 6.6.8. COUNT: PLY) require a declaration of unit area but not a declaration of total area of all such units;
- (c) if four square feet or more, in terms of square feet followed in parentheses by a declaration of the length and width in terms of the largest whole unit: Provided, That
 - (1) no declaration in square feet is required for a bidimensional commodity with a width of four inches or less,
 - (2) a dimension of less than two feet may be stated in inches within the parenthetical, and
 - (3) no declaration in square feet is required for commodities for which the length and width measurements are critical in terms of end use (such as tablecloths or bedsheets) if such commodities clearly present the length and width measurements on the label.

6.6.8. COUNT: PLY. --If the commodity is in individually usable units of one or more components or ply, the quantity declaration shall, in addition to complying with other applicable quantity declaration requirements of this regulation, include the number of ply and the total number of usable units.

Roll-type commodities, when perforated so as to identify individual usable units, shall not be deemed to be made up of usable units; however, such roll-type commodities shall be labeled in terms of

- (a) total area measurement and
- (b) number of ply,
- (c) count of usable units, and
- (d) dimensions of a single usable unit.

6.7. FRACTIONS. -- A statement of net quantity of contents of any consumer commodity may contain common or decimal fractions. A common fraction shall be in terms of halves, quarters, eighths, sixteenths, or thirty-seconds, except that

- (a) if there exists a firmly established general consumer usage and trade custom of employing different common fractions in the net quantity declaration of a particular commodity, they may be employed, and
- (b) if linear measurements are required in terms of yards or feet, common fractions may be in terms of thirds.

A common fraction shall be reduced to its lowest terms; a decimal fraction shall not be carried out to more than two places.

6.8. SUPPLEMENTARY DECLARATIONS.

6.8.1. SUPPLEMENTARY QUANTITY DECLARATIONS. --The required quantity declaration may be supplemented by one or more declarations of weight, measure, or count, such declaration appearing other than on a principal display panel. Such supplemental statement of quantity of contents shall not include any terms qualifying a unit of weight, measure, or count that tends to exaggerate the amount of commodity contained in the package (e.g., "giant " quart, "full" gallon, "when packed," "minimum," or words of similar import).

6.8.2. METRIC SYSTEM DECLARATIONS. --A separate statement of the net quantity of contents in terms of the metric system is not regarded as a supplemental statement, and a statement of quantity in terms of the metric system of weight or measure may also appear on the principal display panel or on other panels.

6. 9. QUALIFICATION OF DECLARATION PROHIBITED. --In no case shall any declaration of quantity be qualified by the addition of the words "when packed," "minimum," or "not less than," or any words of similar import, nor shall any unit of weight, measure, or count be qualified by any term (such as "jumbo," "giant," "full," or the like) that tends to exaggerate the amount of commodity.

7. DECLARATION OF QUANTITY: NONCONSUMER PACKAGES.

7. 1. LOCATION. --A nonconsumer package shall bear on the outside a declaration of the net quantity of contents. Such declaration shall be in terms of the largest whole unit (see Subsection 6. 1. LARGEST WHOLE UNIT).

7. 2. TERMS: WEIGHT, LIQUID MEASURE, OR COUNT. --The declaration of the quantity of a particular commodity shall be expressed in terms of liquid measure if the commodity is liquid, or in terms of weight if the commodity is solid, semisolid, viscous, or a mixture of solid and liquid, or in terms of numerical count. However, if there exists a firmly established general consumer usage and trade custom with respect to the terms used in expressing a declaration of quantity of a particular commodity, such declaration of quantity may be expressed in its traditional terms, if such traditional declaration gives accurate and adequate information as to the quantity of the commodity.

7. 3. UNITS: WEIGHT, MEASURE. --A declaration of quantity

- (a) in units of weight shall be in terms of the avoirdupois pound or ounce;
- (b) in units of liquid measure shall be in terms of the United States gallon of 231 cubic inches or liquid-quart, liquid-pint, or fluid-ounce subdivisions of the gallon, and shall express the volume at 68°F (20°C), except in the case of petroleum products, for which the declaration shall express the volume at 60°F (15.6°C), and except also in the case of a commodity that is normally sold and consumed while frozen, for which the declaration shall express the volume at the frozen temperature, and except also in the case of a commodity that is normally sold in the refrigerated state, for which the declaration shall express the volume at 40°F (4°C);
- (c) in units of linear measure shall be in terms of the yard, foot, or inch;

- (d) in units of area measure, shall be in terms of the square yard, square foot, or square inch;
- (e) in units of dry measure shall be in terms of the United States bushel of 2,150.42 cubic inches, or peck, dry-quart and dry-pint subdivisions of the bushel;
- (f) in units of cubic measure shall be in terms of the cubic yard, cubic foot, or cubic inch:

Provided, That nothing in this Subsection shall prohibit the labeling of non-consumer packages in terms of units of the Metric System.

7.3.1. ABBREVIATIONS. --Any generally accepted abbreviation of a unit name may be employed in the quantity statement on a package of commodity. (For commonly accepted abbreviations, see Subsection 6.4.1. ABBREVIATIONS.)

7.4. CHARACTER OF DECLARATION: AVERAGE. --The average quantity of contents in the packages of a particular lot, shipment, or delivery shall at least equal the declared quantity, and no unreasonable shortage in any package shall be permitted, even though overages in other packages in the same shipment, delivery, or lot compensate for such shortage.

8. PROMINENCE AND PLACEMENT: CONSUMER PACKAGES.

8.1. GENERAL. --All information required to appear on a consumer package shall appear thereon in the English language and shall be prominent, definite, and plain, and shall be conspicuous as to size and style of letters and numbers and as to color of letters and numbers in contrast to color of background. Any required information that is either in hand lettering or hand script shall be entirely clear and equal to printing in legibility.

8.1.1. LOCATION. --The declaration or declarations of quantity of the contents of a package shall appear in the bottom 30 percent of the principal display panel or panels, except as otherwise provided in Section 10.7. CYLINDRICAL CONTAINERS.

8.1.2. STYLE OF TYPE OR LETTERING. --The declaration or declarations of quantity shall be in such a style of type or lettering as to be boldly, clearly, and conspicuously presented with respect to other type, lettering, or graphic material on the package, except that a declaration of net quantity blown, formed, or molded on a glass or plastic surface is permissible when all label information is blown, formed, or molded on the surface.

8. 1. 3. COLOR CONTRAST. --The declaration or declarations of quantity shall be in a color that contrasts conspicuously with its background, except that a declaration of net quantity blown, formed, or molded on a glass or plastic surface shall not be required to be presented in a contrasting color if no required label information is on the surface in a contrasting color.

8. 1. 4. FREE AREA. --The area surrounding the quantity declaration shall be free of printed information.

- (a) above and below, by a space equal to at least the height of the lettering in the declaration, and
- (b) to the left and right, by a space equal to twice the width of the letter "N" of the style and size of type used in the declaration.

8. 1. 5. PARALLEL QUANTITY DECLARATION. --The quantity declaration shall be presented in such a manner as to be generally parallel to the declaration of identity and to the base on which the package rests as it is designed to be displayed.

8. 2. CALCULATION OF AREA OF PRINCIPAL DISPLAY PANEL FOR PURPOSES OF TYPE SIZE. --The square-inch area of the principal display panel shall be

- (a) in the case of a rectangular container, one entire side which properly can be considered to be the principal display panel, the product of the height times the width of that side;
- (b) in the case of a cylindrical or nearly cylindrical container, 40 percent of the product of the height of the container times the circumference; or
- (c) in the case of any other shaped container, 40 percent of the total surface of the container, unless such container presents an obvious principal display panel (e. g. , the top of a triangular or circular package of cheese, or the top of a can of shoe polish), the area shall consist of the entire such surface.

Determination of the principal display panel shall exclude tops, bottoms, flanges at tops and bottoms of cans, and shoulders and necks of bottles or jars.

8. 2. 1. MINIMUM HEIGHT OF NUMBERS AND LETTERS. --The height of any letter or number in the required quantity declaration shall be not less than that shown in Table 1 with respect to the square-inch area of the panel, and the height of each number of a common fraction shall meet one-half the minimum height standards.

8.2.2. NUMBERS AND LETTERS: PROPORTION. - No number or letter shall be more than three times as high as it is wide.

TABLE 1. Minimum Height of Numbers and Letters

Square-inch area of principal display panel	Minimum height of numbers and letters	Minimum height: label information blown, formed, or molded on surface of container
5 square inches and less.	1/16 inch	1/8 inch
Greater than 5 square inches and not greater than 25 square inches.	1/8 inch	3/16 inch
Greater than 25 square inches and not greater than 100 square inches.	3/16 inch	1/4 inch
Greater than 100 square inches and not greater than 400 square inches.	1/4 inch	5/16 inch
Greater than 400 square inches.	1/2 inch	9/16 inch

9. PROMINENCE AND PLACEMENT: NONCONSUMER PACKAGE.

9.1. GENERAL. --All information required to appear on a nonconsumer package shall be definitely and clearly stated thereon in the English language. Any required information that is either in hand lettering or hand script shall be entirely clear and equal to printing in legibility.

10. REQUIREMENTS: SPECIFIC CONSUMER COMMODITIES, PACKAGES, CONTAINERS.

10.1. DISPLAY CARD PACKAGE. --For an individual package affixed to a display card, or for a commodity and display card together comprising a package, the type size of the quantity declaration is governed by the dimensions of the display card.

10. 2. EGGS. --When cartons containing 12 eggs have been designed so as to permit division in half by the retail purchaser, the required quantity declaration shall be so positioned as to have its context destroyed when the carton is divided.

10. 3. AEROSOLS AND SIMILAR PRESSURIZED CONTAINERS. --The declaration of quantity on an aerosol package, and on a similar pressurized package, shall disclose the net quantity of the commodity (including propellant), in terms of weight, that will be expelled when the instructions for use as shown on the container are followed.

10. 4. MULTI-UNIT PACKAGES. --Any package containing more than one individual "commodity in package form" (see Subsection 2. 1.) of the same commodity shall bear on the outside of the package a declaration of

- (a) the number of individual units,
- (b) the quantity of each individual unit, and
- (c) the total quantity of the contents of the multi-unit package: Provided, That the requirement for a declaration of the total quantity of contents of a multi-unit package shall be effective (1) with respect to those labels revised after the effective date of this regulation, or (2) as of January 1, 1970, whichever occurs first. Any such declaration of total quantity shall not be required to include the parenthetical quantity statement of a dual quantity representation.

Whenever the quantity declaration appearing on individual units of a multi-unit package is located other than in the lower 30 percent of the principal display panel, the individual units of that multi-unit package may not be separately sold.

10. 5. COMBINATION PACKAGES. --Any package containing individual units of dissimilar commodities (such as an antiquing kit, for example) shall bear on the label of the package a quantity declaration for each unit.

10. 6. VARIETY PACKAGES. --Any package containing individual units of reasonably similar commodities (such as, for example, seasonal gift packages, variety packages of cereal) shall bear on the label of the package a declaration of the total quantity of commodity in the package.

10. 7. CYLINDRICAL CONTAINERS. --In the case of cylindrical or nearly cylindrical containers, information required to appear on the principal display panel shall appear within that 40 percent of the circumference which is most likely to be displayed, presented, shown, or examined under customary conditions of display for retail sale.

10. 8. MEASUREMENT OF CONTAINER-TYPE COMMODITIES,
HOW EXPRESSED.

10. 8. 1. GENERAL. -- Commodities designed and sold at retail to be used as containers for other materials or objects, such as bags, cups, boxes, and pans, shall be labeled with the declaration of net quantity as follows:

- (a) For bag-type commodities, in terms of count followed by linear dimensions of the bag (whether packaged in a perforated roll or otherwise).

When the unit bag is characterized by two dimensions because of the absence of a gusset, the width and length will be expressed in inches, except that a dimension of 2 feet or more will be expressed in feet with any remainder in terms of inches or common or decimal fractions of the foot. (Example: '25 bags, 17 in x 20 in' or '100 bags, 20 in x 2 ft 6 in' or '50 bags, 20 in x 2-1/2 ft'.)

When the unit bag is gusseted, the dimensions will be expressed as width, depth, and length, in terms of inches, except that any dimension of 2 feet or more will be expressed in feet with any remainder in terms of inches or the common or decimal fractions of the foot. (Examples: '25 bags, 17 in x 4 in x 20 in' or '100 bags, 20 in x 12 in x 2-1/2 ft'.)

- (b) For other square, oblong, rectangular, or similarly shaped containers, in terms of count followed by length, width, and depth, except depth need not be listed when less than 2 inches. (Example: '2 cake pans, 8 in x 8 in' or 'roasting pan, 12 in x 8 in x 3 in'.)
- (c) For circular or other generally round-shaped containers, except cups, and the like, in terms of count followed by diameter and depth, except depth need not be listed when less than 2 inches. (Example: '4 pie pans, 8 in diameter' or '2 cake pans, 8 in diameter x 4 in'.)

10. 8. 2. CAPACITY. -- When the functional use of the container is related by label references in standard terms of measure to the capability of holding a specific quantity of substance or class of substances such references shall be a part of the net quantity statement and shall specify capacity as follows:

- (a) Liquid measure for containers which are intended to be used for liquids, semisolids, viscous materials, or mixtures of solids and liquids. The expressed capacity will be stated in terms of the largest whole unit (gallon, quart, pint, ounce), with any remainder in terms of the common or decimal fraction of that unit. (Example: Freezer Boxes - $\frac{1}{4}$ boxes, 1-qt capacity, 5 in x 4 in x 3 in".)
- (b) Dry measure for containers which are intended to be used for solids. The expressed capacity will be stated in terms of the largest whole unit (bushel, peck), with any remainder in terms of the common or decimal fraction of that unit. (Example: Leaf Bags - 8 bags, 6-bushel capacity, 3 ft x 5 ft".)
- (c) Where containers are used as liners for other more permanent containers, in the same terms as are normally used to express the capacity of the more permanent container. (Example: Garbage Can Liners - $\frac{1}{10}$ liners, 2 ft 6 in x 3 ft 9 in, fits up to 30-gallon cans".)

Notwithstanding the above requirements, the net quantity statement for containers such as cups will be listed in terms of count and liquid capacity per unit. (Example: "24 cups, 6 fl. oz capacity".) For purposes of this section, the use of the terms "capacity," "diameter," and "fluid" is optional.

10.9. TEXTILE PRODUCTS, THREADS, AND YARNS.

10.9.1. WEARING APPAREL. -- Wearing apparel (including non-textile apparel and accessories such as leather goods and footwear) sold as single-unit items, or if normally sold in pairs (such as hosiery, gloves, and shoes) sold as single-unit pairs, shall be exempt from the requirements for a net quantity statement by count, as required by subsection 6.3 of this regulation.

10.9.2. TEXTILES. -- Bedsheets, pillowcases, blankets, bedspreads, afghans, throws, flags, dresser and other furniture scarfs, curtains, drapes, facecloths, tablecloths, and napkins shall be exempt from the requirements of subsection 6.6.7. of this regulation: Provided, That

- (a) The net quantity statement for fitted sheets shall be expressed in terms of length and width measurement in inches of the size of mattress which the sheet will fit. The principal display panel may also contain a designation for the size of mattress which the sheet will fit, such as "twin," "double," "king," etc.
- (b) The net quantity statement for nonfitted or flat sheets shall be expressed in terms of the finished length and width measurements of the sheet in inches, which may be followed in parentheses by a statement of the length and width of the sheet prior to hemming in inches, such parenthetical expression to include the phrase "size before hemming" or words of similar import in the same type size as the required statement. The principal display panel may also contain a designation for the size of the mattress which the sheet was intended to fit, such as "twin," "double," etc.
- (c) The net quantity statement for pillowcases shall be expressed in terms of the finished length and width measurements in inches of the pillowcase, which may be followed in parentheses by a statement of length and width in inches of the pillowcase prior to hemming, such parenthetical expression to include the qualification "size before hemming" or "pre-hemming size." A designation of the size of the pillow which the pillowcase will fit may be included, such as "regular," "queen," "king," "bolster," etc.
- (d) The net quantity statement for blankets, bedspreads, afghans, and throws shall be expressed in terms of the finished length and width measurements in inches, which shall be followed in parentheses by a statement of the length of any ornamentation, such as "including 2-inch fringe." A designation of the size of the mattress which the commodity is intended to fit may be included, such as "twin," "double," "king," "queen," etc.
- (e) The net quantity statement for tablecloths and napkins shall be expressed in terms of finished length and width in inches, which may be followed in parentheses by a statement of length and width in inches in terms of the cut size (size before hemming) and properly identified as such.

- (f) The net quantity statement for curtains, drapes, face-cloths, flags, dresser and other furniture scarfs shall be expressed in terms of linear dimensions in inches for the finished size, which shall be followed in parentheses by a statement of the length of any ornamentation, such as "including 2-inch fringe."
- (g) The net quantity statement for carpets and rugs shall be expressed in terms of length and width in feet, with any remainder in common or decimal fractions of the foot or in inches, which shall be followed in parentheses by a statement of the length of any ornamentation, such as "including 2-inch fringe."

10.9.3. SEWING THREADS, HANDICRAFT THREADS, AND YARNS.

Sewing and handicraft threads shall be exempt from the requirements of subsection 6.6.2. of this regulation: Provided, That

- (a) The net quantity statement for sewing and handicraft threads shall be expressed in terms of yards.
- (b) The net quantity statement for yarns shall be expressed in terms of weight.
- (c) Thread products may, in lieu of name and address, bear a trademark, symbol, brand, or other mark that positively identifies the manufacturer, packer, or distributor, provided that such marks, employed to identify the vendor, shall be filed with the director.
- (d) Each unit of industrial thread shall be marked to show its net measure in terms of yards or its net weight in terms of avoirdupois pounds or ounces, except that ready-wound bobbins which are not sold separately, shall not be required to be individually marked but the package containing such bobbins shall be marked to show the number of bobbins contained therein and the net yards of thread on each bobbin.

11. EXEMPTIONS.

11. 1. GENERAL. --Whenever any consumer commodity or package of consumer commodity is exempted from the requirements for dual quantity declaration, the net quantity declaration required to appear on the package shall be in terms of the largest whole unit (except see Subsection 10. 4. (c)).

11. 2. RANDOM PACKAGES. --A random package bearing a label conspicuously declaring

- (a) the net weight,
- (b) the price per pound, and
- (c) the total price

shall be exempt from the type size, dual declaration, placement, and free area requirements of this regulation. In the case of a random package packed at one place for subsequent sale at another, neither the price per unit of weight nor the total selling price need appear on the package, provided the package label includes both such prices at the time it is offered or exposed for sale at retail.

This exemption shall also apply to uniform weight packages of cheese and cheese products labeled in the same manner and by the same type of equipment as random packages exempted by this section.

11. 3. SMALL CONFECTIONS. -- Individually wrapped pieces of "penny candy" and other confectionery of less than one-half ounce net weight per individual piece shall be exempt from the labeling requirements of this regulation when the container in which such confectionery is shipped is in conformance with the labeling requirements of this regulation. Similarly, when such confectionery items are sold in bags or boxes, such items shall be exempt from the labeling requirements of this regulation, including the required declaration of net quantity of contents, when the declaration of the bag or box meets the requirements of this regulation.

11. 4. INDIVIDUAL SERVINGS. --Individual-serving-size packages of foods containing less than 1/2 ounce or less than 1/2 fluid ounce for use in restaurants, institutions, and passenger carriers, and not intended for sale at retail, shall be exempt from the required declaration of net quantity of contents specified in this regulation.

11. 5. CUTS, PLUGS, AND TWISTS OF TOBACCO AND CIGARS. --

When individual cuts, plugs, and twists of tobacco and individual cigars are shipped or delivered in containers that conform to the labeling requirements of this regulation, such individual cuts, plugs, and twists of tobacco and cigars shall be exempt from such labeling requirements.

11. 6. REUSABLE (RETURNABLE) GLASS CONTAINERS. --Nothing

in this regulation shall be deemed to preclude the continued use of reusable (returnable) glass containers: Provided, That such glass containers ordered after the effective date of this regulation shall conform to all requirements of this regulation.

11. 7. CIGARETTES AND SMALL CIGARS. --Cartons of cigarettes

and small cigars, containing ten individual packages of twenty, labeled in accordance with the requirements of this regulation, shall be exempt from the requirements set forth in Subsection 8. 1. 1. LOCATION, Subsection 8. 2. 1. MINIMUM HEIGHT OF NUMBERS AND LETTERS, and Section 10. 4. MULTI-UNIT PACKAGES: Provided, That such cartons bear a declaration of the net quantity of commodity in the package.

11. 8. PACKAGED COMMODITIES WITH LABELING REQUIREMENTS SPECIFIED IN FEDERAL LAW. --Packages of meat and meat

products, poultry and poultry products, tobacco and tobacco products, insecticides, fungicides, rodenticides, alcoholic beverages, and seeds shall be exempt from the requirements set forth in Subsection 6. 6. 3. WEIGHT: DUAL DECLARATION, 6. 6. 4. FLUID MEASURE: DUAL QUANTITY DECLARATION, 6. 6. 5. LENGTH MEASURE: DUAL QUANTITY DECLARATION, 6. 6. 6. AREA MEASURE: DUAL QUANTITY DECLARATION, 8. 1. 1. LOCATION, and Subsection 8. 2. 1. MINIMUM HEIGHT OF NUMBERS AND LETTERS: Provided, That quantity labeling requirements for such products are specified in Federal Law, so as to follow reasonably sound principles of providing consumer information.

11. 9. FLUID DAIRY PRODUCTS, ICE CREAM, AND SIMILAR FROZEN DESSERTS. --

- (a) When packaged in 1/2-liquid-pint and 1/2-gallon containers, are exempt from the requirements for stating net contents of 8 fluid ounces and 64 fluid ounces, which may be expressed as 1/2 pint and 1/2 gallon, respectively.

- (b) When packaged in 1-liquid-pint, 1-liquid-quart, and 1/2 gallon containers, are exempt from the dual net contents declaration requirements of subsection 6.6.4.
- (c) When measured by and packaged in 1/2-liquid-pint, 1-liquid pint, 1-liquid quart, 1/2-gallon, and 1 gallon measure containers as defined in "Measure Container Code of National Bureau of Standards Handbook 44," are exempt from the requirement of subsection 8.1.1. that the declaration of net contents be located within the bottom 30 percent of the principal display panel.
- (d) Milk and milk products when measured by and packaged in glass or plastic containers of 1/2-liquid pint, 1-liquid pint, 1-liquid quart, 1/2 gallon, and 1 gallon capacities are exempt from the placement requirement of Subsection 8.1.1. that the declaration of net contents be located within the bottom 30 percent of the principal display panel, provided that other required label information is conspicuously displayed on the cap or outside closure, and the required net quantity of contents declaration is conspicuously blown, formed, or molded on, or permanently applied to that part of the glass or plastic container that is at or above the shoulder of the container.

11.10. SINGLE STRENGTH AND LESS THAN SINGLE STRENGTH FRUIT JUICE BEVERAGES, IMITATIONS THEREOF, AND DRINKING WATER. --

- (a) When packaged in glass, plastic, or fluid milk type paper containers of 8- and 64-fluid-ounce capacity, are exempt from the requirements of subsection 6.4.(b), to the extent that net contents of 8 fluid ounces and 64 fluid ounces (or 2 quarts) may be expressed as 1/2 pint (or half pint) and 1/2 gallon (or half gallon), respectively.
- (b) When packaged in glass, plastic, or fluid milk type paper containers of 1-pint, 1-quart, and 1/2-gallon capacities, are exempt from the dual net contents declaration requirements of subsection 6.6.4.

- (c) When packaged in glass or plastic containers of 1/2-pint, 1-pint, 1-quart, 1/2-gallon, and 1-gallon capacities, are exempt from the placement requirement of subsection 8. 1. 1. that the declaration of net contents be located within the bottom 30 percent of the principal display panel: Provided, That other required label information is conspicuously displayed on the cap or outside closure and the required net quantity of contents declaration is conspicuously blown, formed, or molded into or permanently applied to that part of the glass or plastic container that is at or above the shoulder of the container.

11. 11. SOFT-DRINK BOTTLES. -- Bottles of soft drinks shall be exempt from the placement requirements for the declaration of

- (a) identity, when such declaration appears on the bottle closure, and
- (b) quantity, when such declaration is blown, formed, or molded on or above the shoulder of the container and when all other information required by this regulation appears only on the bottle closure.

11. 12. MULTI-UNIT SOFT-DRINK PACKAGES. -- Multi-unit packages of soft drinks are exempt from the requirement for a declaration of

- (a) responsibility, when such declaration appears on the individual units and is not obscured by the multi-unit packaging, or when the outside container bears a statement to the effect that such declaration will be found on the individual units inside, and
- (b) identity, when such declaration appears on the individual units and is not obscured by the multi-unit packaging.

11. 13. BUTTER. -- When packaged in 4-ounce, 8-ounce, and 1-pound units with continuous label copy wrapping, butter is exempt from the requirements that the statement of identity (Subsection 3. 1.) and the net quantity declaration (Subsection 8. 1. 5.) be generally parallel to the base of the package. When packaged in 8-ounce and 1-pound units, butter is exempt from the requirement for LOCATION (Subsection 8. 1. 1.) of net quantity declaration and, when packaged in 1-pound units, is exempt from the requirement for DUAL QUANTITY DECLARATION (Subsection 6. 6. 3.).

11.14. EGGS. --Cartons containing 12 eggs shall be exempt from the requirement for LOCATION (Subsection 8.1.1.) of net quantity declaration. When such cartons are designed to permit division in half, each half shall be exempt from the labeling requirements of this regulation if the undivided carton conforms to all such requirements.

11.15. FLOUR. --Packages of wheat flour packaged in units of 2, 5, 10, 25, 50, and 100 pounds shall be exempt from the requirement in this regulation for LOCATION (Subsection 8.1.1.) of the net quantity declaration and, when packaged in units of 2 pounds, shall be exempt also from the requirement for a DUAL QUANTITY DECLARATION (Subsection 6.6.3.).

11.16. EXEMPTION: LOCATION: SMALL PACKAGE. --On a principal display panel of five square inches or less, the declaration of quantity need not appear in the bottom 30% of the principal display panel if that declaration satisfies the other requirements of this regulation.

11.17. EXEMPTION: MULTI-UNIT PACKAGE: LOCATION. --On individual units of a multi-unit retail package, the declaration of quantity need not appear in the bottom 30% of the principal display panel if that declaration satisfies the other requirements of this regulation.

11.18. EXEMPTION: DECORATIVE CONTAINER. --The principal display panel of a cosmetic marketed in a "boudoir-type" container including decorative cosmetic containers of the "cartridge," "pill box," "compact," or "pencil" variety, and those with a capacity of one-fourth ounce or less, may be a tear-away tag or tape affixed to the decorative container and bearing the mandatory label information as required by this regulation.

11.19. EXEMPTION: COMBINATION PACKAGES. --Combination packages are exempt from the requirements in this regulation for

- (a) LOCATION (see Subsection 8.1.1.),
- (b) FREE AREA (see Subsection 8.1.4.), and
- (c) MINIMUM HEIGHT OF NUMBERS AND LETTERS (see Subsection 8.2.1.).

11.20. MARGARINE. --Margarine in 1-pound rectangular packages, except for packages containing whipped or soft margarine or packages containing more than four sticks, shall be exempt from the requirement in this regulation for LOCATION (see Subsection 8.1.1.) of the net quantity declaration, and shall be exempt from the requirement for a DUAL QUANTITY DECLARATION (see Subsection 6.6.3.).

11. 21. CORN FLOUR. --Corn flour packaged in conventional 5, 10, 25, 50, and 100-pound bags shall be exempt from the requirement in this regulation for LOCATION (see Subsection 8. 1. 1.) of the net quantity declaration.

11. 22. PRESCRIPTION AND INSULIN-CONTAINING DRUGS. --Prescription and insulin-containing drugs subject to the provisions of section 503(b)(1) or 506 of the Federal Food, Drug, and Cosmetic Act shall be exempt from the provisions of this regulation.

11. 23. CAMERA FILM. --Camera film packaged and labeled for retail sale is exempt from the net quantity statement requirements of this regulation which specify how measurement of commodities should be expressed: Provided, That

- (a) The net quantity of contents on packages of movie film and bulk still film is expressed in terms of the number of lineal feet of usable film contained therein.
- (b) The net quantity of contents on packages of still film is expressed in terms of the number of exposures the contents will provide. The length and width measurements of the individual exposures, expressed in millimeters or inches, are authorized as an optional statement. (Example: '36 exposures, 36 x 24 mm' or '12 exposures, 2-1/4 x 2-1/4 in'.)

11. 24. PAINTS AND KINDRED PRODUCTS. --Paints, varnishes, lacquers, thinners, removers, oils, resins, and solvents, when packed in 1-liquid-pint and 1-liquid-quart units shall be exempt from the dual quantity declaration requirements of subsection 6. 6. 4.

11. 25. AUTOMOTIVE COOLING SYSTEM ANTIFREEZE. --Anti-freeze, when packed in 1-liquid-quart units, in metal or plastic containers, shall be exempt from the dual quantity declaration requirements of subsection 6. 6. 4.

11. 26. MOTOR OILS. --Motor oils, when packed in 1-liquid-quart units, shall be exempt from the dual quantity declaration requirements of subsection 6. 6. 4. Additionally, motor oil in 1-liquid-quart, 1-gallon, 1-1/4-gallon, 2-gallon, and 2-1/2-gallon units, bearing the principal display panel on the body of the container, is exempt from the requirements of section 3, IDENTITY, to the extent that the SAE grade is required to appear on the principal display panel, provided the SAE grade appears on the can lid and is expressed in letters and numerals in type size of at least one-fourth inch.

12. VARIATIONS TO BE ALLOWED.

12. 1. PACKAGING VARIATIONS.

12. 1. 1. VARIATIONS FROM DECLARED NET QUANTITY. --Variations from the declared net weight, measure, or count shall be permitted when caused by unavoidable deviations in weighing, measuring, or counting the contents of individual packages that occur in good packaging practice, but such variations shall not be permitted to such extent that the average of the quantities in the packages of a particular commodity, or a lot of the commodity that is kept, offered, or exposed for sale, or sold, is below the quantity stated, and no unreasonable shortage in any package shall be permitted, even though overages in other packages in the same shipment, delivery, or lot compensate for such shortage. Variations above the declared quantity shall not be unreasonably large.

12. 1. 2. VARIATIONS RESULTING FROM EXPOSURE. --Variations from the declared weight or measure shall be permitted when caused by ordinary and customary exposure to conditions that normally occur in good distribution practice and that unavoidably result in change of weight or measure, but only after the commodity is introduced into intrastate commerce: Provided, That the phrase "introduced into intrastate commerce" as used in this paragraph shall be construed to define the time and the place at which the first sale and delivery of a package is made within the State, the delivery being either

- (a) directly to the purchaser or to his agent, or
- (b) to a common carrier for shipment to the purchaser, and this paragraph shall be construed as requiring that, so long as a shipment, delivery, or lot of packages of a particular commodity remains in the possession or under the control of the packager or the person who introduces the package into intrastate commerce, exposure variations shall not be permitted.

12. 2. MAGNITUDE OF PERMITTED VARIATIONS. --The magnitude of variations permitted under paragraphs 12, 12. 1., 12. 1. 1., and 12. 1. 2. of this regulation shall, in the case of any shipment, delivery, or lot, be determined by the facts in the individual case.

13. REVOCATION OF CONFLICTING REGULATIONS. --All provisions of all orders and regulations heretofore issued on this same subject that are contrary to or inconsistent with the provisions of this regulation, and specifically _____

are hereby revoked.

EFFECTIVE DATE

This regulation shall become effective on _____.

Given under my hand and the seal of my office in the City of _____
_____, on this _____ day of _____, A. D. 19 _____.

Signed _____

Part L

FOOD AND DRUG ADMINISTRATION
REGULATIONS

7/21/67 - 9/20/67 - 6/28/68

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FAIR PACKAGING AND LABELING ACT

Miscellaneous Amendments

In the matter of amending the enforcement regulations (21 CFR Part 1) with respect to the requirements of the Fair Packaging and Labeling Act (Public Law 89-755) to (1) establish an exemption procedure for foods, drugs, and cosmetics, (2) set forth the requirements for label statements for foods, and (3) establish exemptions for foods:

In response to the notice of proposed rulemaking in the above-identified matter published in the FEDERAL REGISTER of March 17, 1967 (32 F.R. 4172), over 300 comments were submitted by Federal and State officials and by representatives of industry, and these comments have been duly considered. Also, the Committee on Laws and Regulations of the National Conference of Weights and Measures and the Executive Committee of the Association of Food and Drug Officials of the United States have been consulted on many provisions of the proposal since under section 12 of the Fair Packaging and Labeling Act the States, which have additional interests in this area of regulation, are precluded from imposing labeling laws that are less stringent than or require information different from the requirements of section 4 of that Act or regulations promulgated thereunder. Discussions of the proposal were also had with other Federal officials. On the basis of the information available to him from these and other sources, the Commissioner of Food and Drugs' decisions on those provisions of the proposal that elicited the largest volume of arguments are as follows:

1. The Commissioner is of the opinion that the exemption from bearing otherwise mandatory label information applicable (under certain circumstances) to outer containers or wrappers by the terms of the Federal Food, Drug, and Cosmetic Act should also be recognized in the regulations implementing the Fair Packaging and Labeling Act. Therefore, transparent wrappers or containers are, under stated conditions, exempt from bearing mandatory label information under the regulations set forth below. The State officials who addressed

themselves to this issue are in agreement with this interpretation. Understandably, comments from industry strongly support this interpretation.

2. The Commissioner has accepted the recommendation of State officials that the proposed directions for computing the area of the principal display panel should be defined more explicitly. The statutory requirements for uniformity of type size in net quantity declarations preclude the adoption of suggestions from industry officials that the type size be established in relation to the area of the label.

3. In the matter of requiring particular food forms to be included in the statement of identity, there was no general consensus among State officials, and the Commissioner is not in agreement with the views of industry that this is an unnecessary specification. Neither is he persuaded that the statement of identity and declaration of net quantity belong elsewhere than on the principal display panel.

4. There is general agreement that the statutory requirement that the net quantity shall be separately stated can be satisfied by a rule requiring a reasonable separation in relation to the type size of the net quantity statement. There is no general consensus on the issue of the uniform location of the net quantity statement, and the Commissioner cannot accept the recommendation found in a great many of the comments that the statement appear at the top or bottom of the label at the option of the manufacturer.

5. The proposed provision to exclude the weight of propellants in net weight declarations is not included in the following order because State and Federal officials commenting thereon were of the opinion that there is not presently available a generally accepted, practical method for determining such weight. It is the intention of the Commissioner to attempt to obtain agreement on an acceptable method among the interested regulatory officials.

6. The type sizes proposed for the net quantity declaration have produced the greatest number of comments. Most of the writers suggested that the sizes proposed be replaced by the type size specifications adopted by the National Conference of Weights and Measures. The type sizes required by the following order are not those of the National Conference, but the Commissioner has good cause to believe that the sizes ordered are reasonable.

7. Proposed § 1.8b(q) is revised and calls for the net quantity statement to express an accurate statement of the quantity of contents of the package. Reasonable variations caused by loss or gain of moisture during the course of good

distribution practice or by unavoidable deviations in good manufacturing practice will be recognized. At a later date the Commissioner will propose an amendment to § 1.8b(q) to specify a means whereby industry and State and Federal Government may make a definitive determination whether any variation is reasonable or unreasonable.

8. Proposed § 1.10(d), dealing with quantitative declaration of certain ingredients, has been revised in response to requests for greater specificity.

Therefore, based on consideration of the comments received, the above-mentioned consultations, and other relevant information, the Commissioner concludes that the proposed amendments should be issued, with changes and additions, as set forth below. Accordingly, pursuant to the provisions of the Fair Packaging and Labeling Act (secs. 4, 6, 80 Stat. 1297, 1299, 1300; 15 U.S.C. 1453, 1455) and the authority provided in the Federal Food, Drug, and Cosmetic Act (secs. 403 (e), (f), (i), 502(b), 602(b), 701, 52 Stat. 1047, 1050, 1054, 1055, as amended; 21 U.S.C. 343 (e), (f), (i), 352(b), 362(b), 371), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120): *It is ordered*, That Part 1 be amended:

1. By changing the part heading to read as set forth above.

2. By revising § 1.1 to read as follows:

§ 1.1 General.

(a) The provisions of regulations promulgated under the Federal Food, Drug, and Cosmetic Act with respect to the doing of any act shall be applicable also to the causing of such act to be done.

(b) The definitions and interpretations of terms contained in section 201 of the Federal Food, Drug, and Cosmetic Act shall be applicable also to such terms when used in regulations promulgated under that act.

(c) The definition of "package" in § 1.1b and of "principal display panel" in § 1.7; and the substantive requirements pertaining to uniform location, lack of qualification, and separation of the net quantity declaration in § 1.8b(f), to type size requirements for net quantity declaration in § 1.8b(i), to initial statement of ounces in the dual declaration of net quantity in § 1.8b(j) and (m), to prohibition of certain supplemental net quantity statements in § 1.8b(o), and to servings representations in § 1.8c are provided for solely by the Fair Packaging and Labeling Act and apply to certain consumer commodities defined in section 10 of that act. The other requirements of this part are provided for by both Fair Packaging and Labeling Act and the Federal Food, Drug, and Cosmetic Act or by the latter act solely, are enforceable under the provisions of section 303 of the Federal Food, Drug, and Cosmetic Act, and are not limited in their application by section 10 of the Fair Packaging and Labeling Act.

3. By adding new §§ 1.1a and 1.1b, and 1.1c, as follows:

§ 1.1a Foods, drugs, devices, and cosmetics; labeling; procedure for requesting variations and exemptions from required label statements.

Section 403(e) of the act (in this Part 1, the term "act" means the Federal Food, Drug, and Cosmetic Act) provides for the establishment by regulation of reasonable variations and exemptions for small packages from the required declaration of net quantity of contents. Section 403(i) of the act provides for the establishment by regulation of exemptions from the required declaration of ingredients where such declaration is impracticable, or results in deception or unfair competition. Section 502(b) of the act provides for the establishment by regulation of reasonable variations and exemptions for small packages from the required declaration of net quantity of contents. Section 602(b) of the act provides for the establishment by regulation of reasonable variations and exemptions for small packages from the required declaration of net quantity of contents. Section 5(b) of the Fair Packaging and Labeling Act provides for the establishment by regulation of exemptions from certain required declarations of net quantity of contents, identity of commodity, identity and location of manufacturer, packer, or distributor, and from declaration of net quantity of servings represented, based on a finding that full compliance with such required declarations is impracticable or not necessary for the adequate protection of consumers, and a further finding that the nature, form, or quantity of the packaged consumer commodity or other good and sufficient reasons justify such exemptions. The Commissioner, on his own initiative or on petition of an interested person, may propose such findings and an exemption. The procedure followed and the criteria used in acting upon exemption requests of interested persons are as follows:

(a) If the petitioner shows that he is an interested person and furnishes reasonable grounds for his proposal, the Commissioner shall publish the proposal in the FEDERAL REGISTER and afford opportunity for interested persons to comment on it. After a study of all the facts available and of the comments received, the Commissioner will act upon the proposal and publish an order, pursuant to section 701(e) of the act, to which objection may be taken by persons who would be adversely affected.

(b) Practical administration of the law requires that there be a substantial showing of merit before any proposal is published. In evaluating proposals submitted by petitioners for initiating actions, it will be the policy of the Food and Drug Administration to consider that reasonable grounds have been furnished when:

(1) The proposal includes or is accompanied by a statement of the facts that the petitioner asserts he can substantiate by evidence in the event the proceedings lead to a public hearing.

(2) The declared facts furnish substantial support of the proposal and warrant a conclusion that the proposal is reasonable.

(3) The proposal if adopted would not unduly impinge upon the consumer's right to information essential to efficient marketing and to the making of value comparisons and would not otherwise promote deception or unfair competition.

(4) Full compliance with the declarations required by law would be impracticable, deceptive, or otherwise unnecessary.

(c) Opportunity will be given to amend petitions regarded as inadequate.

(d) At any time prior to the issuance of an order acting on his proposal under section 701(e)(1) of the act, the petitioner may withdraw his petition without prejudice to a future filing. Notice of withdrawal of the petition and termination of the rulemaking proceeding will be published in the *FEDERAL REGISTER*.

(e) Established exemptions will be set forth in § 1.1c.

§ 1.1b Packages; definition; presence of mandatory label information.

The term "package" means any container or wrapping in which any food, drug, device, or cosmetic is enclosed for use in the delivery or display of such commodities to retail purchasers, but does not include:

(a) Shipping containers or wrappings used solely for the transportation of any such commodity in bulk or in quantity to manufacturers, packers, processors, or wholesale or retail distributors;

(b) Shipping containers or outer wrappings used by retailers to ship or deliver any such commodity to retail customers if such containers and wrappings bear no printed matter pertaining to any particular commodity; or

(c) Containers subject to the provisions of the Act of August 3, 1912 (37 Stat. 250, as amended; 15 U.S.C. 234-236), the Act of August 31, 1916 (39 Stat. 673, as amended; 15 U.S.C. 251-256), or the Act of May 21, 1928 (45 Stat. 685, as amended; 15 U.S.C. 257-257i).

(d) Containers used for tray pack displays in retail establishments.

(e) Transparent wrappers or containers which do not bear written, printed, or graphic matter obscuring the label information required by this part.

A requirement contained in this part that any word, statement, or other information appear on the label shall not be considered to be complied with unless such word, statement, or information also appears on the outer container or wrapper of the retail package of the article, or, as stated in paragraph (e) of

this section, such information is easily legible by virtue of the transparency of the outer wrapper or container. Where a consumer commodity is marketed in a multiunit retail package bearing the mandatory label information as required by this part and the unit containers are not intended to be sold separately, the net weight placement requirement of § 1.8b(f) applicable to such unit containers is waived if the units are in compliance with all the other requirements of this part.

§ 1.1c Exemptions from required label statements.

The following exemptions are granted from label statements required by this part:

(a) *Foods.* (1) While held for sale, a food shall be exempt from the required declaration of net quantity of contents specified in this part if said food is received in bulk containers at a retail establishment and is accurately weighed, measured, or counted either within the view of the purchaser or in compliance with the purchaser's order.

(2) Random food packages, as defined in § 1.8b(j) of this part, bearing labels declaring net weight, price per pound, and total price, shall be exempt from the type size, dual declaration, and placement requirements of § 1.8b, if the accurate statement of net weight is presented conspicuously on the principal display panel of the package.

(3) Individual serving-size packages of foods containing less than ½ ounce or less than ½ fluid ounce for use in restaurants, institutions, and passenger carriers, and not intended for sale at retail, shall be exempt from the required declaration of net quantity of contents specified in this part.

(4) Individually wrapped pieces of "penny candy" shall be exempt from the labeling requirements of this part when the container in which such candy is shipped is in conformance with the labeling requirements of this part. Similarly when individually wrapped pieces of candy of less than ½ ounce net weight per individual piece are sold in bags or boxes, such individual pieces shall be exempt from the required declaration of net quantity of contents specified in this part when the declaration on the bag or box meets the requirements of this part.

4. By revising § 1.2 to read as follows:

§ 1.2 Labeling; label; definitions.

(a) Labeling includes all written, printed, or graphic matter accompanying an article at any time while such article is in interstate commerce or held for sale after shipment or delivery in interstate commerce.

(b) "Label" means any display of written, printed, or graphic matter on the immediate container of any article, or any such matter affixed to any consumer commodity or affixed to or appearing upon a package containing any consumer commodity.

§ 1.5 [Redesignated]

5. By redesignating § 1.7 as § 1.15 and adding a new § 1.7, as follows:

§ 1.7 Food in package form; principal display panel.

The term "principal display panel" as it applies to food in package form and as used in this part, means the part of a label that is most likely to be displayed, presented, shown, or examined under customary conditions of display for retail sale. The principal display panel shall be large enough to accommodate all the mandatory label information required to be placed thereon by this part with clarity and conspicuousness and without obscuring design, vignettes, or crowding. Where packages bear alternate principal display panels, information required to be placed on the principal display panel shall be duplicated on each principal display panel. For the purpose of obtaining uniform type size in declaring the quantity of contents for all packages of substantially the same size, the term "area of the principal display panel" means the area of the side or surface that bears the principal display panel, which area shall be:

(a) In the case of a rectangular package where one entire side properly can be considered to be the principal display panel side, the product of the height times the width of that side;

(b) In the case of a cylindrical or nearly cylindrical container, 40 percent of the product of the height of the container times the circumference;

(c) In the case of any other shaped container, 40 percent of the total surface of the container.

In determining the area of the principal display panel, exclude flanges at tops and bottoms of cans and shoulders and necks of bottles or jars. In the case of cylindrical or nearly cylindrical containers, information required by this part to appear on the principal display panel shall appear within that 40 percent of the circumference which is most likely to be displayed, presented, shown, or examined under customary conditions of display for retail sale.

6. By revising § 1.8 and adding new §§ 1.8a, 1.8b, and 1.8c, as follows:

§ 1.8 Food in package form, labeling; identity.

(a) The principal display panel of a food in package form shall bear as one of its principal features a statement of the identity of the commodity.

(b) Such statement of identity shall be in terms of:

(1) The name now or hereafter specified in or required by any applicable Federal law or regulation; or, in the absence thereof,

(2) The common or usual name of the food; or, in the absence thereof,

(3) An appropriately descriptive term, or when the nature of the food is obvious, a fanciful name commonly used by the public for such food.

(c) Where a food is marketed in various optional forms (whole, slices, diced, etc.), the particular form shall be considered to be a necessary part of the statement of identity and shall be declared in letters of a type size bearing a reasonable relation to the size of the letters forming the other components of the statement of identity; except that if the optional form is visible through the container or is depicted by an appropriate vignette, the particular form need not be included in the statement. This specification does not affect the required declarations of identity under definitions and standards for foods promulgated pursuant to section 401 of the act.

(d) This statement of identity shall be presented in bold type on the principal display panel, shall be in a size reasonably related to the most prominent printed matter on such panel, and shall be in lines generally parallel to the base on which the package rests as it is designed to be displayed.

§ 1.8a Food labeling; name and place of business of manufacturer, packer, or distributor.

(a) The label of a food in packaged form shall specify conspicuously the name and place of business of the manufacturer, packer, or distributor.

(b) The requirement for declaration of the name of the manufacturer, packer, or distributor shall be deemed to be satisfied, in the case of a corporation, only by the actual corporate name, which may be preceded or followed by the name of the particular division of the corporation. In the case of an individual, partnership, or association, the name under which the business is conducted shall be used.

(c) Where the food is not manufactured by the person whose name appears on the label, the name shall be qualified by a phrase that reveals the connection such person has with such food; such as, "Manufactured for and packed by _____," "Distributed by _____," or any other wording that expresses the facts.

(d) The statement of the place of business shall include the street address, city, State, and ZIP Code; however, the street address may be omitted if it is shown in a current city directory or telephone directory.

(e) If a person manufactures, packs, or distributes a food at a place other than his principal place of business, the label may state the principal place of business in lieu of the actual place where such food was manufactured or packed or is

to be distributed, unless such statement would be misleading.

§ 1.8b Food labeling; declaration of net quantity of contents; when exempt.

(a) The principal display panel of a food in package form shall bear a declaration of the net quantity of contents. This shall be expressed in the terms of weight, measure, numerical count, or a combination of numerical count and weight or measure. The statement shall be in terms of fluid measure if the food is liquid, or in terms of weight if the food is solid, semisolid, or viscous, or a mixture or solid and liquid; except that such statement may be in terms of dry measure if the food is a fresh fruit, fresh vegetable, or other dry commodity that is customarily sold by dry measure. If there is a firmly established general consumer usage and trade custom of declaring the contents of a liquid by weight, or a solid, semisolid, or viscous product by fluid measure, it may be used. Whenever the Commissioner determines that an existing practice of declaring net quantity of contents by weight, measure, numerical count, or a combination in the case of a specific packaged food does not facilitate value comparisons by consumers and offers opportunity for consumer confusion, he will by regulation designate the appropriate term or terms to be used for such commodity.

(b) (1) Statements of weight shall be in terms of avoirdupois pound and ounce.

(2) Statements of fluid measure shall be in terms of the U.S. gallon of 231 cubic inches and quart, pint, and fluid ounce subdivisions thereof, and shall:

(i) In the case of frozen food that is sold in the frozen state, express the volume at 32° F. (0° C.).

(ii) In the case of refrigerated food that is sold in the refrigerated state, express the volume at 40° F. (4° C.).

(iii) In the case of other foods, express the volume at 68° F. (20° C.).

(3) Statements of dry measure shall be in terms of the U.S. bushel of 2,150.42 cubic inches and peck, dry quart, and dry pint subdivisions thereof.

(c) When the declaration of quantity of contents by numerical count does not give adequate information as to the quantity of food in the package, it shall be combined with such statement of weight, measure, or size of the individual units of the foods as will provide such information.

(d) The declaration may contain common or decimal fractions. A common fraction shall be in terms of halves, quarters, eighths, sixteenths, or thirty-seconds; except that if there exists a firmly established general consumer usage and trade custom of employing different common fractions in the net quantity declaration of a particular commodity, they may be employed. A common fraction shall be reduced to its lowest terms; a decimal fraction shall not be carried out to more than two places. A statement that includes small fractions of an

ounce shall be deemed to permit smaller variations than one which does not include such fractions.

(e) The declaration shall be located on the principal display panel of the label, and with respect to packages bearing alternate principal panels it shall be duplicated on each principal display panel.

(f) The declaration shall appear as a distinct item on the principal display panel, shall be separated (by at least a space equal to the height of the lettering used in the declaration) from other printed label information appearing above or below the declaration and (by at least a space equal to twice the width of the letter "N" of the style of type used in the quantity of contents statement) from other printed label information appearing to the left or right of the declaration. It shall not include any term qualifying a unit of weight, measure, or count (such as "jumbo quart" and "full gallon") that tends to exaggerate the amount of the food in the container. It shall be placed on the principal display panel within the bottom 30 percent of the area of the label panel in lines generally parallel to the base on which the package rests as it is designed to be displayed: *Provided*, That on packages having a principal display panel of 5 square inches or less, the requirement for placement within the bottom 30 percent of the area of the label panel shall not apply when the declaration of net quantity of contents meets the other requirements of this part.

(g) The declaration shall accurately reveal the quantity of food in the package exclusive of wrappers and other material packed therewith; provided that in the case of foods packed in containers designed to deliver the food under pressure, the declaration shall state the net quantity of the contents that will be expelled when the instructions for use as shown on the container are followed. The propellant is included in the net quantity declaration.

(h) The declaration shall appear in conspicuous and easily legible boldface print or type in distinct contrast (by typography, layout, color, embossing, or molding) to other matter on the package; except that a declaration of net quantity blown, embossed, or molded on a glass or plastic surface is permissible when all label information is so formed on the surface. Requirements of conspicuousness and legibility shall include the specifications that:

(1) The ratio of height to width (of the letter) shall not exceed a differential of 3 units to 1 unit (no more than 3 times as high as it is wide).

(2) Letter heights pertain to upper case or capital letters. When upper and lower case or all lower case letters are used, it is the lower case letter "o" or its equivalent that shall meet the minimum standards.

(3) When fractions are used, each component numeral shall meet one-half the minimum height standards.

(i) The declaration shall be in letters and numerals in a type size established in relationship to the area of the principal display panel of the package and shall be uniform for all packages of substantially the same size by complying with the following type specifications:

(1) Not less than $\frac{1}{16}$ inch in height on packages the principal display panel of which has an area of 5 square inches or less.

(2) Not less than $\frac{1}{8}$ inch in height on packages the principal display panel of which has an area of more than 5 but not more than 25 square inches.

(3) Not less than $\frac{3}{16}$ inch in height on packages the principal display panel of which has an area of more than 25 but not more than 100 square inches.

(4) Not less than $\frac{1}{4}$ inch in height on packages the principal display panel of which has an area of more than 100 square inches, except not less than $\frac{1}{2}$ inch in height if the area is more than 400 square inches.

Where the declaration is blown, embossed, or molded on a glass or plastic surface rather than by printing, typing, or coloring, the lettering sizes specified in subparagraphs (1) through (4) of this paragraph shall be increased by $\frac{1}{16}$ of an inch.

(j) On packages containing less than 4 pounds or 1 gallon and labeled in terms of weight or fluid measure:

(1) The declaration shall be expressed both in ounces, with identification by weight or by liquid measure and, if applicable (1 pound or 1 pint or more) followed in parentheses by a declaration in pounds for weight units, with any remainder in terms of ounces or common or decimal fractions of the pound (see examples set forth in paragraph (m) (1) and (2) of this section), or in the case of liquid measure, in the largest whole units (quarts, quarts and pints, or pints, as appropriate) with any remainder in terms of fluid ounces or common or decimal fractions of the pint or quart (see examples in paragraph (m) (3) and (4) of this section).

(2) If the net quantity of contents declaration appears on a random package, that is a package which is one of a lot, shipment, or delivery of packages of the same consumer commodity with varying weights and with no fixed weight pattern, it may, when the net weight exceeds 1 pound, be expressed in terms of pounds and decimal fractions of the pound carried out to not more than two decimal places. When the net weight does not exceed 1 pound, the declaration on the random package may be in decimal fractions of the pound in lieu of ounces (see example in paragraph (m) (5) of this section).

(3) The declaration may appear in more than one line. The term "net weight" shall be used when stating the net quantity of contents in terms of weight. Use of the terms "net" or "net contents" in terms of fluid measure or numerical count is optional. It is sufficient to distinguish avoirdupois ounce from fluid ounce through association of terms; for example, "Net wt. 6 oz." and "Net contents 6 fl. oz."

(k) On packages containing 4 pounds or 1 gallon or more and labeled in terms of weight or fluid measure, the declaration shall be expressed in pounds for weight units with any remainder in terms of ounces or common or decimal fraction of the pound, or in the case of fluid measure, it shall be expressed in the largest whole unit (gallons followed by common or decimal fraction of a gallon or by the next smaller whole unit or units (quarts, or quarts and pints)) with any remainder in terms of fluid ounces or common or decimal fractions of the pint or quart (see paragraph (m) (6) of this section).

(l) [Reserved]

(m) Examples:

(1) A declaration of $1\frac{1}{2}$ pounds weight shall be expressed as "Net Wt. 24 oz. (1 lb., 8 oz.)" "Net Wt. 24 oz. (1.5 lb.)."

(2) A declaration of $\frac{3}{4}$ pound avoirdupois shall be expressed as "Net Wt. 12 oz."

(3) A declaration of 1 quart liquid measure shall be expressed as "Net 32 fl. oz. (1 qt.)."

(4) A declaration of $1\frac{3}{4}$ quarts liquid measure shall be expressed as "Net contents 56 fluid ounces (1 quart $1\frac{1}{2}$ pints)" or as "Net 56 fluid oz. (1 qt. 1 pt. 8 oz.)," but not in terms of quart and ounce such as "Net 56 fluid oz. (1 quart 24 ounces)".

(5) On a random package, declaration of $\frac{3}{4}$ pound avoirdupois may be expressed as "Net Wt. .75 lb."

(6) A declaration of $2\frac{1}{2}$ gallons liquid measure shall be expressed as "Net contents $2\frac{1}{2}$ gallons," "Net contents 2.5 gallons," or "Net contents 2 gallons 2 quarts" and not as "2 gallons 4 pints".

(n) For quantities, the following abbreviations and none other may be employed (periods and plural forms are optional):

weight wt.	pint pt.
ounce oz.	quart qt.
pound lb.	fluid fl.
gallon gal.	

(o) Nothing in this section shall prohibit supplemental statements at locations other than the principal display panel(s) describing in nondeceptive terms the net quantity of contents: *Provided*, That such supplemental statements of net quantity of contents shall not include any term qualifying a unit of weight, measure, or count that tends to exaggerate the amount of the food con-

tained in the package; for example, "jumbo quart" and "full gallon". Dual or combination declarations of net quantity of contents as provided for in paragraphs (a), (c), and (j) of this section (for example, a combination of net weight plus numerical count, net weight plus dilution directions of a concentrate, etc.) are not regarded as supplemental net quantity statements and shall be located on the principal display panel.

(p) A separate statement of the net quantity of contents in terms of the metric system is not regarded as a supplemental statement and an accurate statement of the net quantity of contents in terms of the metric system of weight or measure may also appear on the principal display panel or on other panels.

(q) The declaration of net quantity of contents shall express an accurate statement of the quantity of contents of the package. Reasonable variations caused by loss or gain of moisture during the course of good distribution practice or by unavoidable deviations in good manufacturing practice will be recognized. Variations from stated quantity of contents shall not be unreasonably large.

§ 1.8c Food labeling; number of servings.

(a) The label of any package of a food which bears a representation as to the number of servings contained in such package shall bear in immediate conjunction with such statement, and in the same size type as is used for such statement, a statement of the net quantity (in terms of weight, measure, or numerical count) of each such serving; however, such statement may be expressed in terms that differ from the terms used in the required statement of net quantity of contents (for example, cupfuls, tablespoonfuls, etc.) when such differing term is common to cookery and describes a constant quantity. Such statement may not be misleading in any particular.

(b) If there exists a voluntary product standard promulgated pursuant to the procedures found in Part 10, Title 15, Code of Federal Regulations, by the Department of Commerce, quantitatively defining the meaning of the term "serving" with respect to a particular food, then any label representation as to the number of servings in such packaged food shall correspond with such quantitative definition. (Copies of published standards are available upon request from the National Bureau of Standards, Department of Commerce, Washington, D.C. 20234.)

7. By revising § 1.10 (d) and (e) and adding a new paragraph (h), as follows:

§ 1.10 Food; labeling; designation of ingredients.

(d) When the proportion of an ingredient or ingredients is material in the light of the representation that such in-

redient was used in fabricating the food, the label shall contain a quantitative declaration of such ingredient(s). For example, a label designation of identity as "cottonseed oil and olive oil" for a mixture containing 80 percent or more of cottonseed oil would require a declaration of the percent of olive oil present. Similarly a representation by vignette or statement of identity that a breakfast syrup is made from a mixture of sugar syrup and maple sugar syrup would necessitate a quantitative declaration of the maple sugar syrup unless more than 20 percent maple sugar syrup is present.

(e) In the case of an assortment of different items of food, when variations in the items that make up different packages packed from such assortment normally occur in good packing practice and when such variations result in variations in the ingredients in different packages, such food shall be exempt from compliance with the requirements of clause (2) of section 403(i) of the act with respect to any ingredient that is not common to all packages. Such exemption, however, shall be on the condition that the label shall bear, in conjunction with the names of such ingredients as are common to all packages, a statement (in terms that are as informative as practicable and that are not misleading) indicating that other ingredients may be present.

* * * * *

(h) Ingredients shall be listed by common or usual name in order of decreasing predominance. The declaration shall be presented on any appropriate information panel in adequate type size, without obscuring design, vignettes, or crowding. The entire ingredient statement shall appear on a single panel of the label.

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT, AND THE FAIR PACKAGING AND LABELING ACT

§ 1.1b Packages; definition; presence of mandatory label information.

(c) Containers subject to the provisions of the Act of August 3, 1912 (37 Stat. 250, as amended; 15 U.S.C. 231-233), the Act of March 4, 1915 (38 Stat. 1186, as amended; 15 U.S.C. 234-236), the Act of August 31, 1916 (39 Stat. 673,

as amended; 15 U.S.C. 251-256), or the Act of May 21, 1928 (45 Stat. 685, as amended; 15 U.S.C. 257-257i).

2. Section 1.1(c)(2) and (4) is revised to read as follows:

§ 1.1c Exemption from required label statements.

(2) Random food packages, as defined in § 1.8b(j), bearing labels declaring net weight, price per pound or per specified number of pounds, and total price, shall be exempt from the type size, dual declaration, and placement requirements of § 1.8b, if the accurate statement of net weight is presented conspicuously on the principal display panel of the package. In the case of food packed in random packages at one place for subsequent shipment and sale at another, the price sections of the label may be left blank provided they are filled in by the seller prior to retail sale.

(4) Individually wrapped pieces of "penny candy" shall be exempt from the labeling requirements of this part when the container in which such candy is shipped is in conformance with the labeling requirements of this part. Similarly, when individually wrapped pieces of candy of less than one-half ounce net weight per individual piece are sold in bags or boxes, such individual pieces shall be exempt from the labeling requirements of this part, including the required declaration of net quantity of contents specified in this part when the declaration on the bag or box meets the requirements of this part.

3. Section 1.7 is amended by revising paragraph (c) and the last two sentences of the section that immediately follow paragraph (c) to read as follows:

§ 1.7 Food in package form; principal display panel.

(c) In the case of any otherwise shaped container, 40 percent of the total surface of the container: *Provided, however,* That where such container presents an obvious "principal display panel" such as the top of a triangular or circular package of cheese, the area shall consist of the entire top surface.

In determining the area of the principal display panel, exclude tops, bottoms, flanges at tops and bottoms of cans, and shoulders and necks of bottles or jars. In the case of cylindrical or nearly cylindrical containers, information required by this part to appear on the principal display panel shall appear within that 40 percent of the circumference which is most likely to be displayed, presented, shown, or examined under customary conditions of display for retail sale.

4. Section 1.8a (c) and (d) is revised to read as follows:

§ 1.8a Food labeling; name and place of business of manufacturer, packer, or distributor.

(c) Where the food is not manufactured by the person whose name appears on the label, the name shall be qualified by a phrase that reveals the connection such person has with such food; such as "Manufactured for _____," "Distributed by _____," or any other wording that expresses the facts.

(d) The statement of the place of business shall include the street address, city, State, and ZIP Code; however, the street address may be omitted if it is shown in a current city directory or telephone directory. The requirement for inclusion of the ZIP Code shall apply only to consumer commodity labels developed or revised after the effective date of this section. In the case on nonconsumer packages, the ZIP Code shall appear either on the label or the labeling (including invoice).

5. In § 1.8b, paragraphs (b)(2)(i), (j)(3), and (c) are revised to read as follows:

§ 1.8b Food labeling; declaration of net quantity of contents; when exempt.

(b) * * *

(2) * * *

(i) In the case of frozen food that is sold and consumed in a frozen state, express the volume at the frozen temperature.

(j)

(3) The declaration may appear in more than one line. The term "net weight" shall be used when stating the net quantity of contents in terms of weight. Use of the terms "net" or "net contents" in terms of fluid measure or numerical count is optional. It is sufficient to distinguish avoirdupois ounce from fluid ounce through association of terms; for example, "Net wt. 6 oz." or "6 oz. Net wt." and "6 fl. oz." or "Net contents 6 fl. oz."

(o) Nothing in this section shall prohibit supplemental statements at locations other than the principal display panel(s) describing in nondeceptive terms the net quantity of contents; provided, that such supplemental statements of net quantity of contents shall not include any term qualifying a unit of weight, measure, or count that tends to exaggerate the amount of the food contained in the package; for example, "jumbo quart" and "full gallon". Dual or combination declarations of net quantity of contents as provided for in paragraphs (a), (c), and (j) of this section (for example, a combination of net weight plus numerical count, net contents plus dilution directions of a concentrate, etc.) are not regarded as supplemental net quantity statements and may be located on the principal display panel.

§ 1.8c [Amended]

6. Section 1.8c *Food labeling; number of servings* is amended by adding to the end of paragraph (a) a new sentence reading: "A statement of the number of units in a package is not in itself a statement of the number of servings."

7. Section 1.10(d) is revised to read as follows:

§ 1.10 Food; labeling; designation of ingredients.

(d) In the case of fabricated foods, including mixtures of food ingredients, where the proportion of an expensive ingredient or ingredients present has a material bearing on price or consumer acceptance, the label of such food shall bear a quantitative statement of such ingredient(s) if the label without such declaration may create an erroneous impression that such ingredient or ingredients are present in an amount greater than is actually the case. For example, a label designation of identity as "cottonseed oil and olive oil" for a mixture containing 80 percent or more of cottonseed oil would require a declaration of the percent of olive oil present. Similarly, a representation by vignette or statement of identity that a breakfast syrup is made

from a mixture of sugar syrup and maple sugar syrup would necessitate a quantitative declaration of the maple sugar syrup unless more than 20 percent maple sugar syrup is present.

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FAIR PACKAGING AND LABELING ACT

Label Statements for Drugs, Devices, and Cosmetics; Ruling on Objections and New Final Order

§ 1.1 General.

* * * *

(c) The definition of "package" in § 1.1b and of "principal display panel" in §§ 1.7, 1.101a, and 1.201a; and the requirements pertaining to uniform location, lack of qualification, and separation of the net quantity declaration in §§ 1.8b(f), 1.102d(e), and 1.202b(f), to type size requirements for net quantity declaration in §§ 1.8b(i), 1.102d(h), and 1.202b(i), to initial statement of ounces in the dual declaration of net quantity in §§ 1.8b(j) and (m), 1.102d(i) and (k), and 1.202b(j) and (m), to initial statement of inches in declaration of net quantity in §§ 1.102d(m) and 1.202b(o), to initial statement of square inches in declaration of net quantity in §§ 1.102d(n) and 1.202b(p), to prohibition of certain supplemental net quantity statements in §§ 1.8b(o), 1.102d(o), and 1.202b(q), and to servings representations in § 1.8c are provided for solely by the Fair Packaging and Labeling Act. The other requirements of this part are issued under both the Fair Packaging and Labeling Act and the Federal Food, Drug, and Cosmetic Act, or by the latter act solely, and are not limited in their application by section 10 of the Fair Packaging and Labeling Act.

2. By adding to § 1.1c (32 F.R. 10729, 13276) a new paragraph (b), as follows:

§ 1.1c Exemptions from required label statements.

* * * *

(b) *Drugs.* (1) Liquid over-the-counter veterinary preparations intended for injection shall be exempt from the declaration of net quantity of contents in terms of the U.S. gallon of 231 cubic inches and quart, pint, and fluid-ounce subdivisions thereof as required by § 1.102d(b), (i), and (j), and from the dual declaration requirements of § 1.102d(i), if such declaration of net quantity of contents is expressed in terms of the liter and milliliter, or cubic centimeter, with the volume expressed at 68° F. (20° C.).

§ 1.101 Drugs and devices; labeling, misbranding.

(a) Among representations in the labeling of a drug or device which render such drug or device misbranded is a false or misleading representation with respect to another drug or device or a food or cosmetic.

(b) The labeling of a drug which contains two or more ingredients may be misleading by reason (among other reasons) of the designation of such drug in such labeling by a name which includes or suggests the name of one or more but not all such ingredients, even though the names of all such ingredients are stated elsewhere in the labeling.

***§ 1.101a Over-the-counter drugs and devices in package form; principal display panel.**

The term "principal display panel," as it applies to over-the-counter drugs and devices in package form and as used in this part, means the part of a label that is most likely to be displayed, presented, shown, or examined under customary conditions of display for retail sale. The principal display panel shall be large enough to accommodate all the mandatory label information required to be placed thereon by this part with clarity and conspicuousness and without obscuring designs, vignettes, or crowding. Where packages bear alternate principal display panels, information required to be placed on the principal display panel shall be duplicated on each principal display panel. For the purpose of obtaining uniform type size in declaring the quantity of contents for all packages of substantially the same size, the term "area of the principal display panel" means the area of the side or surface that bears the principal display panel, which area shall be:

(a) In the case of a rectangular package where one entire side properly can be considered to be the principal display panel side, the product of the height times the width of that side;

(b) In the case of a cylindrical or nearly cylindrical container, 40 percent of the product of the height of the container times the circumference; and

(c) In the case of any other shape of container, 40 percent of the total surface of the container: *Provided, however,* That where such container presents an obvious "principal display panel" such as the top of a triangular or circular package, the area shall consist of the entire top surface.

In determining the area of the principal display panel, exclude tops, bottoms, flanges at the tops and bottoms of cans, and shoulders and necks of bottles or jars. In the case of cylindrical or nearly cylindrical containers, information required by this part to appear on the principal display panel shall appear within that 40 percent of the circumference which is most likely to be displayed, presented, shown, or examined under customary conditions of display for retail sale. *

*** § 1.102 Prescription and insulin-containing drugs in package form; labeling re identity.**

(a) The label of prescription and insulin-containing drugs in package form shall bear as one of its principal features a statement of the identity of the drug.

(b) Such statement of identity shall be in terms of the established name of the drug. An insulin-containing drug shall be further identified by placement on the outside container or wrapper of the package, and on the label of the immediate container, of the distinguishing color(s) required by § 164.7 of this chapter. In the case of a prescription drug that is a mixture and that has no established name, the requirement for statement of identity shall be deemed to be satisfied by a listing of the quantitative ingredient information as prescribed by § 1.104.

(c) The statement of identity of a prescription drug shall also comply with the placement, size, and prominence requirements of § 1.104. *

§ 1.102a Over-the-counter drugs and devices in package form; labeling re identity.

(a) The principal display panel of an over-the-counter drug or device in package form shall bear as one of its principal features a statement of the identity of the commodity.

(b) Such statement of identity shall be in terms of the established name of the drug, if any there be, or common name of the device followed by an accurate statement of the general pharmacological category(ies) of the drug or the principal intended action(s) of the drug or device. In the case of an over-the-counter drug that is a mixture and that has no established name, this requirement shall be deemed to be satisfied by a prominent and conspicuous statement of the general pharmacological action(s) of the mixture or of its principal intended action(s) in terms that are meaningful to the layman. Such statements shall be placed in direct conjunction with the most prominent display of the proprietary name or designation and shall employ terms descriptive of general pharmacological category(ies) or principal intended action(s); for example, "antacid," "analgesic," "decongestant," "antihistaminic," etc. The indications for use shall be included in the directions for use of the drug, as required by section 502(f)(1) of the act and by the regulations in this part.

(c) The statement of identity shall be presented in bold face type on the principal display panel, shall be in a size reasonably related to the most prominent printed matter on such panel, and shall be in lines generally parallel to the base on which the package rests as it is designed to be displayed. *

*** § 1.102b Drugs and devices in package form; labeling re name and place of business of manufacturer, packer, or distributor.**

(a) The label of a drug or device in

package form shall specify conspicuously the name and place of business of the manufacturer, packer, or distributor.

(b) The requirement for declaration of the name of the manufacturer, packer, or distributor shall be deemed to be satisfied, in the case of a corporation, only by the actual corporate name which may be preceded or followed by the name of the particular division of the corporation. Abbreviations for "Company," "Incorporated," etc., may be used and "The" may be omitted. In the case of an individual, partnership, or association, the name under which the business is conducted shall be used.

(c) Where a drug or device is not manufactured by the person whose name appears on the label, the name shall be qualified by a phrase that reveals the connection such person has with such drug or device; such as, "Manufactured for -----," "Distributed by -----," or any other wording that expresses the facts.

(d) The statement of the place of business shall include the street address, city, State, and ZIP Code; however, the street address may be omitted if it is shown in a current city directory or telephone directory. The requirement for inclusion of the ZIP Code shall apply only to consumer commodity labels developed or revised after the effective date of this section. In the case of nonconsumer packages, the ZIP Code shall appear either on the label or the labeling (including the invoice).

(e) If a person manufactures, packs, or distributes a drug or device at a place other than his principal place of business, the label may state the principal place of business in lieu of the actual place where such drug or device was manufactured or packed or is to be distributed, unless such statement would be misleading. *

§ 1.102c Prescription and insulin-containing drugs in package form; labeling re declaration of net quantity of contents.

(a) The label of a prescription or insulin-containing drug in package form shall bear a declaration of the net quantity of contents. This shall be expressed in the terms of weight, measure, numerical count, or a combination of numerical count and weight or measure. The statement of quantity of drugs in tablet, capsule, ampule, or other unit dosage form shall be expressed in terms of numerical count; the statement of quantity for drugs in other dosage forms shall be in terms of weight if the drug is solid, semisolid, or viscous, or in terms of fluid measure if the drug is liquid. When the drug quantity statement is in terms of the numerical count of the drug units, it shall be augmented to give the weight or measure of the drug units or the quantity of each active ingredient in each drug unit or, when quantity does not accurately reflect drug potency, a statement of the drug potency.

(b) Statements of weight of the contents shall in the case of prescription drugs be expressed in terms of avoirdupois pound, ounce, and grain or of kilogram, gram, and subdivisions thereof. A statement of liquid measure of the contents shall in the case of prescription drugs be expressed in terms of the U.S. gallon of 231 cubic inches and quart, pint, fluid-ounce, and fluid-dram subdivisions thereof, or of the liter and milliliter, or cubic centimeter, and shall express the volume at 68° F. (20° C.). A statement of the liquid measure of the contents in the case of insulin-containing drugs shall be expressed in terms of the liter and milliliter, or cubic centimeter, and shall express the volume at 68° F. (20° C.).

(c) The declaration shall contain only such fractions as are generally used in expressing the quantity of the drug. A common fraction shall be reduced to its lowest terms; a decimal fraction shall not be carried out to more than three places, except in the case of a statement of the quantity of an active ingredient in a unit of a drug.

(d) The declaration shall appear as a distinct item on the label and, in the case of large volume parenterals, may be embossed on the glass.

(e) The declaration shall accurately reveal the quantity of drug in the package exclusive of wrappers and other material packed therewith.

(f) A statement of the quantity of a prescription or insulin-containing drug in terms of weight or measure applicable to such drug, under the provisions of paragraph (a) of this section, shall express with prominence and conspicuous-

ness the number of the largest whole unit, as specified in paragraph (b) of this section, that are contained in the package. Any remainder shall be expressed in terms of common or decimal fractions of such unit or in terms of the next smaller whole unit and common or decimal fractions thereof.

(g) The declaration of net quantity of contents shall express an accurate statement of the quantity of contents of the package. Reasonable variations caused by loss or gain of moisture during the course of good distribution practice or by unavoidable deviations in good manufacturing practice will be recognized. Variations from stated quantity of contents shall not be unreasonably large. In the case of a liquid drug in ampules or vials, intended for injection, the declaration shall be considered to express the minimum quantity and the variation above the stated measure shall comply with the excess volume prescribed by the National Formulary or the U.S. Pharmacopeia for filling of ampules. In the case of a solid drug in ampules or vials, the declaration shall be considered to express the accurate net weight. Variations shall comply with the limitations provided in the U.S. Pharmacopeia or the National Formulary.

(h) A drug shall be exempt from compliance with the net quantity declaration required by this section if it is an ointment labeled "sample," "physician's sample," or a substantially similar statement and the contents of the package do not exceed 8 grams. *

* *

§ 1.102d Over-the-counter drugs and devices in package form; labeling regarding declaration of net quantity of contents.

(a) The label of an over-the-counter drug or device in package form shall bear a declaration of the net quantity of contents. This shall be expressed in the terms of weight, measure, numerical count, or a combination of numerical count and weight, measure, or size. The statement of quantity of drugs in tablet, capsule, ampule, or other unit form and the quantity of devices shall be expressed in terms of numerical count; the statement of quantity for drugs in other dosage forms shall be in terms of weight if the drug is solid, semisolid, or viscous, or in terms of fluid measure if the drug is liquid. The drug quantity statement shall be augmented when necessary to give accurate information as to the strength of such drug in the package; for example, to differentiate between several strengths of the same drug "100 tablets, 5 grains each" or "100 capsules, 125 milligrams each" or "100 capsules, 250 milligrams each": *Provided, That:* * *

* (1) In the case of a firmly established, general consumer usage and trade custom of declaring the quantity of a drug or device in terms of linear measure or measure of area, such respective term may be used. Such term shall be augmented when necessary for accuracy of information by a statement of the weight, measure, or size of the individual units or of the entire drug or device; for example, the net quantity of adhesive tape in package form shall be expressed in terms of linear measure augmented by a statement of its width. *

* *

(2) If the declaration of contents for a device by numerical count does not give accurate information as to the quantity of the device in the package, it shall be augmented by such statement of weight, measure, or size of the individual units or of the total weight, measure, or size of the device as will give such information; for example, "100 tongue depressors, adult size," "1 rectal syringe, adult size," etc. Whenever the Commissioner determines for a specific packaged drug or device that an existing practice of declaring net quantity of contents by weight, measure, numerical count, or a combination of these does not facilitate value comparisons by consumers, he shall by regulation designate the appropriate term or terms to be used for such article. *

* (b) Statements of weight of the contents shall be expressed in terms of avoirdupois pound and ounce. A statement of liquid measure of the contents shall be expressed in terms of the U.S. gallon of 231 cubic inches and quart, pint, and fluid-ounce subdivisions thereof, and shall express the volume at 68° F. (20° C.) (see also paragraph (p) of this section).

(c) The declaration may contain common or decimal fractions. A common fraction shall be in terms of halves, quarters, eighths, sixteenths, or thirty-seconds; except that if there exists a firmly established, general consumer usage and trade custom of employing different common fractions in the net quantity declaration of a particular commodity, they may be employed. A common fraction shall be reduced to its lowest terms; a decimal fraction shall not be carried out to more than two places. A statement that includes small fractions of an ounce shall be deemed to permit smaller variations than one which does not include such fractions.

(d) The declaration shall be located on the principal display panel of the label, and with respect to packages bearing alternate principal panels it shall be duplicated on each principal display panel.

(e) The declaration shall appear as a distinct item on the principal display panel, shall be separated (by at least a space equal to the height of the lettering used in the declaration) from other printed label information appearing above or below the declaration and (by at least a space equal to twice the width of the letter "N" of the style of type used in the quantity of contents statement) from other printed label information appearing to the left or right of the declaration. It shall not include any term qualifying a unit of weight, measure, or count (such as "giant pint" and "full quart") that tends to exaggerate the amount of the drug in the container. It shall be placed on the principal display panel within the bottom 30 percent of the area of the label panel in lines generally parallel to the base on which the package rests as it is designed to be displayed: *Provided, That:*

(1) On packages having a principal display panel of 5 square inches or less the requirement for placement within the bottom 30 percent of the area of the label panel shall not apply when the declaration of net quantity of contents meets the other requirements of this part; and

(2) In the case of a drug that is marketed with both outer and inner retail containers bearing the mandatory label information required by this part and the inner container is not intended to be sold separately, the net quantity of contents placement requirement of this section applicable to such inner container is waived.

(3) The principal display panel of a drug marketed on a display card to which the immediate container is affixed may be considered to be the display panel of the card, and the type size of the net quantity of contents statement is governed by the dimensions of the display card.

(f) The declaration shall accurately reveal the quantity of drug or device in the package exclusive of wrappers and other material packed therewith: *Provided, That* in the case of drugs packed in containers designed to deliver the drug under pressure, the declaration shall state the net quantity of the contents that will be expelled when the instructions for use as shown on the container are followed. The propellant is included in the net quantity declaration.

(g) The declaration shall appear in conspicuous and easily legible boldface print or type in distinct contrast (by typography, layout, color, embossing, or molding) to other matter on the package; except that a declaration of net quantity blown, embossed, or molded on a glass or plastic surface is permissible when all label information is so formed on the surface. Requirements of conspicuousness and legibility shall include the specifications that: *

* (1) The ratio of height to width (of the letter) shall not exceed a differential of 3 units to 1 unit (no more than 3 times as high as it is wide).

(2) Letter heights pertain to upper case or capital letters. When upper and lower case or all lower case letters are used, it is the lower case letter "o" or its equivalent that shall meet the minimum standards.

(3) When fractions are used, each component numeral shall meet one-half the minimum height standards.

(h) The declaration shall be in letters and numerals in a type size established in relationship to the area of the principal display panel of the package and shall be uniform for all packages of substantially the same size by complying with the following type specifications:

(1) Not less than one-sixteenth inch in height on packages the principal display panel of which has an area of 5 square inches or less.

(2) Not less than one-eighth inch in height on packages the principal display panel of which has an area of more than five but not more than 25 square inches.

(3) Not less than three-sixteenths inch in height on packages the principal display panel of which has an area of more than 25 but not more than 100 square inches.

(4) Not less than one-fourth inch in height on packages the principal display panel of which has an area of more than 100 square inches, except not less than one-half inch in height if the area is more than 400 square inches.

Where the declaration is blown, embossed, or molded on a glass or plastic surface rather than by printing, typing, or coloring, the lettering sizes specified in subparagraphs (1) through (4) of this paragraph shall be increased by one-sixteenth of an inch.

(i) On packages containing less than 4 pounds or 1 gallon and labeled in terms of weight or fluid measure:

(1) The declaration shall be expressed both in ounces, with identification by weight or by liquid measure and, if applicable (1 pound or 1 pint or more) followed in parentheses by a declaration in pounds for weight units, with any remainder in terms of ounces or common or decimal fractions of the pound (see examples set forth in paragraph (k) (1) and (2) of this section), or in the case of liquid measure, in the largest whole units (quarts, quarts and pints, or pints, as appropriate) with any remainder in terms of fluid ounces or common or decimal fractions of the pint or quart (see examples set forth in paragraph (k) (3) and (4) of this section). If the net weight of the package is less than 1 ounce avoirdupois or the net fluid

measure is less than 1 fluid ounce, the declaration shall be in terms of common or decimal fractions of the respective ounce and not in terms of drams.

(2) The declaration may appear in more than one line. The term "net weight" shall be used when stating the net quantity of contents in terms of weight. Use of the terms "net" or "net contents" in terms of fluid measure or numerical count is optional. It is sufficient to distinguish avoirdupois ounce from fluid ounce through association of terms; for example, "Net wt. 6 oz." or "6 oz. net wt.," and "6 fl. oz." or "net contents 6 fl. oz."

(j) On packages containing 4 pounds or 1 gallon or more and labeled in terms of weight or fluid measure, the declaration shall be expressed in pounds for weight units with any remainder in terms of ounces or common or decimal fractions of the pound; in the case of fluid measure, it shall be expressed in the largest whole unit (gallons, followed by common or decimal fractions of a gallon or by the next smaller whole unit or units (quarts or quarts and pints)) with any remainder in terms of fluid ounces or common or decimal fractions of the pint or quart (see paragraph (k) (5) of this section).

(k) Examples:

(1) A declaration of $1\frac{1}{2}$ pounds weight shall be expressed as "Net wt. 24 oz. (1 lb. 8 oz.)," "Net wt. 24 oz. ($1\frac{1}{2}$ lb.)," or "Net wt. 24 oz. (1.5 lb.)."

(2) A declaration of three-fourths pound avoirdupois weight shall be expressed as "Net wt. 12 oz."

(3) A declaration of 1 quart-liquid measure shall be expressed as "Net contents 32 fl. oz. (1 qt.);" or "32 fl. oz. (1 qt.)."

(4) A declaration of $1\frac{3}{4}$ quarts liquid measure shall be expressed as "Net contents 56 fl. oz. (1 qt. 1 pt. 8 oz.);" or "Net contents 56 fl. oz. (1 qt. 1.5 pt.)," but not in terms of quart and ounce such as "Net 56 fl. oz. (1 qt. 24 oz.)."

(5) A declaration of $2\frac{1}{2}$ gallons liquid measure shall be expressed as "Net contents 2 gal. 2 qt.," "Net contents 2.5 gallons," or "Net contents $2\frac{1}{2}$ gal." but not as "2 gal. 4 pt."

(l) For quantities, the following abbreviations and none other may be employed (periods and plural forms are optional):

gallon gal.	milliliter ml.
quart qt.	cubic centimeter cc.
pint pt.	yard yd.
ounce oz.	feet or foot ft.
pound lb.	inch in.
grain gr.	meter m.
kilogram kg.	centimeter cm.
gram g.	millimeter mm.
milligram mg.	fluid fl.
microgram mcg.	square sq.
liter l.	weight wt. *

* (m) On packages labeled in terms of linear measure, the declaration shall be expressed both in terms of inches and, if applicable (1 foot or more), the largest whole units (yards, yards and feet, feet). The declaration in terms of the largest whole units shall be in parentheses following the declaration in terms of inches and any remainder shall be in terms of inches or common or decimal fractions of the foot or yard; if applicable (as in the case of adhesive tape), the initial declaration in linear inches shall be preceded by a statement of the width. Examples of linear measure are "86 inches (2 yd. 1 ft. 2 in.)," "90 inches (2½ yd.)," "30 inches (2.5 ft.)," "¾ inch by 36 in. (1 yd.)," etc.

(n) On packages labeled in terms of area measure, the declaration shall be expressed both in terms of square inches and, if applicable (1 square foot or more), the largest whole square unit (square yards, square yards and square feet, square feet). The declaration in terms of the largest whole units shall be in parentheses following the declaration in terms of square inches and any remainder shall be in terms of square inches or common or decimal fractions of the square foot or square yard; for example, "158 sq. inches (1 sq. ft. 14 sq. in.)."

(o) Nothing in this section shall prohibit supplemental statements at locations other than the principal display panel(s) describing in nondeceptive terms the net quantity of contents, provided that such supplemental statements of net quantity of contents shall not include any term qualifying a unit of weight, measure, or count that tends to exaggerate the amount of the drug or device contained in the package; for example, "giant pint" and "full quart." Dual or combination declarations of net quantity of contents as provided for in paragraphs (a) and (i) of this section are not regarded as supplemental net quantity statements and shall be located on the principal display panel.

(p) A separate statement of net quantity of contents in terms of the metric system of weight or measure is not regarded as a supplemental statement and

an accurate statement of the net quantity of contents in terms of the metric system of weight or measure may also appear on the principal display panel or on other panels.

(q) The declaration of net quantity of contents shall express an accurate statement of the quantity of contents of the package. Reasonable variations caused by loss or gain of moisture during the course of good distribution practice or by unavoidable deviations in good manufacturing practice will be recognized. Variations from stated quantity of contents shall not be unreasonably large.

(r) A drug shall be exempt from compliance with the net quantity declaration required by this section if it is an ointment labeled "sample," "physician's sample," or a substantially similar statement and the contents of the package do not exceed 8 grams. *

COSMETICS

§ 1.201 Cosmetic; labeling; misbranding.

(a) Among representations in labeling of a cosmetic which render such cosmetic misbranded is a false or misleading representation with respect to another cosmetic or a food, drug, or device.

(b) The labeling of a cosmetic which contains two or more ingredients may be misleading by reason (among other reasons) of the designation of such cosmetic in such labeling by a name which includes or suggests the name of one or more but not all such ingredients, even though the names of all such ingredients are stated elsewhere in the labeling.

§ 1.201a Cosmetics in package form; principal display panel.

The term "principal display panel" as it applies to cosmetics in package form and as used in this part, means the part of a label that is most likely to be displayed, presented, shown, or examined under customary conditions of display for retail sale. The principal display panel shall be large enough to accommodate all the mandatory label information required to be placed thereon by this part with clarity and conspicuousness and without obscuring designs, vignettes, or crowding. Where packages bear alternate principal display panels, information required to be placed on the principal display panel shall be duplicated on each principal display panel. For the purpose of obtaining uniform type size in declaring the quantity of contents of all packages of substantially the same size, the term "area of the principal display panel" means the area of the side or surface that bears the principal display panel, which area shall be:

(a) In the case of a rectangular package where one entire side properly can be considered to be the principal display panel side, the product of the height times the width of that side;

(b) In the case of a cylindrical or nearly cylindrical container, 40 percent of the product of the height of the container times the circumference; and

(c) In the case of any other shape of container, 40 percent of the total surface of the container: *Provided, however,* That where such container presents an obvious "principal display panel" such as the top of a triangular or circular package, the area shall consist of the entire top surface.

In determining the area of the principal display panel, exclude tops, bottoms, flanges at the tops and bottoms of cans, and shoulders and necks of bottles or jars. In the case of cylindrical or nearly cylindrical containers, information required by this part to appear on the principal display panel shall appear within that 40 percent of the circumference which is most likely to be displayed, presented, shown, or examined under customary conditions of display for retail sale.

§ 1.202 Cosmetics in package form; labeling re identity.

(a) The principal display panel of a cosmetic in package form shall bear as one of its principal features a statement of the identity of the commodity.

(b) Such statement of identity shall be in terms of:

(1) The common or usual name of the cosmetic; or

(2) An appropriately descriptive name or, when the nature of the cosmetic is obvious, a fanciful name understood by the public to identify such cosmetic; or

(3) An appropriate illustration or vignette representing the intended cosmetic use.

(c) The statement of identity shall be presented in bold type on the principal display panel, shall be in a size reasonably related to the most prominent printed matter on such panel, and shall be in lines generally parallel to the base on which the package rests as it is designed to be displayed.

§ 1.202a Cosmetics in package form; labeling re name and place of business of manufacturer, packer, or distributor.

(a) The label of a cosmetic in package form shall specify conspicuously the name and place of business of the manufacturer, packer, or distributor.

(b) The requirement for declaration of the name of the manufacturer, packer, or distributor shall be deemed to be satisfied in the case of a corporation only by the actual corporate name, which may be preceded or followed by the name of the particular division of the corporation. Abbreviations for "Company," "Incorporated," etc., may be used and "The" may be omitted. In the case of an individual, partnership, or association, the name under which the business is conducted shall be used. ★

(c) Where the cosmetic is not manufactured by the person whose name appears on the label, the name shall be qualified by a phrase that reveals the connection such person has with such cosmetic; such as, "Manufactured for -----," "Distributed by -----," or any other wording that expresses the facts.

(d) The statement of the place of business shall include the street address, city, State, and ZIP Code; however, the street address may be omitted if it is shown in a current city directory or telephone directory. The requirement for inclusion of the ZIP Code shall apply only to consumer commodity labels developed or revised after the effective date of this section. In the case of nonconsumer packages, the ZIP Code shall appear either on the label or the labeling (including the invoice).

(e) If a person manufactures, packs, or distributes a cosmetic at a place other than his principal place of business, the label may state the principal place of business in lieu of the actual place where such cosmetic was manufactured or packed or is to be distributed, unless such statement would be misleading.

§ 1.202b Cosmetics in package form; labeling re declaration of net quantity of contents.

(a) The label of a cosmetic in package form shall bear a declaration of the net quantity of contents. This shall be expressed in terms of weight, measure, numerical count, or a combination of numerical count and weight or measure. The statement shall be in terms of fluid measure if the cosmetic is liquid or in terms of weight if the cosmetic is solid, semisolid, or viscous, or a mixture of solid and liquid. If there is a firmly established, general consumer usage and trade custom of declaring the net quantity of a cosmetic by numerical count, linear measure, or measure of area, such respective term may be used. If there is a firmly established, general consumer usage and trade custom of declaring the contents of a liquid cosmetic by weight, or a solid, semisolid, or viscous cosmetic by fluid measure, it may be used. Whenever the Commissioner determines for a specific packaged cosmetic that an existing practice of declaring net quantity of contents by weight, measure, numerical count, or a combination of these does not facilitate value comparisons by consumers, he shall by regulation designate the appropriate term or terms to be used for such cosmetic.

(b) Statements of weight shall be in terms of avoirdupois pound and ounce. Statements of fluid measure shall be in terms of the U.S. gallon of 231 cubic inches and quart, pint, and fluid-ounce subdivisions thereof and shall express the volume at 68° F. (20° C.).

(c) When the declaration of quantity of contents by numerical count, linear measure, or measure of area does not give accurate information as to the quantity of cosmetic in the package, it shall be augmented by such statement of weight, measure, or size of the individual units or the total weight or measure of the cosmetic as will give such information.

(d) The declaration may contain common or decimal fractions. A common fraction shall be in terms of halves, quarters, eighths, sixteenths, or thirty-seconds; except that if there exists a firmly established, general consumer usage and trade custom of employing different common fractions in the net quantity declaration of a particular commodity they may be employed. A common fraction shall be reduced to its lowest terms; a decimal fraction shall not be carried out to more than two places. A statement that includes small fractions of an ounce shall be deemed to permit smaller variations than one which does not include such fractions.

(e) The declaration shall be located on the principal display panel of the label; with respect to packages bearing alternate principal display panels, it shall be duplicated on each principal display panel: *Provided, That:*

(1) The principal display panel of a cosmetic marketed in a "boudoir-type" container including decorative cosmetic containers of the "cartridge," "pill box," "compact," or "pencil" variety, and those with a capacity of one-fourth ounce or less, may be considered to be a tear-away tag or tape affixed to the decorative container and bearing the mandatory label information as required by this part, but the type size of the net quantity of contents statement shall be governed by the dimensions of the decorative container; and

(2) The principal display panel of a cosmetic marketed on a display card to which the immediate container is affixed may be considered to be the display panel of the card, and the type size of the net quantity of contents statement is governed by the dimensions of the display card. ★

(f) The declaration shall appear as a distinct item on the principal display panel, shall be separated (by at least a space equal to the height of the lettering used in the declaration) from other printed label information appearing above or below the declaration and (by at least a space equal to twice the width of the letter "N" of the style of type used in the quantity of contents statement) from other printed label information appearing to the left or right of the declaration. It shall not include any term qualifying a unit of weight, measure, or count (such as "giant pint" and "full quart") that tends to exaggerate the amount of the cosmetic in the container. It shall be placed on the principal display panel within the bottom 30 percent of the area of the label panel in lines generally parallel to the base on which the package rests as it is designed to be displayed: *Provided, That:*

(1) On packages having a principal display panel of 5 square inches or less, the requirement for placement within the bottom 30 percent of the area of the label panel shall not apply when the declaration of net quantity of contents meets the other requirements of this part; and

(2) In the case of a cosmetic that is marketed with both outer and inner retail containers bearing the mandatory label information required by this part, and the inner container is not intended to be sold separately, the net quantity of contents placement requirement of this section applicable to such inner container is waived.

(g) The declaration shall accurately reveal the quantity of cosmetic in the package exclusive of wrappers and other material packed therewith; provided that:

(1) In the case of cosmetics packed in containers designed to deliver the cosmetic under pressure, the declaration shall state the net quantity of the contents that will be expelled when the instructions for use as shown on the container are followed. The propellant is included in the net quantity declaration; and

(2) In the case of a package which contains the integral components making up a complete kit, and which is designed to deliver the components in the manner of an application (for example, a home permanent wave kit), the declaration may state the net quantity of the contents in nondeceptive terms of the number of applications available in the kit when the instructions for use as shown on the container are followed.

(h) The declaration shall appear in conspicuous and easily legible boldface print or type in distinct contrast (by typography, layout, color, embossing, or molding) to other matter on the pack-

age; except that a declaration of quantity blown, embossed, or molded on a glass or plastic surface is permissible when all label information is so formed on the surface. Requirements of conspicuousness and legibility shall include the specifications that:

(1) The ratio of height to width (of the letter) shall not exceed a differential of 3 units to 1 unit (no more than 3 times as high as it is wide).

(2) Letter heights pertain to upper case or capital letters. When upper and lower case or all lower case letters are used, it is the lower case letter "o" or its equivalent that shall meet the minimum standards.

(3) When fractions are used, each component numeral shall meet one-half the minimum height standards.

(i) The declaration shall be in letters and numerals in a type size established in relationship to the area of the principal display panel of the package and shall be uniform for all packages of substantially the same size by complying with the following type specification:

(1) Not less than one-sixteenth inch in height on packages the principal display panel of which has an area of 5 square inches or less.

(2) Not less than one-eighth inch in height on packages the principal display panel of which has an area of more than 5 but not more than 25 square inches.

(3) Not less than three-sixteenth inch in height on packages the principal display panel of which has an area of more than 25 but not more than 100 square inches.

(4) Not less than one-fourth inch in height on packages the principal display panel of which has an area of more than 100 square inches, except not less than one-half inch in height if the area is more than 400 square inches.

Where the declaration is blown, embossed, or molded on a glass or plastic surface rather than by printing, typing, or coloring, the lettering sizes specified in subparagraphs (1) through (4) of this paragraph shall be increased by one-sixteenth of an inch.

(j) On packages containing less than 4 pounds or 1 gallon and labeled in terms of weight or fluid measure:

(1) The declaration shall be expressed both in ounces, with identification by weight or by liquid measure and, if applicable (1 pound or 1 pint or more), followed in parentheses by a declaration in pounds for weight units, with any remainder in terms of ounces or common or decimal fractions of the pound (see examples set forth in paragraph (m) (1) and (2) of this section), or in the case of liquid measure, in the largest whole units (quarts, quarts and pints, or pints, as appropriate) with any remainder in

terms of fluid ounces or common or decimal fractions of the pint or quart (see examples in paragraph (m) (3) and (4) of this section). Net weight or fluid measure of less than 1 ounce shall be expressed in common or decimal fractions of the respective ounce and not in drams.

(2) The declaration may appear in more than one line. The term "net weight" shall be used when stating the net quantity of contents in terms of weight. Use of the terms "net" or "net contents" in terms of fluid measure or numerical count is optional. It is sufficient to distinguish avoirdupois ounce from fluid ounce through association of terms; for example, "Net wt. 6 oz." or "6 oz. net wt." and "Net contents 6 fl. oz." or "6 fl. oz."

(k) On packages containing 4 pounds or 1 gallon or more and labeled in terms of weight or fluid measure, the declaration shall be expressed in pounds for weight units with any remainder in terms of ounces or common or decimal fractions of the pound; in the case of fluid measure, it shall be expressed in the largest whole unit (gallons, followed by common or decimal fractions of a gallon or by the next smaller whole unit or units (quarts or quarts and pints)) with any remainder in terms of fluid ounces or common or decimal fractions of the pint or quart (see example in paragraph (m) (5) of this section).

(l) [Reserved]

(m) Examples:

(1) A declaration of $1\frac{1}{2}$ pounds weight shall be expressed as "Net wt. 24 oz. (1 lb. 8 oz.)," "Net wt. 24 oz. ($1\frac{1}{2}$ lb.)," or "Net wt. 24 oz. (1.5 lb.)."

(2) A declaration of three-fourths pound avoirdupois weight shall be expressed as "Net wt. 12 oz."

(3) A declaration of 1 quart liquid measure shall be expressed as "Net contents 32 fl. oz. (1 qt.)."

(4) A declaration of $1\frac{3}{4}$ quarts liquid measure shall be expressed as "Net contents 56 fl. oz. (1 qt. $1\frac{1}{2}$ pt.)" or "Net contents 56 fl. oz. (1 qt. 1 pt. 8 oz.)" but not in terms of quart and ounce such as "Net contents 56 fl. oz. (1 qt. 24 oz.)."

(5) A declaration of $2\frac{1}{2}$ gallons liquid measure shall be expressed in the alternative as "Net contents 2 gal. 2 qt." and not as "2 gal. 4 pt."

(n) For quantities, the following abbreviations and none other may be employed (periods and plural forms are optional):

weight wt.	gallon gal.
square sq.	quart qt.
fluid fl.	pint pt.
yard yd.	ounce oz.
feet or foot ft.	pound lb.
inch in.	

(o) On packages labeled in terms of linear measure, the declaration shall be expressed both in terms of inches and, if applicable (1 foot or more), the largest whole units (yards, yards and feet, feet). The declaration in terms of the largest whole units shall be in parentheses fol-

lowing the declaration in terms of inches and any remainder shall be in terms of inches or common or decimal fractions of the foot or yard. Examples are "86

inches (2 yd. 1 ft. 2 inches)," "90 inches ($2\frac{1}{2}$ yd.)," "30 inches (2.5 ft.)," etc.

(p) On packages labeled in terms of area measure, the declaration shall be expressed in terms of square inches and, if applicable (1 square foot or more), the largest whole square unit (square yards, square yards and square feet, square feet). The declaration in terms of the largest whole units shall be in parentheses following the declaration in terms of square inches and any remainder shall be in terms of square inches or common or decimal fractions of the square foot or square yard; for example, "158 sq. inches (1 sq. ft. 14 sq. inches)," etc.

(q) Nothing in this section shall prohibit supplemental statements at locations other than the principal display panel(s) describing in nondeceptive terms the net quantity of contents, provided that such supplemental statements of net quantity of contents shall not include any term qualifying a unit of weight, measure, or count that tends to exaggerate the amount of the cosmetic contained in the package; for example, "giant pint" and "full quart." Dual or combination declarations of net quantity of contents as provided for in paragraphs (a), (c), and (j) of this section (for example, a combination of net weight plus numerical count) are not regarded as supplemental net quantity statements and shall be located on the principal display panel.

(r) A separate statement of the net quantity of contents in terms of the metric system is not regarded as a supplemental statement and an accurate statement of the net quantity of contents in terms of the metric system of weight or measure may also appear on the principal display panel or on other panels.

(s) The declaration of net quantity of contents shall express an accurate statement of the quantity of contents of the package. Reasonable variations caused by loss or gain of moisture during the course of good distribution practice or by unavoidable deviations in good manufacturing practice will be recognized. Variations from stated quantity of contents shall not be unreasonably large. *

Part M

FEDERAL TRADE COMMISSION
REGULATIONS

Section

500.1 Scope of the regulations in this part.

Definitions

500.2 Terms defined.

General Requirements

500.3 Prohibited acts, coverage, general labeling requirements, exemption procedure.

Identity

500.4 Statement of identity.

Name and Place of Business

500.5 Name and place of business of manufacturer, packer, or distributor.

Net Quantity of Contents

- 500.6 Net quantity of contents declaration, location.
- 500.7 Net quantity of contents, method of expression.
- 500.8 Units of weight and measure.
- 500.9 Units of weight, how expressed.
- 500.10 Units of fluid measure, how expressed.
- 500.11 Measurement of commodity length, how expressed.
- 500.12 Measurement of commodities by length and width, how expressed.
- 500.13 Measurement of commodities by area measure only, how expressed.
- 500.14 Statements of cubic measure and dry measure.
- 500.15 Units of count, more than one ply.
- 500.15a Measurement of container type commodities, how expressed.
- 500.16 Fractions.
- 500.17 Conspicuousness.
- 500.18 Type size in relationship to the area of the principal display panel.
- 500.19 Abbreviations.
- 500.20 Supplemental statements.
- 500.21 Metric equivalent.
- 500.22 Net quantity, average quantity, permitted variations.
- 500.23 Representations of servings, uses, applications.
- 500.24 Multi-unit packages.
- 500.25 Variety packages.
- 500.26 Combination packages.

SECTION 500.1

SCOPE OF THE REGULATIONS IN THIS PART

SCOPE

§ 500.1 Scope of the regulations in this part.

The regulations in this part establish requirements for labeling of consumer commodities as hereinafter defined with respect to identity of the commodity; the name and place of business of the manufacturer, packer, or distributor; the net quantity of contents; and net quantity of servings, uses, or applications represented to be present.

HISTORY:

Proposed - 32 F.R. 9109, June 27, 1967.
Finalized - 33 F.R. 4719, March 19, 1968.
Disposition of Objection - 34 F.R. 8198,
May 27, 1969.
Effective - September 10, 1969.

SECTION 500.2TERMS DEFINED**DEFINITIONS****§ 500.2 Terms defined.**

As used in this part, unless the context otherwise specifically requires:

(a) The term "Act" means the "Fair Packaging and Labeling Act" (Public Law 89-755, approved Nov. 3, 1966; 80 Stat. 1296 et seq.; 15 U.S.C. 1451 et seq.).

(b) The term "regulation" or "regulations" means regulations promulgated by the Commission pursuant to sections 4, 5, and 6 of the Act (15 U.S.C. 1453, 1454, 1455).

(c) The term "consumer commodity" or "commodity" means any article, product, or commodity of any kind or class which is customarily produced or distributed for sale through retail sales agencies or instrumentalities for consumption by individuals, or use by individuals for purposes of personal care or in the performance of services ordinarily rendered within the household, and which usually is consumed or expended in the course of such consumption or use. For purposes of the regulations in this part the term "consumer commodity" does not include any food, drug, device or cosmetic as defined by section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321); any meat or meat product, poultry or poultry product, or tobacco or tobacco product, any commodity subject to packaging or labeling requirements imposed by the Secretary of Agriculture pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act, or the provisions of the eighth paragraph under the heading "Bureau of Animal Industry" of the Virus-Serum-Toxin Act (21 U.S.C. 151-157); any beverage subject to or complying with packaging or labeling requirements imposed under the Federal Alcohol Administration Act (27 U.S.C. 201 et seq.); any commodity subject to the provisions of the Federal Seed Act (7 U.S.C. 1551-1610).

(d) The term "package" means any container or wrapping in which any consumer commodity is enclosed for use in the delivery or display of that commodity to retail purchasers. For purposes of the regulations in this part the term "package" does not include shipping contain-

ers or wrappings used solely for the transportation of any consumer commodity in bulk or in quantity to manufacturers, packers, or processors, or to wholesale or retail distributors thereof unless used in retail display; shipping containers or outer wrappings used by retailers to ship or deliver any commodity to retail customers if such containers and wrappings bear no printed matter pertaining to any particular commodity; or containers subject to the provisions of the Act of August 3, 1912 (37 Stat. 250, as amended; 15 U.S.C. 231-233), the Act of March 4, 1915 (38 Stat. 1186, as amended; 15 U.S.C. 234-236), the Act of August 31, 1916 (39 Stat. 673, as amended; 15 U.S.C. 251-256), or the Act of May 21, 1928 (45 Stat. 685, as amended; 15 U.S.C. 257-257i); or transparent wrappers or containers which do not bear written, printed, or graphic matter obscuring any part of the label information required by this part.

(e) The term "label" means any written, printed, or graphic matter affixed to or appearing upon any consumer commodity or affixed to or appearing upon a package containing any consumer commodity; except that (1) an inspector's tag or other nonpromotional matter affixed to or appearing upon a consumer commodity shall not be deemed to be a label requiring the repetition of label information required by this part, and, (2) for the purposes of the regulations in this part the term "label" does not include written, printed, or graphic matter affixed to or appearing upon commodities, or affixed to or appearing upon containers or wrappers for commodities sold or distributed to industrial or institutional users.

(f) The term "person" includes any firm, corporation or association.

(g) The term "commerce" means (1) commerce between any State, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States, and any place outside thereof, and (2) commerce within the District of Columbia or within any territory or possession of the United States, not organized with a legislature, but shall not include exports to foreign countries.

(h) The term "principal display panel" means that part of a label that is most likely to be displayed, presented, shown, or examined under normal and customary conditions of display for retail sale. The principal display panel must be large enough to accommodate all the mandatory label information required to be placed thereon by this part without obscuring designs, vignettes, or crowding. This definition does not preclude utilization of alternate principal display panels on the label of a package, but alternate principal display panels must duplicate the information required to be placed on the principal display panel by this part. This definition does not preclude utilization of the container closure as the surface bearing the principal display panel if that label location is the one most likely to be displayed, presented, shown, or examined under normal and customary conditions of display for retail sale. The principal display panel of a label appearing on a cylindrical surface is that 40 percent of the circumference which is most likely to be displayed, presented, shown, or examined under normal and customary conditions of display for retail sale. The principal display panel of a consumer commodity marketed in a decorative type container, or a container having a capacity of $\frac{1}{4}$ ounce or less, may be considered to be a tear-away tag or tape affixed to the container and bearing the mandatory label information as required by this part, but the type size of the net quantity of contents statement shall be governed by the dimensions of the container itself. The principal display panel of a consumer commodity marketed on a display card to which the immediate container of the commodity is affixed may be considered to be the display panel of the card, and the type size of the net quantity of contents statement is governed by the dimensions of the display card.

(i) The term "random package" means a package which is one of a lot, shipment, or delivery of packages of the same consumer commodity with varying weights, that is, packages with no fixed weight pattern.

HISTORY:

Proposed - 32 F.R. 9109, June 27, 1967.

Finalized - 33 F.R. 4719, March 19, 1968.

Disposition of Objection - 34 F.R. 8198,
May 27, 1969.

Effective - September 10, 1969.

SECTION 500.3

PROHIBITED ACTS, COVERAGE, GENERAL LABELING

REQUIREMENTS, EXEMPTION PROCEDURE

§ 500.3 Prohibited acts, coverage, general labeling requirements, exemption procedure.

(a) No person engaged in the packaging or labeling of any consumer commodity for distribution in commerce, and no person (other than a common carrier for hire, a contract carrier for hire, or a freight forwarder for hire) engaged in the distribution in commerce of any packaged or labeled consumer commodity, shall distribute or cause to be distributed in commerce any such commodity if such commodity is contained in a package, or if there is affixed to that commodity a label, which does not conform to the provisions of the Act and of the regulations in this part.

(b) Persons engaged in business as wholesale or retail distributors of consumer commodities shall be subject to the Act and the regulations in this part to the extent that such persons are engaged in the packaging or labeling of consumer commodities, or prescribe or specify by any means the manner in which such consumer commodities are packaged or labeled.

(c) Each packaged or labeled consumer commodity, unless it has been exempted through proceedings under section 5(b) of the Act (15 U.S.C. 1454(b)), shall, upon being prepared for distribution in commerce or for sale at retail, and before being distributed in commerce or offered for sale at retail, be labeled in accordance with the requirements of the Act and the regulations in this part.

(d) Each packaged or labeled consumer commodity, unless it has been exempted through proceedings under section 5(b) of the Act, shall bear a label specifying the identity of the commodity; the name and place of business of the manufacturer, packer, or distributor; the net quantity of contents; and the net quantity per serving, use, or application, where there is a label representation as to the number of servings, uses, or applications obtainable from the commodity.

(e) Regulations will be promulgated by the Commission exempting particular consumer commodities from one or more of the requirements of section 4 of the Act and the regulations thereunder to the extent and under such conditions as are consistent with the declared policy of the Act whenever the Commission finds that, because of the nature, form, or quantity of the particular consumer commodity, or for other good and sufficient reasons, full compliance with all the requirements otherwise applicable is impracticable or is not necessary for the adequate protection of consumers. Proceedings for the promulgation of such exempting regulations may be commenced by the Commission upon its own initiative or pursuant to petition filed with the Secretary by any interested person or group stating reasonable grounds for the proposed exemption, pursuant to § 1.15 of this chapter of the Commission's general procedures.

HISTORY:

Proposed - 32 F.R. 9109, June 27, 1967.

Finalized - 33 F.R. 4720, March 19, 1968.

Disposition of Objection - 34 F.R. 8198,
May 27, 1969.

Effective - September 10, 1969.

Amendment to (c) and (d) Proposed - 34 F.R. 9216-17,
June 11, 1969.

Finalized - 34 F.R. 14730-31, September 24, 1969.

Disposition of Objection - 34 F.R. 18159,
November 13, 1969.

Effective - October 24, 1969.

SECTION 500.4

STATEMENT OF IDENTITY

§ 500.4 Statement of identity.

(a) The principal display panel of a consumer commodity shall bear a specification of the identity of the commodity.

(b) Such specification of identity shall comprise a principal feature of the principal display panel, shall be in such type size and so positioned as to render it easily read and understood by the consumer, and shall be in lines generally parallel to the base on which the package or commodity rests as it is designed to be displayed.

(c) Such specification of identity shall be in terms of:

(1) The name now or hereafter specified in or required by any applicable Federal law or regulation; or in the absence thereof,

(2) The common or usual name of the commodity; or in the absence thereof,

(3) The generic name or in other appropriately descriptive terms such as a specification which includes a statement of function.

(d) The specification of identity shall not be false, misleading, or deceptive in any respect. Ingredients or components which are not present in the commodity in a substantial or significantly effective amount may not be mentioned in the specification of identity; except that a component present in a formulation in substantial and effective amounts, but not present in the final product due to conversion or transformation into a different entity (which different entity is present in the final product), may be mentioned in the specification of identity.

HISTORY:

Proposed - 32 F.R. 9109, June 27, 1967.

Finalized - 33 F.R. 4720, March 19, 1968.

Disposition of Objection - 34 F.R. 8198,
May 27, 1969.

Effective - September 10, 1969.

SECTION 500.5

NAME AND PLACE OF BUSINESS OF
MANUFACTURER, PACKER, OR DISTRIBUTOR

NAME AND PLACE OF BUSINESS

§ 500.5 Name and place of business of manufacturer, packer, or distributor.

(a) The label of a consumer commodity shall specify conspicuously the name and place of business of the manufacturer, packer, or distributor. Where the consumer commodity is not manufactured by the person whose name appears on the label, the name shall be qualified by a phrase that reveals the connection such person has with such commodity; such as "Manufactured for -----," "Distributed by -----," or any other wording that expresses the facts.

(b) The requirement for declaration of the manufacturer, packer, or distributor shall in the case of a corporation be deemed to be satisfied only by the actual corporate name, which may be preceded or followed by the name of the particular division of the corporation. In the case of an individual, partnership, or association, the name under which the business is conducted shall be used.

(c) The statement of the place of business shall include the street address, city, State, and Zip Code; however the street address may be omitted if it is shown in a current city directory or telephone directory.

(d) If a person manufactures, packs, or distributes a consumer commodity at a place other than his principal place of business, the label may state the principal place of business in lieu of the actual place where such consumer commodity was manufactured or packed or is to be distributed, unless such statement would be misleading.

(e) Standard abbreviations may be used in complying with the requirements of this section.

HISTORY:

Proposed - 32 F.R. 9109, June 27, 1967.

Finalized - 33 F.R. 4720, March 19, 1968.

Disposition of Objection - 34 F.R. 8198,
May 27, 1969.

Effective - September 10, 1969.

SECTION 500.6

NET QUANTITY OF CONTENTS,

DECLARATION, LOCATION

§ 500.6 Net quantity of contents declaration, location.

(a) The label of a consumer commodity shall bear a declaration of the net quantity of contents separately and accurately stated on the principal display panel.

(b) The declaration of net quantity shall appear as a distinct item on the principal display panel, shall be separated (by at least a space equal to the height of the lettering used in the declaration) from other printed label information appearing above or below the declaration and, shall not include any term qualifying a unit of weight, measure, or count such as "jumbo quart," "full gallon," "when packed," "minimum," or words of similar import. The declaration of net quantity shall be separated (by at least a space equal to twice the width of the letter "N" of the style of type used in the net quantity statement) from other printed label information appearing to the left or right of the declaration. It shall be placed on the principal display panel within the bottom 30 percent of the area of the label panel in lines generally parallel to the base on which the package or commodity rests as it is designed to be displayed: Provided, That (1) on consumer commodities having a principal display panel of 5 square inches or less, the requirement for placement within the bottom 30 percent of the area of the label panel shall not apply when the declaration of net quantity of contents meets the other requirements of this part and (2) The requirements as to separation, location, and type size, specified in this part are waived with respect to variety and combination packages as defined in this part.

HISTORY:

Proposed: 32 F.R. 9109, June 27, 1967.

Finalized: 33 F.R. 4720, March 19, 1968.

Disposition of Objections: 34 F.R. 8198,
May 27, 1969.

Effective: September 10, 1969.

Amended: 35 F.R. 13643 & 13644, August 27, 1970.

SECTION 500.7

NET QUANTITY OF CONTENTS,

METHOD OF EXPRESSION

§ 500.7 Net quantity of contents, method of expression.

The net quantity of contents shall be expressed in terms of weight, measure, numerical count, or a combination of numerical count and weight, size, or measure so as to give accurate information regarding the net quantity of contents thereof, and thereby facilitate value comparisons by consumers. The net quantity of contents statement shall be in terms of fluid measure if the commodity is liquid, or in terms of weight if the commodity is solid, semisolid, or viscous, or a mixture of solid and liquid. If there is a firmly established general consumer usage and trade custom of declaring the contents of a liquid by weight, or a solid, semisolid, or viscous product by fluid measure, numerical count, and/or size, or (as in the case of lawn and plant care products) by cubic measure, it may be used, when such declaration provides sufficient information to facilitate value comparisons by consumers. The declaration may appear in more than one line of print or type.

HISTORY:

Proposed: 32 F.R. 9109, June 27, 1967.

Finalized: 33 F.R. 4721, March 19, 1968.

Disposition of Objections: 34 F.R. 8198,
May 27, 1969.

Effective: September 10, 1969.

Amended: 35 F.R. 13643 & 13644, August 27, 1970

SECTION 500.8

UNITS OF WEIGHT AND MEASURE

§ 500.8 Units of weight and measure.

(a) Statements of weight shall be in terms of avoirdupois pound and ounce.

(b) Statements of fluid measure shall be in terms of the U.S. gallon of 231 cubic inches and quart, pint, and fluid ounce subdivisions thereof and shall (except in the case of petroleum products, for which the declaration shall express the volume at 60° Fahrenheit (15.6° Centigrade)) express the volume at 68° Fahrenheit (20° Centigrade).

(c) Statements of linear measure shall be in terms of yards, feet, and inches.

(d) Statements of measure of area shall be in terms of square yards, square feet, and square inches.

(e) Statements of dry measure shall be in terms of the U.S. bushel of 2,150.42 cubic inches and peck, dry quart, and dry pint subdivisions thereof.

(f) Statements of cubic measure shall be in terms of the cubic yard, cubic foot, and cubic inch.

HISTORY:

Proposed - 32 F.R. 9109, June 27, 1967.

Finalized - 33 F.R. 4721, March 19, 1968.

Disposition of Objection - 34 F.R. 8198,
May 27, 1969.

Effective - September 10, 1969.

SECTION 500.9

UNITS OF WEIGHT, HOW EXPRESSED

§ 500.9 Units of weight, how expressed.

(a) The term "net weight" shall be used in stating the net quantity of contents in terms of weight. With the exception of random packages, if the statement of quantity is in terms of weight, it shall be identified as such in each instance and expressed as follows:

(1) If less than 1 pound, in terms of ounces. (Example: "Net Weight 12 oz.")

(2) If at least 1 pound but less than 4 pounds, in ounces followed in parentheses by a declaration in whole pounds, with any remainder in terms of ounces or common or decimal fractions of the pound. (Examples: "Net Wt. 24 oz. (1 lb. 8 oz.)" or "Net Wt. 24 oz. (1½ lb.)" or "Net Wt. 24 oz. (1.5lb.)")

(3) If 4 pounds or more, in terms of whole pounds, with any remainder in terms of ounces or common or decimal fractions of the pound. (Examples: "Net Weight 5 pounds 4 ounces" or "Net Wt. 5¼ lbs." or "Net Wt. 5.25 lbs.")

(b) If the net quantity of contents declaration appears on a random package, it may, when the net weight exceeds 1 pound, be expressed in terms of pounds and decimal fractions of the pound carried out to not more than two decimal places. When the net weight does not exceed 1 pound, the declaration on the random package may be in terms of decimal fractions of the pound in lieu of ounces. (Examples: "Net Wt. 0.75 lb." and "Net Weight 1.05 pounds".) Such decimal declaration shall be exempt from the type size, dual declaration and placement requirements of section 4(a) of the Act if the accurate statement of net weight is presented prominently and conspicuously on the principal display panel of the package.

(c) It is sufficient to distinguish avoirdupois ounce from fluid ounce through association of terms. (Examples: "Net Wt. 6 oz." vs. "6 fl. oz." or "Net Contents 6 fl. oz.")

HISTORY:

Proposed - 32 F.R. 9109, June 27, 1967.

Finalized - 33 F.R. 4721, March 19, 1968.

Disposition of Objection - 34 F.R. 8198,
May 27, 1969.

Effective - September 10, 1969.

SECTION 500.10

UNITS OF FLUID MEASURE,

HOW EXPRESSED

§ 500.10 Units of fluid measure, how expressed.

(a) Use of the terms "net" or "net contents" is optional.

(b) Declaration of net quantity of contents in terms of fluid measure shall be identified as such in each instance and expressed as follows:

(1) If less than 1 pint, in terms of fluid ounces. (Example: "Net Contents 8 fl. oz.")

(2) If at least 1 pint but less than 1 gallon, in terms of fluid ounces followed in parentheses by a declaration of the largest whole unit (quarts, quarts and pints, or pints, as appropriate), with any remainder in terms of fluid ounces or common or decimal fractions of the pint or quart. (Examples: "Net 32 fl. oz. (1 qt.)" or "Net contents 56 fluid oz. (1 quart 1½ pints)" or as "Net 56 fluid oz. (1 qt. 1 pt. 8 oz.)", but not in terms of quart and ounce such as "Net 56 fluid oz. (1 quart 24 ounces)".)

(3) If 1 gallon or more, in terms of the largest whole unit (gallons followed by common or decimal fractions of a gallon or by the next smaller whole unit or units viz, quarts and pints) with any remainder in terms of fluid ounces or common or decimal fractions of the pint or quart. (Examples: "Net contents 2½ gal.", "Contents 2.5 gal.", or "Net contents 2 gallons 2 quarts" but not as "2 gallons 4 pints".)

HISTORY:

Proposed - 32 F.R. 9109, June 27, 1967.

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16 CFR - PART 500

SECTION 500.11

MEASUREMENT OF COMMODITY LENGTH,

HOW EXPRESSED

§ 500.11 Measurement of commodity length, how expressed.

Declaration of net quantity in terms of commodity length shall be expressed as follows:

(a) If less than 1 foot, in terms of inches and fractions thereof.

(b) If at least 1 foot but less than 4 feet, in terms of inches followed in parentheses by a declaration in the largest whole unit (a yard or foot) with any remainder in terms of inches or common or decimal fractions of the foot or yard.

(c) If 4 feet or more, in terms of feet followed in parentheses by a declaration of yards and common or decimal fractions of the yard, or in terms of feet followed in parentheses by a declaration of yards with any remainder in terms of feet and inches.

HISTORY:

Proposed - 32 F.R. 9109, June 27, 1967.

Finalized - 33 F.R. 4721, March 19, 1968.

Disposition of Objection - 34 F.R. 8198,
May 27, 1969.

Effective - September 10, 1969.

SECTION 500.12

MEASUREMENT OF COMMODITIES BY LENGTH AND WIDTH,

HOW EXPRESSED

**§ 500.12 Measurement of commodities
by length and width, how expressed.**

For bidimensional commodities (including roll-type commodities) measured in terms of commodity length and width the declaration of net quantity shall be expressed as follows:

(a) If less than 1 square foot, in terms of linear inches and fractions thereof.

(b) If at least 1 square foot but less than 4 square feet, in terms of square inches followed in parentheses by a declaration of the length and width in the largest whole unit (a yard or foot) with any remainder in terms of inches or common or decimal fractions of the foot or yard; except that no declaration in square inches is required for a bidimensional commodity with a width of four inches or less, and a dimension of less than 2 feet may be stated in inches within the parenthetical. Commodities consisting of usable individual units (e.g. paper napkins) while requiring a declaration of unit area need not declare the total area of all such individual units.

(c) If 4 square feet or more, in terms of square feet followed in parentheses by a declaration of the length and width in the largest whole units (yards or feet) with any remainder in terms of inches or common or decimal fractions of the foot or yard; except that no declaration in square feet is required for (1) a bidimensional commodity with a width of 4 inches or less, (2) a dimension of less than 2 feet may be stated in inches within the parenthetical and (3) commodities for which the length and width measurements are critical in terms of end use if such commodities clearly present the actual length and width measurements on the label.

HISTORY:

Proposed - 32 F.R. 9109, June 27, 1967.

Finalized - 33 F.R. 4721, March 19, 1968.

Disposition of Objection - 34 F.R. 8198,
May 27, 1969.

Effective - September 10, 1969.

16 CFR - PART 500

SECTION 500.13

MEASUREMENT OF COMMODITIES BY AREA MEASUREMENT ONLY,

HOW EXPRESSED

**§ 500.13 Measurement of commodities
by area measure only, how expressed.**

Declaration of net quantity for commodities measured in terms of area measure only shall be expressed as follows:

(a) If less than 1 square foot, in terms of square inches and fractions thereof.

(b) If at least 1 square foot but less than 4 square feet, in terms of square inches followed in parentheses by a declaration in square feet with any remainder in terms of square inches or common or decimal fractions of the square foot.

(c) If 4 square feet or more, in terms of the largest appropriate whole unit (square yards, square yards and square feet, or square feet) with any remainder in terms of square inches or common or decimal fractions of the square foot or square yard.

HISTORY:

Proposed - 32 F.R. 9109, June 27, 1967.

Finalized - 33 F.R. 4721, March 19, 1968.

Disposition of Objection - 34 F.R. 8198,
May 27, 1969.

Effective - September 10, 1969.

SECTION 500.14

STATEMENTS OF CUBIC MEASURE AND DRY MEASURE

§ 500.14 Statements of cubic measure
and dry measure.

Statements of cubic measure and dry measure do not require a dual declaration of net quantity of contents, but shall be expressed in terms most appropriate to the providing of accurate information as to the net quantity of contents, and to the facilitating of value comparisons by consumers. When the content declaration on a commodity sold in compressed form is stated in terms of cubic measure there may also be a statement indicating the amount of material from which the final product was compressed. Such statement shall not exceed the actual amount of material that can be recovered.

HISTORY:

Proposed - 32 F.R. 9109, June 27, 1967.

Finalized - 33 F.R. 4722, March 19, 1968.

Disposition of Objection - 34 F.R. 8198,
May 27, 1969.

Effective - September 10, 1969.

16 CFR - PART 500

SECTION 500.15

UNITS OF COUNT, MORE THAN ONE PLY

§ 500.15 Units of count, more than one ply.

If the commodity is in distinct usable units made up of one or more components or ply, the statement of net quantity of contents shall (in addition to complying with the requirements of linear and area measurement declaration for each unit as specified in § 500.12) include the number of ply and the total number of usable units. (Examples: "100 2-ply facial tissues, 8½ inches x 10 inches".) For the purposes of this section, roll type commodities (e.g. paper towels), irrespective of perforations, shall not be considered to be usable units, and shall be labeled in terms of total area measurement and the number of ply. Such area measurement, however, shall be supplemented by a count statement and the dimensions of a single unit.

HISTORY:

Proposed - 32 F.R. 9109, June 27, 1967.
Finalized - 33 F.R. 4722, March 19, 1968.
Disposition of Objection - 34 F.R. 8198,
May 27, 1969.
Effective - September 10, 1969.

SECTION 500.15aMEASUREMENT OF CONTAINER TYPE COMMODITIES,HOW EXPRESSED**§ 500.15a Measurement of container type commodities, how expressed.**

Notwithstanding other provisions of this Part 500 of the regulations pertaining to the expression of net quantity of contents by measurement, commodities designed and sold at retail to be used as containers for other materials or objects, such as bags, cups, boxes, and pans, shall be labeled in accordance with the following paragraphs:

(a) The declaration of net quantity for container commodities shall be expressed as follows:

(1) For bag type commodities, in terms of count followed by linear dimensions of the bag (whether packaged in a perforated roll or otherwise):

(i) When the unit bag is characterized by two dimensions because of the absence of a gusset, the width and length will be expressed in inches, except that a dimension of 2 feet or more will be expressed in feet with any remainder in terms of inches or common or decimal fractions of the foot. (Example: "25 bags, 17 in. X 20 in." or "100 bags, 20 in. X 2 ft. 6 in.", or "50 bags, 20 in. X 2½ ft.")

(ii) When the unit bag is gusseted, the dimensions will be expressed as width, depth and length, in terms of inches except that any dimension of 2 feet or more will be expressed in feet with any remainder in terms of inches or the common or decimal fractions of the foot. (Examples: "25 bags, 17 in. X 4 in. X 20 in.", or "100 bags, 20 in. X 12 in. X 2½ ft.")

(2) For other square, oblong, rectangular or similarly shaped containers, in terms of count followed by length, width, and depth except depth need not be listed when less than 2 inches. (Example: "2 cake pans, 8 in. X 8 in.", or "roasting pan, 12 in. X 8 in. X 3 in.")

(3) For circular or other generally round shaped containers, except cups, and the like, in terms of count followed by diameter and depth except depth need

not be listed when less than 2 inches. (Example: "4 pie pans, 8 in. diameter", or "2 cake pans, 8 in. diameter X 4 in.")

(b) When the functional use of the container is related by label references in standard terms of measure to the capability of holding a specific quantity of substance or class of substances such references shall be a part of the net quantity statement and shall specify capacity as follows:

(1) Liquid measure for containers which are intended to be used for liquids, semi-solids, viscous materials or mixtures of solids and liquids. The expressed capacity will be stated in terms of the largest whole unit (gallon, quart, pint, ounce) with any remainder in terms of the common or decimal fraction of that unit. (Example: Freezer Boxes: "4 boxes, 1 qt. capacity, 6 in. X 6 in. X 4 in.")

(2) Dry measure for containers which are intended to be used for solids. The expressed capacity will be stated in terms of the largest whole unit (bushel, peck) with any remainder in terms of the common or decimal fraction of that unit. (Example: Leaf Bags: "8 bags, 6 bushel capacity, 4 feet X 5 feet".)

(3) Where containers are used as liners for other more permanent containers, in the same terms as are normally used to express the capacity of the more permanent container. (Example: Garbage Can Liners: "10 liners, 2 ft. 6 in. X 3 ft. 1 in., fits up to 30 gallon cans".)

(c) Notwithstanding the above requirements, the net quantity statement for containers such as cups will be listed in terms of count and liquid capacity per unit. (Example: "24 cups, 6 fl. oz. capacity".)

(d) For purposes of this section, the use of the terms "capacity," "diameter," and "fluid" is optional.

HISTORY:

Proposed - 34 F.R. 9217-18, June 11, 1969.

Finalized - 34 F.R. 14731-32, September 24, 1969.

Disposition of Objection - 34 F.R. 18159, November 13, 1969.

Effective - February 1, 1970.

SECTION 500.16

FRACTIONS

§ 500.16 Fractions.

A statement of net quantity of contents of any consumer commodity may contain common or decimal fractions. A common fraction shall be in terms of halves, quarters, eighths, sixteenths, or thirty-seconds; except that (a) if there exists a firmly established general consumer usage and trade custom of employing different common fractions in the net quantity declaration of a particular commodity, they may be employed, and (b) if linear measurements are required in terms of yards or feet, common fractions may be in terms of thirds. A common fraction shall be reduced to its lowest terms; a decimal fraction shall not be carried out to more than two places. If a statement includes small fractions, smaller variations in the actual size or weight of the commodity will be permitted, as provided in § 500.22, than in cases where larger fractions or whole numbers are used.

HISTORY:

Proposed - 32 F.R. 9109, June 27, 1967.

Finalized - 33 F.R. 4722, March 19, 1968.

Disposition of Objection - 34 F.R. 8198,
May 27, 1969.

Effective - September 10, 1969.

Amendment Proposed - 34 F.R. 9216-17, June 11, 1969.

Finalized - 34 F.R. 14730-31, September 24, 1969.

Disposition of Objection - 34 F.R. 18159,
November 13, 1969.

Effective - October 24, 1969.

16 CFR - PART 500

SECTION 500.17

CONSPICUOUSNESS

§ 500.17 Conspicuousness.

The statement of net quantity of contents shall appear in conspicuous and easily legible boldface type or print in distinct contrast (by typography, layout, color, embossing, or molding) to other matter on the package; except that a statement of net quantity blown, embossed, or molded on a glass or plastic surface is permissible when all label information is so formed on the surface.

HISTORY:

Proposed - 32 F.R. 9109, June 27, 1967.
Finalized - 33 F.R. 4722, March 19, 1968.
Disposition of Objection - 34 F.R. 8198,
May 27, 1969.
Effective - September 10, 1969.

SECTION 500.18

TYPE SIZE IN RELATIONSHIP TO THE AREA
OF THE PRINCIPAL DISPLAY PANEL

§500.18 Type size in relationship to the area of the principal display panel.

(a) The statement of net quantity of contents shall be in letters and numerals in a type size established in relationship to the area of the principal display panel of the package or commodity and shall be uniform for all packages or commodities of substantially the same size. For this purpose, "area of the principal display panel" means the area of the side or surface that bears the principal display panel, exclusive of tops, bottoms, flanges at tops and bottoms of cans, and shoulders and necks of bottles and jars. This area shall be:

(1) In the case of a rectangular package or commodity where one entire side properly can be considered to be the principal display panel side, the product of the height times the width of that side;

(2) In the case of a cylindrical or nearly cylindrical container or commodity, 40 percent of the product of the height of the container or commodity times the circumference; and

(3) In the case of any otherwise shaped container or commodity, 40 percent of the total surface of the container or commodity: *Provided, however,* That where such container or commodity presents an obvious "principal display panel" such as the top of a triangular or oval shaped container, the area shall consist of the entire top surface.

(b) With area of principal display panel defined as above, the type size in relationship to area of that panel shall comply with the following specifications:

(1) Not less than $\frac{1}{16}$ inch in height on packages the principal display panel of which has an area of 5 square inches or less.

(2) Not less than $\frac{1}{8}$ inch in height on packages the principal display panel of which has an area of more than 5 but not more than 25 square inches.

(3) Not less than $\frac{3}{16}$ inch in height on packages the principal display panel of which has an area of more than 25 but not more than 100 square inches.

(4) Not less than $\frac{1}{4}$ inch in height on packages the principal display panel of which has an area of more than 100 square inches, except not less than $\frac{1}{2}$ inch in height if the area is more than 400 square inches.

(c) Where the statement of net quantity of contents is blown, embossed, or molded on a glass or plastic surface rather than by printing, typing, or coloring, the lettering sizes specified in paragraph (b) of this section shall be increased by $\frac{1}{16}$ of an inch.

(d) Letter heights pertain to upper case or capital letters. When upper and lower case or all lower case letters are used, it is the lower case letter "o" or its equivalent that shall meet the minimum standards.

(e) The ratio of height to width of a letter shall not exceed a differential of 3 units to 1 unit (no more than 3 times as high as it is wide).

(f) When fractions are used, each component shall meet one-half the minimum height standards.

HISTORY:

Proposed - 32 F.R. 9109, June 27, 1967.

Finalized - 33 F.R. 4722, March 19, 1968.

Disposition of Objection - 34 F.R. 8198,
May 27, 1969.

Effective - September 10, 1969.

SECTION 500.19

ABBREVIATIONS

§ 500.19 Abbreviations.

The following abbreviations and none other may be employed in the required net quantity declaration:

Inch— in.	Pound— lb.
Feet or foot— ft.	Quart— qt.
Fluid— fl.	Square— sq.
Liquid— liq.	Weight— wt.
Ounce— oz.	Yard— yd.
Gallon— gal.	Avoirdupois— avdp.
Pint— pt.	Cubic— cu.

(Periods and plural forms shall be optional.)

HISTORY:

Proposed - 32 F.R. 9109, June 27, 1967.

Finalized - 33 F.R. 4722, March 19, 1968.

Disposition of Objection - 34 F.R. 8198,
May 27, 1969.

Effective - September 10, 1969.

SECTION 500.20

SUPPLEMENTAL STATEMENTS

§ 500.20 Supplemental statements.

Nothing contained in the regulations in this part shall prohibit supplemental statements, at locations other than the principal display panel, describing in nondeceptive terms the net quantity of contents: *Provided*, That such supplemental statements of net quantity of contents shall not include any term qualifying a unit of weight, measure, or count that tends to exaggerate the amount of commodity contained in the package. (Examples of prohibited language are: "Giant Quart," "Full Gallon," "When Packed," "Minimum," or words of similar import.) Required dual declarations and combination declarations of net quantity of contents (for example, a combination of net weight plus numerical count, numerical count plus dimensions of the commodity, etc.) are not regarded as supplemental net quantity statements and shall be located on the principal display panel. Dilution directions or other similar directions for use are not regarded as supplemental net quantity statements and may be located on the principal display panel. Size characterizations in compliance with standards promulgated under section 5(c) (1) of the Act may appear on the principal display panel.

HISTORY:

Proposed - 32 F.R. 9109, June 27, 1967.
Finalized - 33 F.R. 4722, March 19, 1968.
Disposition of Objection - 34 F.R. 8198,
May 27, 1969.
Effective - September 10, 1969.

SECTION 500.21

METRIC EQUIVALENT

§ 500.21 Metric equivalent.

A separate statement of the net quantity of contents in terms of the metric system is not regarded as a supplemental net quantity statement and an accurate statement of the net quantity of contents in terms of the metric system of weight or measure may also appear on the principal display panel or on other panels. Standard metric abbreviations may be used.

HISTORY:

Proposed - 32 F.R. 9109, June 27, 1967.
Finalized - 33 F.R. 4722, March 19, 1968.
Disposition of Objection - 34 F.R. 8198,
May 27, 1968.
Effective - September 10, 1969.

SECTION 500.22

NET QUANTITY, AVERAGE QUANTITY,

PERMITTED VARIATIONS

**§ 500.22 Net quantity, average quantity,
permitted variations.**

(a) The statement of net quantity of contents shall accurately reveal the quantity of the commodity in the container exclusive of wrappers and other material packed therewith: *Provided*, That in the case of a commodity packed in a container designed to deliver the commodity under pressure, the statement shall declare the net quantity of the contents that will be expelled when the instructions for use are followed. The propellant is included in the net quantity statement.

(b) Variations from the stated weight or measure shall be permitted when caused by ordinary and customary exposure, after the commodity is introduced into interstate commerce, to conditions which normally occur in good distribution practice and which unavoidably result in change of weight or measure.

(c) Variations from the stated weight, measure or numerical count shall be permitted when caused by unavoidable deviations in weighing, measuring, or counting the contents of individual packages which occur in good packaging practice: *Provided*, That such variations shall not be permitted to such extent that the average of the quantities in the packages comprising a shipment or other delivery of the commodity is below the quantity stated, and no unreasonable shortage in any package will be permitted, even though overages in other packages in the same shipment or delivery compensate for such shortage. Variations from stated quantity of contents shall not be unreasonably large.

HISTORY:

Proposed - 32 F.R. 9109, June 27, 1967.
Finalized - 33 F.R. 4722, March 19, 1968.
Disposition of Objection - 34 F.R. 8198,
May 27, 1969.
Effective - September 10, 1969.

SECTION 500.23

REPRESENTATIONS OF SERVINGS, USES, APPLICATIONS

§ 500.23 Representations of servings, uses, applications.

(a) The label of any packaged consumer commodity which bears a representation as to the number of servings, uses, or applications of such commodity contained in such package shall bear in immediate conjunction therewith, and in letters the same size as those used for such representation, a statement of the net quantity (in terms of weight, measure, or numerical count) of each such serving, use, or application: *Provided*, That such statement may be expressed in terms that differ from terms used in the required statement of net contents (e.g., cupsful, tablespoonful, etc.), when such differing terms describe a constant quantity. Such statement may not be misleading in any particular.

(b) Representations as to the total amount of object or objects to which the commodity may be applied or upon which or in which the commodity may be used, will not be considered to be representations as to servings, uses, or applications, if such amount is expressed in terms of standard units of weight, measure, size, or count.

(c) If there exists a voluntary product standard promulgated pursuant to the procedures found in Part 10, Title 15, Code of Federal Regulations, by the Department of Commerce, quantitatively defining the meaning of the terms "serving," "use," or "application" with respect to a particular consumer commodity, then any label representation as to the number of servings, uses, or applications in such packaged consumer commodity shall correspond with such quantitative definition. (Copies of published standards will be available upon request from the National Bureau of Standards, Department of Commerce, Washington, D.C. 20234.)

HISTORY:

Proposed - 32 F.R. 9109, June 27, 1967.

Finalized - 33 F.R. 4723, March 19, 1968.

Disposition of Objection - 34 F.R. 8198,
May 27, 1969.

Effective - September 10, 1969.

MULTI-UNIT PACKAGES

SECTION 500.24

§ 500.24 Multiunit packages.

(a) A multiunit package is a package intended for retail sale, containing two or more individual packaged or labeled units of an identical commodity in the same quantity. The declaration of net quantity of contents of a multiunit package shall be expressed as follows:

(1) The number of individual packaged or labeled units;

(2) The quantity of each individual packaged or labeled unit including dual declarations when applicable; and

(3) The total quantity of the multiunit package which may omit the parenthetical quantity statement of a dual quantity representation.

EXAMPLES: Soap bars: "6 Bars, Net Wt. 3.4 ozs. each, Total Net Wt. 20.4 ozs." Facial Tissues: "10 Packs, each 25 two-ply tissues, 9.7 in. x 2 in., Total 250 Tissues."

(b) The individual packages or labeled units of a multiunit package, when intended for individual sale separate from the multiunit package, shall be labeled in compliance with the regulations under this Part 500 applicable to that package.

(c) A multiunit package containing unlabeled individual packages which are not intended for retail sale separate from the multiunit package may contain in lieu of the requirements of paragraph (a) of this section, a declaration of quantity of contents expressing the total quantity of the multiunit package without regard for inner packaging. For such multiunit packages it shall be optional to include a statement of the number of individual packages when such a statement is not otherwise required by the regulations.

EXAMPLES: Deodorant Cakes: "5 Cakes, Net Wt. 4 ozs. each, Total Net Wt. 20 ozs." or "5 Cakes, Total Net Wt. 20 ozs. (1 lb. 4 ozs.)";

Soap Packets: "10 Packets, Net Wt. 2 ozs. each, Total Net Wt. 20 ozs.", or "Net Wt. 20 ozs. (1 lb. 4 ozs.)" or "10 Packets, Total Net Wt. 20 ozs. (1 lb. 4 ozs.)."

HISTORY:

Proposed: 35 F.R. 7903 & 7904, May 22, 1970.

Finalized: 35 F.R. 13643 & 13644, August 27, 1970.

Disposition of Objections: 35 F.R. 16535 & 16536, October 23, 1970.

Effective: December 1, 1970.

VARIETY PACKAGESSECTION 500.25**§ 500.25 Variety packages.**

(a) A variety package is a package intended for retail sale, containing two or more individual packages or units of similar but not identical commodities. Commodities which are generically the same but which differ in weight, measure, volume, appearance or quality are considered similar but not identical. The declaration of net quantity for a variety package will be expressed as follows:

(1) The number of units for each identical commodity followed by the weight, volume or measure of that commodity including dual declarations when applicable; and

(2) The total quantity by weight, volume, measure, and count, as appropriate, of the variety package. Dual declarations may be omitted from the total quantity statement.

The statement of total quantity shall appear as the last item in the declaration of net quantity and shall not be of greater prominence than other terms used.

EXAMPLES:

- (i) "2 sponges 4½ ins. X 4 ins. X ¾ in.
1 sponge 4½ ins. X 8 ins. X ¾ in.
4 sponges 2¼ ins. X 4 ins. X ½ in.

Total 7 sponges"

- (ii) "2 soap bars Net Wt. 3.2 ozs. each
1 soap bar Net Wt. 5.0 ozs.

Total 3 bars Net Wt. 11.4 ozs."

- (iii) Liquid Shoe Polish: "1 Brown 3 fl. ozs.
1 Black 3 fl. ozs.
1 White 5 fl. ozs.

Total 11 fl. ozs."

- (iv) Picnic Ware: "34 spoons
33 forks
33 knives

Total 100 pieces"

(b) When the individual units in a variety package are either packaged or labeled and are intended for retail sale as individual units, each unit shall be labeled in compliance with the applicable regulations under this Part 500.

HISTORY:

Proposed: 35 F.R. 7903 & 7904, May 22, 1970.

Finalized: 35 F.R. 13643 & 13644, August 27, 1970.

Disposition of Objections: 35 F.R. 16535 & 16536,
October 23, 1970.

Effective: December 1, 1970.

16 CFR -- PART 500

COMBINATION PACKAGES

SECTION 500.26

§ 500.26 Combination packages:

(a) A combination package is a package intended for retail sale, containing two or more individual packages or units of dissimilar commodities. The declaration of net quantity for a combination package will contain an expression of weight, volume, measure or count or a combination thereof, as appropriate for each individual package or unit; provided, that the quantity statements for identical packages or units shall be combined. Dual declarations will be included where applicable.

EXAMPLES:

(1) Lighter fluid and flints: "2 cans—each 8 fl. ozs.; 1 package—8 flints."

(2) Sponges & Cleaner: "2 sponges each 4 in. X 6 in. X 1 in.; 1 box cleaner—Net Wt. 6 ozs."

(3) Picnic Pack: "20 spoons, 10 knives and 10 forks, 10 2-ply napkins 10 ins. X 10 ins. 10 cups—6 fl. ozs."

(b) When the individual units in a combination package are either packaged or labeled and are intended for retail sale as individual units, each unit shall be in compliance with the applicable regulations under this Part 500.

HISTORY:

Proposed: 35 F.R. 7903 & 7904, May 22, 1970.

Finalized: 35 F.R. 13643 & 13644, August 27, 1970.

Disposition of Objections: 35 F.R. 16535 & 16536, October 23, 1970.

Effective: December 1, 1970.

Part N

U. S. DEPARTMENT OF AGRICULTURE
REGULATIONS

PART 317—LABELING, MARKING DEVICES, AND CONTAINERS

- Sec.
- 317.1 Labels required; supervision by Program employee.
 - 317.2 Labels: definition; required features.
 - 317.3 Approval of abbreviations of marks of inspection; preparation of marking devices bearing inspection legend without advance approval prohibited; exception.
 - 317.4 Labels to be approved by Administrator.
 - 317.5 Officer in charge may permit modifications of approved labels.
 - 317.6 Approved labels to be used only on products to which they are applicable.
 - 317.7 Products for foreign commerce; printing labels in foreign language permissible; other deviations.
 - 317.8 False or misleading labeling or practices generally; specific prohibitions and requirements for labels and containers.
 - 317.9 Labeling of equine products.
 - 317.10 Reuse of official inspection marks; reuse of containers bearing official marks, labels, etc.
 - 317.11 Labeling, filling of containers, handling of labeled products to be only in compliance with regulations.
 - 317.12 Relabeling products; requirements.
 - 317.13 Storage and distribution of labels and containers bearing official marks.
 - 317.14 Reporting of obsolete labels.
 - 317.15 [Reserved]
 - 317.16 Labeling and containers of custom prepared products.

AUTHORITY: The provisions of this Part 317 issued under sec. 21, Federal Meat Inspection Act, as amended by the Wholesome Meat Act (21 U.S.C. Supp., sec. 601 et seq.), and Public Law 91-342; Talmadge-Aiken Act of Sept. 28, 1962 (7 U.S.C. 450); Act of July 24, 1919 (7 U.S.C. 394); subsection 21(b), Federal Water Pollution Control Act, as amended by Public Law 91-224 and by other laws.

§ 317.1 Labels required; supervision by Program employee.

(a) When, in an official establishment, any inspected and passed product is placed in any receptacle or covering constituting an immediate container, there shall be affixed to such container a label as described in § 317.2 except that the following do not have to bear such a label.

(1) Wrappings of dressed carcasses and primal parts in an unprocessed state, bearing the official inspection legend, if such wrappings are intended solely to protect the product against soiling or excessive drying during transportation or storage, and the wrappings bear no information except company brand names, trade marks, or code numbers which do not include any information required by § 317.2;

(2) Uncolored transparent coverings, such as cellophane, which bear no written, printed, or graphic matter and which enclose any unpackaged or packaged product bearing all markings re-

quired by Part 316 of this subchapter which are clearly legible through such coverings;

(3) Animal and transparent artificial casings bearing only the markings required by Part 316 of this subchapter;

(4) Stockinettes used as "operative devices", such as those applied to cured meats in preparation for smoking, whether or not such stockinettes are removed following completion of the operations for which they were applied;

(5) Containers such as boil-in bags, trays of frozen dinners, and pie pans which bear no information except company brand names, trademarks, code numbers, directions for preparation and serving suggestions, and which are enclosed in a consumer size container that bears a label as described in § 317.2;

(6) Containers of products passed for cooking or refrigeration and moved from an official establishment under § 311.1 of this subchapter.

(b) Folders and similar coverings made of paper or similar materials, whether or not they completely enclose the product and which bear any written, printed, or graphic matter, shall bear all features required on a label for an immediate container.

(c) No covering or other container which bears or is to bear a label shall be filled, in whole or in part, except with product which has been inspected and passed in compliance with the regulations in this subchapter, which is not adulterated and which is strictly in accordance with the statements on the label. No such container shall be filled, in whole or in part, and no label shall be affixed thereto, except under supervision of a Program employee.

§ 317.2 Labels: definition; required features.

(a) A label within the meaning of this part shall mean a display of any printing, lithographing, embossing, stickers, seals, or other written, printed, or graphic matter upon the immediate container (not including package liners) of any product.

(b) Any word, statement, or other information required by this part to appear on the label must be prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use. In order to meet this requirement, such information must appear on the principal display panel except as otherwise permitted in this part.

(c) Labels of all products shall show the following information on the principal display panel (except as otherwise

permitted in this part), in accordance with the requirements of this part or, if applicable, Part 319 of this subchapter:

(1) The name of the product, which in the case of a product which purports to be or is represented as a product for which a definition and standard of identity or composition is prescribed in Part 319 of this subchapter, shall be the name of the food specified in the standard, and in the case of any other product shall be the common or usual name of the food, if any there be, and if there is none, a truthful descriptive designation, as prescribed in paragraph (e) of this section;

(2) If the product is fabricated from two or more ingredients, the word "ingredients" followed by a list of the ingredients as prescribed in paragraph (f) of this section;

(3) The name and place of business of the manufacturer, packer, or distributor for whom the product is prepared, as prescribed in paragraph (g) of this section;

(4) An accurate statement of the net quantity of contents, as prescribed in paragraph (h) of this section;

(5) An official inspection legend and, except as otherwise provided in paragraph (i) of this section, the number of the official establishment, in the form required by Part 312 of this subchapter;

(6) Any other information required by the regulations in this part or Part 319 of this subchapter.

(d) The principal display panel shall be the part of a label that is most likely to be displayed, presented, shown, or examined under customary conditions of display for sale. Where packages bear alternate principal display panels, information required to be placed on the principal display panel shall be duplicated on each principal display panel. The principal display panel shall be large enough to accommodate all the mandatory label information required to be placed thereon by this part and Part 319 of this subchapter with clarity and conspicuousness and without obscuring of such information by designs or vignettes or crowding. In determining the area of the principal display panel, exclude tops, bottoms, flanges at tops and bottoms of cans, and shoulders and necks of bottles or jars. The principal display panel shall be:

(1) In the case of a rectangular package, one entire side, the area of which is at least the product of the height times the width of that side.

(2) In the case of a cylindrical or nearly cylindrical container:

(i) An area that is 40 percent of the product of the height of the container times the circumference of the container, or (ii) an area at least one-third of the product of the height times the circumference of the container; if immediately to the right or left of such area, there is an area reserved for information prescribed in paragraph (c)(2), (3), and (5) of this section, equal to not more

than 20 percent of the circumference.

(3) In the case of a container of any other shape, 40 percent of the total surface of the container.

(e) Any descriptive designation used as a product name for a product which has no common or usual name shall clearly and completely identify the product. Product which has been prepared by salting, smoking, drying, cooking, chopping, or otherwise shall be so described on the label unless the name of the product implies, or the manner of packaging shows that the product was subjected to such preparation. The unqualified terms "meat," "meat byproduct," "meat food product," and terms common to the meat industry but not common to consumers such as "picnic," "butt," "cal," "square," "loaf," "spread," "delight," "roll," "plate," "luncheon," and "daisy" shall not be used as names of a product unless accompanied with terms descriptive of the product or with a list of ingredients, as deemed necessary in any specific case by the Administrator in order to assure that the label will not be false or misleading.

(f)(1) The list of ingredients shall show the common or usual names of the ingredients arranged in the descending order of predominance, except as otherwise provided in this paragraph.

(i) The term "flavorings" may be used to designate natural spices, essential oils, oleoresins and other natural spice extractives, and the term "spices" may be used to designate natural spices, without naming each.

(ii) The term "corn syrup" may be used to designate either corn syrup or corn syrup solids.

(iii) The term "animal and vegetable fats" or "vegetable and animal fats" may be used to designate the ingredients of mixtures of such edible fats in product designated "compound" or "shortening." "Animal fats" as used herein means fat derived from inspected and passed cattle, sheep, swine, or goats.

(iv) When a product is coated with pork fat, gelatin, or other approved substance and a specific declaration of such coating appears contiguous to the name of the product, the ingredient statement need not make reference to the ingredients of such coating.

(v) When two meat ingredients comprise at least 70 percent of the meat and meat byproduct ingredients of a formula and when neither of the two meat ingredients is less than 30 percent by weight of the total meat and meat byproducts used, such meat ingredients may be interchanged in the formula without a change being made in the ingredients statement on labeling materials: *Provided*, That the word "and" in lieu of a comma shall be shown between the declaration of such meat ingredients in the statement of ingredients.

(2) On containers of frozen dinners, entrees, pizzas, and similarly consumer packaged products in cartons the in-

redient statement may be placed on the front riser panel: *Provided*, That the words "see ingredients" followed immediately by an arrow is placed on the principal display panel immediately above the location of such statement without intervening print or designs.

(g) (1) The name of the person that prepared the product or the name of the operator of the official establishment where the product is prepared by a subsidiary or tenant of the operator may appear as the name of the manufacturer or packer without qualification on the label. Otherwise the name of the distributor of the product shall be shown with a phrase such as "Prepared for * * *" or "Distributed by * * *". The place of business of the manufacturer, packer, or distributor shall be shown on the label by city, State, and postal ZIP code when such business is listed in a telephone or city directory; and if not listed in such directory then the place of business shall be shown by street address, city, State, and postal ZIP code.

(2) The name and place of business of the manufacturer, packer, or distributor may be shown:

- (i) On the principal display panel or
- (ii) On the 20 percent panel adjacent to the principal display panel reserved for required information or
- (iii) On the front riser panel of frozen food cartons.

(h) (1) The statement of net quantity of contents shall appear on the principal display panel of all containers to be sold at retail intact and shall appear on all containers in conspicuous and easily legible boldface print or type in distinct contrast to other matter on the package and shall be declared in accordance with the provisions of subparagraphs (2) through (10) of this paragraph.

(2) The statement as it is shown on a label shall not be false or misleading and shall express an accurate statement of the quantity of contents of the container exclusive of wrappers and packing substances. Reasonable variations caused by loss or gain of moisture during the course of good distribution practices or by unavoidable deviations in good manufacturing practice will be recognized. Variations from stated quantity of contents shall not be unreasonably large.

(3) The Statement shall be placed on the principal display panel within the bottom 30 percent of the area of the panel in lines generally parallel to the base; *Provided*, That on packages having a principal display panel of 5 square inches or less, the requirement for placement within the bottom 30 percent of the area of the label panel shall not apply when the statement meets the other requirements of this paragraph (h). In any case, the statement may appear in more than one line. The terms "net weight" or "net wt." shall be used when stating the net quantity of contents in terms of

weight, and the term "net contents" or "content" when stating the net quantity of contents in terms of fluid measure.

(4) Except as provided in § 317.7, the statement shall be expressed in terms of avoirdupois weight or liquid measure. Where no general consumer usage to the contrary exists, the statement shall be in terms of liquid measure, if the product is liquid, or in terms of weight if the product is solid, semisolid viscous or a mixture of solid and liquid. For example, a declaration of $\frac{3}{4}$ -pound avoirdupois weight shall be expressed as "Net Wt. 12 oz." except as provided for in subparagraph (5) of this paragraph for random weight packages; a declaration of $1\frac{1}{2}$ pounds avoirdupois weight shall be expressed as "Net Wt. 24 oz. (1 lb. 8 oz.)," "Net Wt. 24 oz. ($1\frac{1}{2}$ lb.)," or "Net Wt. 24 oz. (1.5 lbs.)."

(5) On packages containing 1 pound or 1 pint and less than 4 pounds or 1 gallon, the statement shall be expressed as a dual declaration both in ounces and (immediately thereafter in parenthesis) in pounds, with any remainder in terms of ounces or common or decimal fraction of the pound, or in the case of liquid measure, in the largest whole units with any remainder in terms of fluid ounces or common or decimal fractions of the pint or quart, except that on random weight packages the statement shall be expressed in terms of pounds and decimal fractions of the pound carried out to not more than two decimal places, for packages over 1 pound, and for packages which do not exceed 1 pound the statement may be in decimal fractions of the pound in lieu of ounces.

(6) The statement shall be in letters and numerals in type size established in relationship to the area of the principal display panel of the package and shall be uniform for all packages of substantially the same size by complying with the following type specifications:

(i) Not less than one-sixteenth inch in height on packages, the principal display panel of which has an area of 5 square inches or less;

(ii) Not less than one-eighth inch in height on packages, the principal display panel of which has an area of more than 5 but not more than 25 square inches;

(iii) Not less than three-sixteenths inch in height on packages, the principal display panel of which has an area of more than 25 but not more than 100 square inches;

(iv) Not less than one-quarter inch in height on packages, the principal display panel of which has an area of more than 100 but not more than 400 square inches.

(v) Not less than one-half inch in height on packages, the principal display panel of which has an area of more than 400 square inches.

(7) The ratio of height to width of letters and numerals shall not exceed a differential of 3 units to 1 unit (no more than 3 times as high as it is wide). Heights pertain to upper case or capital letters. When upper and lower case or all lower case letters are used, it is the lower case letter "o" or its equivalent that shall meet the minimum standards. When fractions are used, each component numeral shall meet one-half the height standards.

(8) The statement shall appear as a distinct item on the principal display panel and shall be separated by a space at least equal to the height of the lettering used in the statement from other printed label information appearing above or below the statement and by a space at least equal to twice the width of the letter "N" of the style of type used in the quantity of contents statement from other printed label information appearing to the left or right of the statement. It shall not include any term qualifying a unit of weight, measure, or count such as, "jumbo quart," "full gallon," "giant quart," "when packed," "Minimum" or words of similar import.

(9) The following exemptions from the requirements contained in this paragraph (h) are hereby established:

(i) Individually wrapped and labeled packages of less than ½-ounce net weight which are in a shipping container, need not bear a statement of net quantity of contents as specified in this paragraph (h) when the statement of net quantity of contents on the shipping container meets the requirements of this paragraph (h);

(ii) Random weight consumer size packages bearing labels declaring net weight, price per pound, and total price, shall be exempt from the type size, dual declaration and placement requirements of this paragraph (h), if an accurate statement of net weight is shown conspicuously on the principal display panel of the package.

(iii) Margarine in 1 pound rectangular packages (except packages containing whipped or soft margarine or packages that contain more than four sticks) is exempt from the requirements of subparagraphs (3) and (5) of this paragraph regarding the placement of the statement of the net quantity of contents within the bottom 30 percent of the principal display panel and that the statement be expressed both in ounces and in pounds, if the statement appears as "1 pound" or "one pound" in a conspicuous manner on the principal display panel.

(iv) Sliced shingle packed bacon in rectangular packages containing 8 ounces, 1 pound, or 2 pounds are exempt from the requirements of subparagraphs (3) and (5) of this paragraph regarding the placement of the statement of the net quantity of contents within the bottom 30 percent of the principal display panel

and that the statement be expressed both in ounces and in pounds if the statement appears as "8 oz.," "½ pound," "1 pound," "one pound," "2 pounds" or "two pounds," as the case may be, in a conspicuous manner on the principal display panel.

(10) Labels for containers which bear any representation as to the number of servings contained therein shall bear, contiguous to such representation, and in the same size type as is used for such representation, a statement of the net quantity of each such serving.

(11) As used in this section a "random weight package" is one which is one of a lot, shipment, or delivery of packages of the same product with varying weights and with no fixed weight pattern.

(12) On a multiunit retail package, a statement of the net quantity of contents shall appear on the outside of the package and shall include the number of individual units, the quantity of each individual unit, and, in parentheses, the total net quantity of contents of the multiunit package in terms of avoirdupois or fluid ounces, except that such declaration of total quantity need not be followed by an additional parenthetical declaration in terms of the largest whole units and subdivisions thereof, as required by subparagraph (5) of this paragraph. For the purposes of this section, "multiunit retail package" means a package containing two or more individually packaged units of the identical commodity and in the same quantity, with the individual packages intended to be sold as part of the multiunit retail package but capable of being individually sold in full compliance with all requirements of the regulations in this part. Open multiunit retail packages that do not obscure the number of units and the labeling thereon are not subject to this paragraph if the labeling of each individual unit complies with the requirements of subparagraphs (2), (3), (6), and (8) of this paragraph.

(13) Shingle packed sliced bacon cartons containing product weighing other than 8 ounces, 1 pound, or 2 pounds shall have the statement of the net quantity of contents shown with the same prominence as the most conspicuous feature on the label and printed in a color of ink contrasting sharply with the background.

(1) (1) The official establishment number shall be either embossed or lithographed on all hermetically sealed metal, plastic or glass containers of products fully processed within such containers in an official establishment, except that such containers which bear labels lithographed directly on the container and in which the establishment number is incorporated need not have the establishment number separately embossed or lithographed thereon. Labels shall not be affixed to containers so as to obscure the embossed or lithographed establishment number.

(2) When any product is placed in a carton or in a wrapper of paper or cloth or in any other type of container approved by the Administrator, which is labeled in accordance with this part, the official inspection legend and the official establishment number as specified in paragraph (c) of this section, may be applied by means of a sticker to be securely and prominently affixed, along with the name of product, at a place on the label reserved for the purpose. In case there are two or more display panels featuring the name of product, the inspection sticker shall be affixed to each panel.

(3) The official establishment number may be omitted from the official inspection legend cartons used as outer containers of edible fats, such as lard and oleomargarine, when such products are enclosed in wrappers which bear an official inspection legend containing the official establishment number.

(4) The official establishment number may be omitted from the official inspection legend on the immediate containers of sliced bacon, frozen dinners and pies, and similarly packaged products when the official establishment number is placed on an end panel at the time of packaging and when it is presented on a single colored background in a prominent and legible manner in a size sufficient to insure easy recognition.

(5) The official establishment number may be omitted from the official inspection legend on consumer size packages of sliced meat food products when the official establishment number is printed on the label at the time of packaging and when it is presented on a single colored background in a prominent and legible manner in a size sufficient to insure easy recognition.

(6) The official establishment number may be omitted from the official inspection legend on consumer size containers of meat food products in aluminum pans or trays when the official establishment number is embossed in such pans or trays and when a statement such as "Est. No. on Pan" is placed contiguous to the official inspection legend on the container.

(7) The official establishment number may be omitted from the official inspection legend printed on artificial casings or bags enclosing meat food products when the official establishment number is etched in ink on a flat surface of a metal clip used to close the container in a prominent and legible manner in a size sufficient to insure easy recognition and when a statement, such as, "Est. No. on Metal Clip" is placed contiguous to the official inspection legend on the casing or bag.

(8) The official establishment number may be omitted from the official inspection legend printed on paper labels of canned products when the official establishment number is printed on the principal display panel at the time of labeling the container, or the official establish-

ment number may be printed on the back of the paper label when the statement "Est. No. on Back of Label" is printed contiguous to the official legend, in a prominent and legible manner in a size sufficient to insure easy recognition.

(j) Labels of any product within any of the following paragraphs shall show the information required by such paragraph for such product:

(1) A label for product which is an imitation of another food shall bear the word "imitation" immediately preceding the name of the food imitated and in the same size and style of lettering as in that name and immediately thereafter the word "ingredients:" and the names of the ingredients arranged in the order of their predominance.

(2) If a product purports to be or is represented for any special dietary use by man, its label shall bear a statement concerning its vitamin, mineral, and other dietary properties upon which the claim for such use is based in whole or in part and shall be in conformity with regulations (21 CFR Part 125) established pursuant to sections 403, and 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343, 371).

(3) When an approved artificial smoke flavoring or an approved smoke flavoring is added as an ingredient in the formula of a meat food product, as permitted in Part 318 of this subchapter, there shall appear on the label, in prominent letters and contiguous to the name of the product, a statement such as "Artificial Smoke Flavoring Added" or "Smoke Flavoring Added," as may be applicable, and the ingredient statement shall identify any artificial smoke flavoring so added as an ingredient in the formula of the meat food product.

(4) When any other artificial flavoring is permitted under Part 318 of this subchapter to be added to a product, the ingredient statement shall identify it as "Artificial Flavoring."

(5) When artificial coloring is added to edible fats as permitted under Part 318 of this subchapter such substance shall be declared on the label in a prominent manner and contiguous to the name of the product by the words "Artificially colored" or "Artificial coloring added" or "With added artificial coloring." When natural coloring such as annatto is added to edible fats as permitted under Part 318 of this subchapter, such substance shall be declared on the label in the same manner by a phrase such as "Colored with annatto."

(6) When product is placed in a casing to which artificial coloring is applied as permitted under Part 318 of this subchapter, there shall appear on the label, in a prominent manner and contiguous to the name of the product, the words, "Artificially colored."

(7) If a casing is removed from product at an official establishment and there is evidence of artificial coloring on the

surface of the product, there shall appear on the label, in a prominent manner and contiguous to the name of product, the words "Artificially colored."

(8) When a casing is colored prior to its use as a covering for product and the color is not transferred to the product enclosed in the casing, no reference to color need appear on the label but no such casing may be used if it is misleading or deceptive with respect to color, quality, or kind of product, or otherwise.

(9) Product which bears or contains any other artificial coloring, as permitted under Part 318 of this subchapter, shall bear a label stating that fact on the immediate container or if there is none, on the product.

(10) When an antioxidant is added to product as permitted under Part 318 of this subchapter, there shall appear on the label in prominent letters and contiguous to the name of the product, a statement identifying the officially approved specific antioxidant by its common name or abbreviation thereof and the purpose for which it is added, such as, "BHA, BHT, and Propylgallate added to help protect flavor."

(11) Containers of meat packed in borax or other preservative for export to a foreign country which permits the use of such preservative shall, at the time of packing, be marked "for export," followed on the next line by the words "packed in preservative," or such equivalent statement as may be approved for this purpose by the Administrator and directly beneath this there shall appear the word "establishment" or abbreviation thereof, followed by the number of the establishment at which the product is packed. The complete statement shall be applied in a conspicuous location and in letters not less than 1 inch in height.

(12) Containers of other product packed in, bearing, or containing any chemical preservative shall bear a label stating that fact.

(k) Packaged products which require special handling to maintain their wholesome condition shall have prominently displayed on the principal display panel of the label the statement: "Keep Refrigerated," "Keep Frozen," "Perishable Keep Under Refrigeration," or such similar statement as the Administrator may approve in specific cases. Products that are distributed frozen during distribution and thawed prior to or during display for sale at retail shall bear the statement on the shipping container: "Keep Frozen." The consumer-size containers for such products shall bear the statement "Previously Handled Frozen for Your Protection, Refreeze or Keep Refrigerated." For all perishable canned products the statement shall be shown in upper case letters one-fourth inch in height for containers having a net weight of 3 pounds or less, and for containers having a net weight over 3 pounds, the

statement shall be in upper case letters at least one-half inch in height.

§ 317.3 Approval of abbreviations of marks of inspection; preparation of marking devices bearing inspection legend without advance approval prohibited; exception.

(a) The Administrator may approve and authorize the use of abbreviations of marks of inspection under the regulations in this subchapter. Such abbreviations shall have the same force and effect as the respective marks for which they are authorized abbreviations.

(b) Except for the purpose of submitting a sample or samples of the same to the Administrator for approval, no person shall procure, make, or prepare, or cause to be procured, made, or prepared, labels, brands, or other marking devices bearing the inspection legend or any abbreviations, copy or representation thereof, for use on any product without the written authority therefor of the Administrator. However, when any sample label, brand, or other marking device is approved by the Administrator, new supplies of such labels and new brands and other marking devices of a character exactly similar to such approved sample may be procured, made, or prepared, for use in accordance with the regulations in this subchapter, without further approval by the Administrator.

§ 317.4 Labels to be approved by Administrator.

(a) Except as provided in paragraph (d) of this section no label shall be used on any product until it has been approved in its final form by the Administrator. For the convenience of the establishment sketches or proofs of new labels may be submitted in triplicate through the officer in charge to the Program for approval and the preparation of finished labels deferred until such approval is obtained: All finished labels shall be submitted in quadruplicate through the officer in charge to the Program for approval.

(b) In case of lithographed labels, paper takeoffs in lieu of sections of the metal containers shall be submitted for approval. Such paper takeoffs shall not be in the form of a negative but shall be a complete reproduction of the label as it will appear on the package, including any color scheme involved. In case of fiber containers, printed layers, such as the kraft paper sheet, shall be submitted for approval in lieu of the complete container.

(c) Inserts, tags, liners, pasters, and like devices containing printed or graphic matter and for use on, or to be placed within, containers and coverings of product shall be submitted for approval in the same manner as provided for labels in paragraph (a) of this section, except that officers in charge may permit use of such devices which contain no reference

to product and bear no misleading feature.

(d) Stencils, labels, box dies, and brands may be used on shipping containers and on such immediate containers as tierces, barrels, drums, boxes, crates, and large-size fiberboard containers provided the markings are applicable to the product, are not false or deceptive, and are used with the approval of the officer in charge. The inspection legend for use in combination with such markings shall be approved by the Administrator.

§ 317.5 Officer in charge may permit modifications of approved labels.

The officer in charge may permit modification of approved labels, or markings, under the following circumstances, provided the labeling or marking as modified is so used as not to be false or misleading:

(a) When all features of the label or marking are proportionately enlarged and the color scheme remains the same;

(b) When there is substitution of such abbreviations as "lb." for "pound," or "oz." for "ounce," or the word "pound" or "ounce" is substituted for the abbreviation;

(c) When a master or stock-label has been approved from which the name and address of the distributor are omitted and such name and address are applied before being used (in such case, the words "prepared for" or similar statement must be shown together with the blank space reserved for the insertion of the name and address when such labels are offered for approval);

(d) When, during Christmas and other holiday seasons, wrappers or other covers bearing floral or foliage designs or illustrations of rabbits, chicks, fireworks, or other emblematic holiday designs are used with approved labels or markings. (The use of such designs will not make necessary the application of labeling not otherwise required);

(e) When there is a slight change in arrangement of directions pertaining to the opening of cans or the serving of the product;

(f) When there is a change in the quantity of an ingredient shown in the formula without a change in the order of predominance shown on the label: *Provided*, That the change in quantity of ingredients complies with any minimum or maximum limits for the use of such ingredients prescribed in Parts 318 and 319 of this subchapter.

§ 317.6 Approved labels to be used only on products to which they are applicable.

Labels shall be used only on products for which they are approved, and only if they have been approved for such products in accordance with § 317.3: *Provided*, That existing stocks of labels approved prior to the effective date of this section and the quantity of which

has been identified to the officer in charge as being in storage on said date at the official establishment or other identified warehouse for the account of the operator of the official establishment may be used until such stocks are exhausted, but not later than 1 year after the effective date of this section unless such labels conform to all the requirements of this part and Part 319 of this subchapter. The Administrator may upon the show of good cause grant individual extension of time as he deems necessary.

§ 317.7 Products for foreign commerce; printing labels in foreign language permissible; other deviations.

Labels to be affixed to packages of products for foreign commerce may be printed in a foreign language and may show the statement of the quantity of contents in accordance with the usage of the country to which exported and other deviations from the form of labeling required under this part may be approved for such product by the Administrator in specific cases: *Provided*,

(a) That the proposed labeling accords to the specifications of the foreign purchaser.

(b) That it is not in conflict with the laws of the country to which the product is intended for export, and

(c) That the outside container is labeled to show that it is intended for export; but if such product is sold or offered for sale in domestic commerce, all the requirements of this subchapter apply. The inspection legend and the establishment number shall in all cases appear in English but in addition, may appear literally translated in a foreign language.

§ 317.8 False or misleading labeling or practices generally; specific prohibitions and requirements for labels and containers.

(a) No product or any of its wrappers, packaging, or other containers shall bear any false or misleading marking, label, or other labeling and no statement, word, picture, design, or device which conveys any false impression or gives any false indication of origin or quality or is otherwise false or misleading shall appear in any marking or other labeling. No product shall be wholly or partly enclosed in any wrapper, packaging, or other container that is so made, formed, or filled as to be misleading.

(b) The labels and containers of product shall comply with the following provisions, as applicable:

(1) Terms having geographical significance with reference to a locality other than that in which the product is prepared may appear on the label only when qualified by the word "style," "type," or "brand," as the case may be, in the same size and style of lettering as in the geographical term, and accompanied with a prominent qualifying

statement identifying the country, State, Territory, or locality in which the product is prepared, using terms appropriate to effect the qualification. When the word "style" or "type" is used, there must be a recognized style or type of product identified with and peculiar to the area represented by the geographical term and the product must possess the characteristics of such style or type, and the word "brand" shall not be used in such a way as to be false or misleading: *Provided*, That a geographical term which has come into general usage as a trade name and which has been approved by the Administrator as being a generic term may be used without the qualifications provided for in this paragraph. The terms "frankfurter," "vienna," "bologna," "lebanon bologna," "braunschweiger," "thuringer," "genoa," "leona," "berliner," "holstein," "goteborg," "milan," "polish," and their modifications, as applied to sausages, the terms "brunswick" and "irish" as applied to stews and the term "boston" as applied to pork shoulder butts need not be accompanied with the word "style," "type," or "brand," or a statement identifying the locality in which the product is prepared.

(2) Such terms as "farm" or "country" shall not be used on labels in connection with products unless such products are actually prepared on the farm or in the country: *Provided*, That if the product is prepared in the same way as on the farm or in the country these terms, if qualified by the word "style" in the same size and style of lettering, may be used: *Provided further*, That the term "farm" may be used as part of a brand designation when qualified by the word "brand" in the same size and style of lettering, and followed with a statement identifying the locality in which the product is prepared. Sausage containing cereal shall not be labeled "farm style" or "country style," and lard not rendered in an open kettle shall not be designated as "farm style" or "country style."

(3) The requirement that the label shall contain the name and place of business of the manufacturer, packer, or distributor shall not relieve any establishment from the requirement that its label shall not be misleading in any particular.

(4) The term "spring lamb" or "genuine spring lamb" is applicable only to carcasses of new-crop lambs slaughtered during the period beginning in March and terminating not beyond the close of the week containing the first Monday in October.

(5) Coverings shall not be of such color, design, or kind as to be misleading with respect to color, quality, or kind of product to which they are applied. For example, transparent or semitransparent coverings for such articles as sliced bacon or fresh (uncooked) meat and meat

food products shall not bear lines or other designs of red or other color which give a false impression of leanness of the product. Transparent or semitransparent wrappers, casings, or coverings for use in packaging cured, cured and smoked, or cured and cooked sausage products, and sliced ready-to-eat meat food products may be color tinted or bear red designs on 50 percent of such wrapper or covering: *Provided*, That the transparent or semitransparent portion of the principal display panel is free of color tinting and red designs: *And provided further*, That the principal display panel provides at least 20 percent unobstructed clear space, consolidated in one area so that the true nature and color of the product is visible to the consumer.

(6) The word "fresh" shall not be used on labels to designate product which contains any sodium nitrate, sodium nitrite, potassium nitrate, or potassium nitrite, or which has been salted for preservation.

(7) No ingredient shall be designated on the label as a spice, flavoring, or coloring unless it is a spice, flavoring, or coloring, as the case may be, within the meaning of such term as commonly understood by consumers. The term "spice" shall be shown for all natural spices. An ingredient which is both a spice and a coloring, or both a flavoring and a coloring, shall be designated as "spice and coloring," or "flavoring and coloring," as the case may be, unless such ingredient is designated by its specific name.

(8) As used on labels of product, the term "gelatin" shall mean (i) the jelly prepared in official establishments by cooking pork skins, tendons, or connective tissue from inspected and passed product, and (ii) dry commercial gelatin or the jelly resulting from its use.

(9) Product (other than canned product) labeled with the term "loaf" as part of its name:

(i) If distributed from the official establishment in consumer size containers may be in any shape;

(ii) If distributed in a container of a size larger than that sold intact at retail the product shall be prepared in rectangular form, or as in subdivision (iii) of this subparagraph;

(iii) If labeled as an "Old Fashioned Loaf" shall be prepared in a traditional form, such as rectangular with rounded top or circular with flat bottom and rounded top.

(10) The term "baked" shall apply only to product which has been cooked by the direct action of dry heat and for a sufficient time to permit the product to assume the characteristics of a baked article, such as the formation of a brown crust on the surface, rendering out of surface fat, and the caramelization of the sugar if applied. Baked loaves shall

be heated to a temperature of at least 160° F. and baked pork cuts shall be heated to an internal temperature of at least 170° F.

(11) When products such as loaves are browned by dipping in hot edible oil or by a flame, the label shall state such fact, e.g., by the words "Browned in Hot Cottonseed Oil" or "Browned by a Flame," as the case may be, appearing as part of the product name.

(12) The term "meat" and the names of particular kinds of meat, such as beef, veal, mutton, lamb, and pork, shall not be used in such manner as to be false or misleading.

(13) (i) The word "ham," without any prefix indicating the species of animal from which derived, shall be used in labeling only in connection with the hind legs of swine. Ham shanks as such or ham shank meat as such or the trimmings accruing in the trimming and shaping of hams shall not be labeled "ham" or "ham meat" without qualification. When used in connection with a chopped product the term "ham" or "ham meat" shall not include the skin.

(14) The terms "shankless" and "hockless" shall apply only to hams and pork shoulders from which the shank or hock has been completely removed, thus eliminating the entire tibia and fibula, or radius and ulna, respectively, together with the overlying muscle, skin, and other tissue.

(15) Such terms as "meat extract" or "extract of beef" without qualification shall not be used on labels of connection with products prepared from organs or other parts of the carcass, other than fresh meat. Extracts prepared from any parts of the carcass other than fresh meat may be properly labeled as extracts with the true name of the parts from which prepared. In the case of extract in fluid form, the word "fluid" shall also appear on the label, as, for example, "fluid extract of beef."

(16) When cereal, vegetable starch, starchy vegetable flour, soy flour, soy protein concentrate, isolated soy protein, dried milk, nonfat dry milk, or calcium reduced dried skim milk is added to sausage within the limits prescribed in Part 319 of this subchapter, there shall appear on the label in a prominent manner, contiguous to the name of the product, the name of each such added ingredient, as, for example, "Cereal Added," "With cereal," "Potato Flour Added," "Cereal and Potato Flour Added," "Soy Flour Added," "Soy Protein Concentrate Added," "Isolated Soy Protein Added," "Nonfat Dry Milk Added," "Calcium Reduced Dried Skim Milk Added," or "Cereal and Nonfat Dry Milk Added," as the case may be.

(17) When any product is enclosed in a container along with a packing substance such as brine, vinegar, or agar jelly, a declaration of the packing substance shall be printed prominently on

the label as part of the name of the product, as for example, "frankfurts packed in brine," "lamb tongue packed in vinegar," or "beef tongue packed in agar jelly," as the case may be. The packing substance shall not be used in such a manner as will result in the container being so filled as to be misleading.

(18) "Leaf lard" is lard prepared from fresh leaf fat.

(19) When lard or hardened lard is mixed with rendered pork fat or hardened rendered pork fat, the mixture shall be designated as "rendered pork fat" or "hardened rendered pork fat," as the case may be.

(20) Oil, stearin, or stock obtained from beef or mutton fats rendered at a temperature above 170° F. shall not be designated as "oleo oil," "oleo stearin," or "oleo stock," respectively.

(21) When not more than 20 percent of beef fat, mutton fat, oleo stearin, vegetable stearin, or hardened vegetable fat is mixed with lard or with rendered pork fat, there shall appear on the label, contiguous to and in the same size and style of lettering as the name of the product, the words "beef fat added," "mutton fat added," "oleo stearin added," "vegetable stearin added," or "hardened vegetable fat added," as the case may be. If more than 20 percent is added, the product name shall refer to the particular animal fat or fats used, such as, "Lard and Beef Fat." The designation "vegetable fat" is applicable to vegetable oil, vegetable stearin, or a combination of such oil and stearin, whereas the designations "vegetable oil" and "vegetable stearin" shall be applicable only to the oil and the stearin respectively, when used in meat food products.

(22) Cooked, cured, or pickled pigs feet, pigs knuckles, and similar products, shall be labeled to show that the bones remain in the product, if such is the case. The designation "semi-boneless" shall not be used if less than 50 percent of the total weight of bones has been removed.

(23) When monoglycerides, diglycerides, and/or polyglycerol esters of fatty acids are added to rendered animal fat or a combination of such fat and vegetable fat, there shall appear on the label in a prominent manner and contiguous to the name of the product a statement such as "With Monoglycerides and Diglycerides Added," or "With Diglycerides and Monoglycerides," or "With Polyglycerol Esters of Fatty Acids" as the case may be.

(24) Colored oleomargarine or colored margarine packed for retail sale shall be in containers not exceeding 1-pound capacity, labeled as follows:

(i) The word "oleomargarine" or "margarine" shall appear on each principal display panel of the container in type of lettering at least as large and in at least the same prominence as any

other type of lettering appearing on such container.

(ii) A full and accurate statement of all the ingredients contained in such oleomargarine or margarine shall be prominently and informatively displayed contiguous to the word "oleomargarine" or "margarine" wherever such word is featured on the container. The ingredients shall be shown by their common or usual name and be arranged in the order of their predominance. Collective terms such as "animal fat" and "vegetable fat" shall not be used but the specific fat, oil, or stearin shall be shown.

(iii) Each part of the contents of the container shall be enclosed in a wrapper bearing the word "oleomargarine" or "margarine" in type or lettering not smaller than 20-point type.

(iv) Wrapped quarter pound sticks or similar units of such oleomargarine or margarine packaged together in a container may constitute units for retail sale and they shall be individually wrapped and labeled in accordance with subdivisions (i), (ii), and (iii) of this subparagraph.

(25) When approved proteolytic enzymes as permitted in Part 318 of this subchapter are used on steaks or other meat cuts in an official establishment, there shall appear on the label contiguous to the product name, a prominent descriptive statement, such as "Dipped in a solution of Papain," to indicate the use of such enzymes.

(26) When dimethylpolysiloxan is added as an antifoaming agent to rendered fats, its presence shall be declared on the label contiguous to the name of the product. Such declaration shall read "Dimethylpolysiloxan Added."

(27) When pizzas are formulated with crust containing calcium propionate or sodium propionate, there shall appear on the label contiguous to the name of the product the statement "----- added to retard spoilage of crust" preceded by the name of the preservative.

(28) Sausage of the dry varieties treated with potassium sorbate or propylparaben (propyl p-hydroxybenzoate) as permitted by Part 318 of this subchapter, shall be marked or labeled with a statement disclosing such treatment and the purpose thereof, such as "dipped in a potassium sorbate solution to retard mold growth."

§ 317.9 Labeling of equine products.

The immediate containers of any equine products shall be labeled to show the kinds of animals from which derived, when the products are sold, transported, offered for sale or transportation or received for transportation in commerce.

§ 317.10 Reuse of official inspection marks; reuse of containers bearing official marks, labels, etc.

(a) No official inspection legend or other official mark which has been pre-

viously used shall be used again for the identification of any product, except as provided for in paragraph (b) of this section.

(b) All stencils, marks, labels, or other labeling on previously used containers, whether relating to any product or otherwise, shall be removed or obliterated before such containers are used for any product, unless such labeling correctly indicates the product to be packed therein and such containers are refilled under the supervision of a Program employee.

§ 317.11 Labeling, filling of containers, handling of labeled products to be only in compliance with regulations.

(a) No person shall in any official establishment apply or affix, or cause to be applied or affixed, any label to any product prepared or received in such establishment, or to any container thereof, or fill any container at such an establishment, except in compliance with the regulations in this subchapter.

(b) No covering or other container shall be filled, in whole or in part, at any official establishment with any product unless it has been inspected and passed in compliance with the regulations in this subchapter, is not adulterated, and is strictly in accordance with the statements on the label, and such filling is done under the supervision of a Program employee.

(c) No person shall remove, or cause to be removed from an official establishment any product bearing a label unless such label is in compliance with the regulations in this subchapter, or any product not bearing a label required by such regulations.

§ 317.12 Relabeling products; requirements.

When it is claimed by an official establishment that any of its products which bore labels bearing official marks has been transported to a location other than an official establishment, and it is desired to relabel the product because the labels have become mutilated or otherwise damaged, a request for relabeling the product shall be sent to the Administrator, accompanied with a statement of the reasons therefor. Labeling material intended for relabeling inspected and passed product shall not be transported from an official establishment until permission has been received from the Administrator. The relabeling of inspected and passed product with labels bearing any official marks shall be done under the supervision of a Program inspector. The official establishment shall reimburse the Program, in accordance with the regulations of the Department, for any cost involved in supervising the relabeling of such product.

§ 317.13 Storage and distribution of labels and containers bearing official marks.

Labels, wrappers, and containers bearing any official marks, with or without the establishment number, may be transported from one official establishment to any other official establishment provided such shipments are made with the prior authorization of the officer in charge at point of origin, who will notify the officer in charge at destination concerning the date of shipment, quantity, and type of labeling material involved. No such material shall be used at the establishment to which it is shipped unless such use conforms with the requirements of this subchapter.

§ 317.14 Reporting of obsolete labels.

Once a year, or oftener if necessary, the operator of each official establishment shall submit to the Administrator in quadruplicate, a list of approved labels no longer used or a list of the documents issued by the Administrator approving the labels involved. The approved labels shall be identified by the approval number, the date of approval, and the name of the product, or other designation showing the class of labeling material.

§ 317.15 [Reserved]

§ 317.16 Labeling and containers of custom prepared products.

(a) Products that are custom prepared under § 303.1(a)(2) of this subchapter must be packaged immediately after preparation and labeled (in lieu) of information otherwise required by this Part 317 with the following information in accordance with § 317.2 conspicuously displayed on the principal display panel:

(1) The words "Not for Sale" in lettering not less than three-eighths inch in height;

(2) The name of the product;

(3) The word "ingredients" followed by a list of ingredients, if the product is made from two or more ingredients;

(4) The name and place of business of the custom operator who prepared the product;

(5) An accurate statement of the quantity of contents;

(6) Handling instructions, if necessary, to insure that the public will be informed of the manner of handling required to maintain the product in a wholesome condition; and

(7) Any other information required to appear on the label, by paragraph 1(n) of the Act, except the official inspection legend.

(b) Such exempted custom prepared products shall not have false or misleading labeling on containers or be otherwise misbranded as defined in paragraph 1(n) of the Act.

Part O

REFERENCE INDEX

Index to the Model State Packaging & Labeling Regulation

<u>Section</u>	<u>Page</u>	<u>Section</u>	<u>Page</u>
1	6	6.6.7	B-53
2	A- 1	6.6.8	B-55
2.1	A- 1	6.7	B-67
2.2	A- 2	6.8	B-73
2.3	A- 7	6.8.1	B-73
2.4	A-12	6.8.2	B-78
2.5	A- 4	6.9	B-69
2.6	A- 8	7	C- 4
2.7	A- 9	7.1	C- 4
2.8	A- 6	7.2	C- 4
3	B- 1	7.3	C- 4
3.1	B- 1	7.3.1	C- 5
3.1.1	B- 6	7.4	C- 5
4	C- 1	8	B- 7
5	B- 8	8.1	B- 7
.	C- 2	8.1	B-13
6	B-14	8.1	B-17
6.1	B-14	8.1.1	B-18
6.2	B-15	8.1.2	B-22
6.2.1	B-30	8.1.3	B-24
6.2.2	B-71	8.1.4	B-25
6.3	B-27	8.1.5	B-21
6.3.1	B-35	8.2	B-56
6.3.2	B-36	8.2.1	B-60
6.4	B-32	8.2.2	B-66
6.4.1	B-76	9	C- 3
6.5	B-72	9.1	C- 3
6.6	B-38	. . . . .
6.6.1	B-38	. . . . .
6.6.2	B-41	10	
6.6.3	B-45	10.1	D- 4
6.6.4	B-48	10.2	D- 5
6.6.5	B-49	10.3	D- 1
6.6.6	B-51	10.4	D- 6
		10.5	D- 2

<u>Section</u>	<u>Page</u>
10.6	D- 8
10.7	D- 3
10.8	D- 9
10.8.1	D- 9
10.8.2	D-10
10.9	D-12
10.9.1	D-12
10.9.2	D-12
10.9.3	D-13
11	G- 1
11.1	G- 1
11.2	G- 5
11.3	G- 7
11.4	G- 8
11.5	G- 9
11.6	G-10
11.7	G-11
11.8	G-12
11.9	G-15
11.10	G-30
11.11	G-18

<u>Section</u>	<u>Page</u>
11.12	G-19
11.13	G-20
11.14	G-21
11.15	G-22
11.16	G-23
11.17	G-27
11.18	G-28
11.19	G-29
11.20	G-24
11.21	G-25
11.22	G-26
11.23	G-31
11.24	G-32
11.25	G-33
11.26	G-34
12	E- 1
12.1	E- 1
12.1.1	E- 1
12.1.2	E- 3
12.2	E- 4

Index to FDA Regulations

<u>Section</u>	<u>Page</u>	<u>Section</u>	<u>Page</u>
1. 1	6	1. 8b(f)	B-25
1. 1a	G- 2	. . . . .	B-69
1. 1b	10	. . . . .	B-18
1. 1c	8	1. 8b(g)	B-15
1. 1c(a)(1)(2)	G- 5	. . . . .	D- 1
1. 1c(a)(3)	G- 8	1. 8b(h)	B-22
1. 1c(a)(4)	G- 7	. . . . .	B-61
1. 2	A- 4	1. 8b(i)	B-61
1. 7	A- 9	1. 8b(j)(1)	B-45
.	B-56	1. 8b(j)(2)	A-12
1. 8	B- 1	. . . . .	B-46
1. 8(d)	B- 6	1. 8b(j)(3)	B-71
1. 8a	B- 9	. . . . .	B-30
1. 8b(a)	B-27	1. 8b(k)	B-41
.	B-35	1. 8b(n)	B-76
1. 8b(b)	B-32	1. 8b(o)	B-73
1. 8b(c)	B-36	1. 8b(p)	B-78
1. 8b(d)	B-67	1. 8b(s)	A- 6
1. 8b(e)	A- 9	. . . . .	D- 6
		1. 8c	B-81
		1. 10	B-79

Index to Drug, Device & Cosmetic Regulations

<u>Section</u>	<u>Page</u>	<u>Section</u>	<u>Page</u>
1.1	7	1.102d(n)	B-51
1.1c	G-13	1.102d(o)	B-74
1.101a	A-10	1.102d(p)	B-78
.	B-57	1.102d(q)	E- 1
1.102	B- 2	1.102d(r)	G-13
1.102a	B- 3	1.201a	A-10
1.102b	B- 9	. . . . .	B-57
1.102c(a)	B-15	1.202	B- 3
.	B-27	1.202a	B-10
1.102c(b)	B-33	1.202b(a)	B-16
1.102c(c)	B-67	. . . . .	B-28
1.102c(d)	B-22	. . . . .	B-35
1.102c(e)	B-15	1.202b(b)	B-34
1.102c(f)(g)(h)	G-13	1.202b(c)	B-36
1.102d(a)	B-15	1.202b(d)	B-68
1.102d(a)(1)	B-28	1.202b(e)	B-19
1.102d(a)(2)	B-36	1.202b(f)	B-25
.	B-35	. . . . .	B-69
1.102d(b)	B-34	. . . . .	B-19
1.102d(c)	B-68	1.202b(g)	B-16
1.102d(d)	B-18	1.202b(g)(1)	D- 1
1.102d(e)	B-25	1.202b(g)(2)	D- 8
.	B-69	1.202b(h)	B-23
.	B-18	. . . . .	B-63
1.102d(f)	B-15	1.202b(i)	B-63
.	D- 1	1.202b(j)(1)	B-46
1.102d(g)	B-22	1.202b(j)(2)	B-71
.	B-62	. . . . .	B-30
1.102d(h)	B-62	1.202b(k)	B-43
1.102d(i)(1)	B-46	1.202b(n)	B-77
1.102d(i)(2)	B-71	1.202b(o)	B-49
.	B-30	1.202b(p)	B-51
1.102d(j)	B-42	1.202b(q)	B-74
1.102d(l)	B-76	1.202b(r)	B-78
1.102d(m)	B-49	1.202b(s)	E- 2

Index to FTC Regulations

<u>Section</u>	<u>Page</u>
500.1	7
500.2(a)	A-13
500.2(b)	A-13
500.2(c)	A- 3
500.2(d)	11
500.2(e)	A- 5
500.2(f)	A- 8
500.2(g)	A-13
500.2(h)	A-10
500.2(i)	A-12
500.3(a)(b)(c)(d)	7
500.3(e)	G- 4
500.4	B- 4
500.4(b)	B- 6
500.5	B-11
500.6(a)	B-16
500.6(b)	B-26
.	B-70
.	B-20
500.7	B-29
.	B-37
.	B-71
500.8	B-34
500.9(a)	B-31
500.9(a)(1)	B-39
500.9(a)(2)	B-47
500.9(a)(3)	B-44
500.9(b)	G- 6
500.9(c)	B-72

<u>Section</u>	<u>Page</u>
500.10(a)	B-72
.	B-31
500.10(b)(1).	B-39
500.10(b)(2).	B-48
500.10(b)(3).	B-44
500.11(a)	B-39
500.11(b)	B-50
500.11(c)	B-44
500.12	B-54
500.13(a)	B-39
500.13(b)	B-52
500.13(c)	B-44
500.14	B-40
.	B-72
500.15	B-55
500.16	B-68
500.17	B-23
500.18(a)	B-58
500.18(b)(c)	B-64
500.18(d)(e)(f)	B-64
500.19	B-77
500.20	B-74
500.21	B-78
500.22(a)	B-16
500.22(a)	D- 1
500.22(b)(c)	E- 2
500.23	B-81
500.24	D- 7
.	A- 6
500.25	D- 8
500.26	D- 2

Index to USDA Meat Inspection Regulations

<u>Section</u>	<u>Page</u>	<u>Section</u>	<u>Page</u>
317. 1(a)(b)(c)	9	317. 2(h)(5)	B-47
317. 2(a)	A-5	317. 2(h)(6)	B-48
317. 2(b)	B-7	317. 2(h)(7)	B-65
.	B-13	. . . . .	B-66
.	B-17	317. 2(h)(8)	B-26
.	C-3	. . . . .	B-70
317. 2(c)(1)	B-5	317. 2(h)(9)(i)	G-8
.	C-1	317. 2(h)(9)(ii)	G-6
317. 2(c)(2)	B-79	317. 2(h)(9)(iii)	G-24
317. 2(c)(3)	B-12	317. 2(h)(9)(iv)	Part N
.	C-2	317. 2(h)(10)	B-82
317. 2(c)(4)	B-16	317. 2(h)(11)	A-12
.	C-5	317. 2(h)(12)	D-7
317. 2(c)(5)	Part N	. . . . .	A-6
317. 2(c)(6)	Part N	. . . . .	10
317. 2(d)	A-11	317. 2(h)(13)	Part N
.	B-59	317. 2(i)	Part N
317. 2(e)	B-5	317. 2(j)	Part N
.	C-1	317. 2(k)	Part N
317. 2(f)	B-80	317. 3	Part N
317. 2(g)	B-12	317. 4	Part N
.	C-2	317. 5	Part N
317. 2(h)(1)	B-16	317. 6	Part N
.	B-17	317. 7	Part N
317. 2(h)(2)	B-16	317. 8	Part N
.	E-2	317. 9	Part N
317. 2(h)(3)	B-20	317. 10	Part N
.	B-21	317. 11	Part N
.	B-71	317. 12	Part N
.	B-31	317. 13	Part N
.	B-72	317. 14	Part N
317. 2(h)(4)	B-29	317. 15	Part N
.	C-5	317. 16	Part N

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Edge Index

INTRODUCTION

PART A DEFINITIONS

PART B LABELING -- CONSUMER PACKAGES

PART C LABELING -- NONCONSUMER PACKAGES

PART D REQUIREMENTS -- SPECIFIC CONSUMER CONTAINERS

PART E VARIATIONS TO BE ALLOWED

PART F EFFECTIVE DATES OF FEDERAL REGULATIONS

PART G EXEMPTIONS

PART H NATIONAL CONFERENCE INTERPRETATIONS

PART I FOOD AND DRUG ADMINISTRATION INTERPRETATIONS

PART J FEDERAL TRADE COMMISSION INTERPRETATIONS

PART K MODEL STATE PACKAGING AND LABELING REGULATION

PART L FOOD AND DRUG ADMINISTRATION REGULATIONS

PART M FEDERAL TRADE COMMISSION REGULATIONS

PART N U. S. DEPARTMENT OF AGRICULTURE REGULATIONS

PART O REFERENCE INDEX