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REFERENCE

NIST  
PUBLICATIONS

# NIST HANDBOOK 130

## 1990

### UNIFORM LAWS AND REGULATIONS

as adopted by the 74th National Conference on Weights and Measures (1990)

Weights and Measures Law

Weighmaster Law

Motor Fuel Inspection Law

Packaging and Labeling Regulation

Method of Sale of Commodities Regulation

Unit Pricing Regulation

Registration of Servicepersons and Agencies Regulation

Open Dating Regulation

National Type Evaluation Regulation

Motor Fuel Regulation

U.S. Department of Commerce  
National Institute of Standards  
and Technology



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No.130

1990



# NATIONAL INSTITUTE OF STANDARDS & TECHNOLOGY

Research Information Center  
Gaithersburg, MD 20899

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he National Institute of Standards and Technology<sup>1</sup> was established by an act of Congress on March 3, 1901. The Institute's overall goal is to strengthen and advance the Nation's science and technology and facilitate their effective application for public benefit. To this end, the Institute conducts research to assure international competitiveness and leadership of U.S. industry, science and technology. NIST work involves development and transfer of measurements, standards and related science and technology, in support of continually improving U.S. productivity, product quality and reliability, innovation and underlying science and engineering. The Institute's technical work is performed by the National Measurement Laboratory, the National Engineering Laboratory, the National Computer Systems Laboratory, and the Institute for Materials Science and Engineering.

## *The National Measurement Laboratory*

Provides the national system of physical and chemical measurement; coordinates the system with measurement systems of other nations and furnishes essential services leading to accurate and uniform physical and chemical measurement throughout the Nation's scientific community, industry, and commerce; provides advisory and research services to other Government agencies; conducts physical and chemical research; develops, produces, and distributes Standard Reference Materials; provides calibration services; and manages the National Standard Reference Data System. The Laboratory consists of the following centers:

- Basic Standards<sup>2</sup>
- Radiation Research
- Chemical Physics
- Analytical Chemistry

## *The National Engineering Laboratory*

Provides technology and technical services to the public and private sectors to address national needs and to solve national problems; conducts research in engineering and applied science in support of these efforts; builds and maintains competence in the necessary disciplines required to carry out this research and technical service; develops engineering data and measurement capabilities; provides engineering measurement traceability services; develops test methods and proposes engineering standards and code changes; develops and proposes new engineering practices; and develops and improves mechanisms to transfer results of its research to the ultimate user. The Laboratory consists of the following centers:

- Computing and Applied Mathematics
- Electronics and Electrical Engineering<sup>2</sup>
- Manufacturing Engineering
- Building Technology
- Fire Research
- Chemical Engineering<sup>3</sup>

## *The National Computer Systems Laboratory*

Conducts research and provides scientific and technical services to aid Federal agencies in the selection, acquisition, application, and use of computer technology to improve effectiveness and economy in Government operations in accordance with Public Law 89-306 (40 U.S.C. 759), relevant Executive Orders, and other directives; carries out this mission by managing the Federal Information Processing Standards Program, developing Federal ADP standards guidelines, and managing Federal participation in ADP voluntary standardization activities; provides scientific and technological advisory services and assistance to Federal agencies; and provides the technical foundation for computer-related policies of the Federal Government. The Laboratory consists of the following divisions:

- Information Systems Engineering
- Systems and Software Technology
- Computer Security
- Systems and Network Architecture
- Advanced Systems

## *The Institute for Materials Science and Engineering*

Conducts research and provides measurements, data, standards, reference materials, quantitative understanding and other technical information fundamental to the processing, structure, properties and performance of materials; addresses the scientific basis for new advanced materials technologies; plans research around cross-cutting scientific themes such as nondestructive evaluation and phase diagram development; oversees Institute-wide technical programs in nuclear reactor radiation research and nondestructive evaluation; and broadly disseminates generic technical information resulting from its programs. The Institute consists of the following divisions:

- Ceramics
- Fracture and Deformation<sup>3</sup>
- Polymers
- Metallurgy
- Reactor Radiation

<sup>1</sup>Headquarters and Laboratories at Gaithersburg, MD, unless otherwise noted; mailing address Gaithersburg, MD 20899.

<sup>2</sup>Some divisions within the center are located at Boulder, CO 80303.

<sup>3</sup>Located at Boulder, CO, with some elements at Gaithersburg, MD.



**NIST HANDBOOK 130  
1990**

(Superseding Handbook 130 - 1989 Edition)

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451  
no. 130  
1990

**UNIFORM LAWS AND REGULATIONS**

*in the areas of legal metrology and motor fuel quality*

ADOPTED BY THE 74th  
NATIONAL CONFERENCE ON WEIGHTS AND MEASURES  
1989

Carroll S. Brickenkamp and Joan Koenig, Editors



**NOTE:** As of 23 August 1988, the National Bureau of Standards (NBS) became the National Institute of Standards and Technology (NIST) when President Reagan signed into law the Omnibus Trade and Competitiveness Act.

U.S. DEPARTMENT OF COMMERCE, Robert A. Mosbacher, Secretary  
NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY, Raymond G. Kammer, Acting Director  
Issued October 1989



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## Foreword

This handbook compiles the latest Uniform Laws and Regulations adopted by the National Conference on Weights and Measures (NCWM). At the 1983 annual meeting, the NCWM voted to change the title of Handbook 130 and the titles of the Laws and Regulations compiled in this handbook. The former title of the handbook was "Model State Laws and Regulations." "Model State" was changed to "Uniform" in the titles to reflect that these Laws and Regulations are (a) intended to be standards rather than just guidelines, and (b) intended for adoption by political subdivisions other than States when deemed appropriate.

The compilation itself was approved by the NCWM in 1979. This edition includes amendments adopted at the annual meeting in 1989, as well as a revised Weighmaster Law. The Conference recommends adoption and promulgation by the States of these Uniform Laws and Regulations as updated in this handbook.

The National Institute of Standards and Technology has a statutory responsibility for "cooperation with the States in securing uniformity of weights and measures laws and methods of inspection." In partial fulfillment of this responsibility, the Institute is pleased to publish these recommendations of the National Conference.

**Ray Kammer**

Acting Director  
National Institute of Standards and Technology



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Kendrick Simila, State of Oregon, Chairman  
 Fred Clem, Columbus, Ohio  
 Sidney Colbrook, State of Illinois  
 Allan Nelson, State of Connecticut  
 Stewart Rosenthal, New York City, New York  
 N. David Smith, State of North Carolina

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41	G.H. Leithauser Baltimore, MD	58	S.D. Andrews Florida
42	F.M. Greene Connecticut	59	R.M. Leach Michigan
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44	G.L. Johnson Kentucky	61	C.H. Vincent Dallas, TX
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In accord with NIST policy, the meter/liter spellings are used in this document. However, the metre/litre spellings are acceptable, and are preferred by the National Conference on Weights and Measures.



## 1989 Amendments

The following table lists those laws and regulations and pages in which amendments were made by the 74th National Conference on Weights and Measures. Each law or regulation, section, or paragraph that has been added or changed is noted as "Added 1989" or "Amended 1989."

Law or Regulation	Section	Action	Page
Uniform Weights and Measures Law	1.10.	Amended	III-9
	17.	Amended	III-14
	22.	Amended	III-16
	23.	Added	III-16
	24.	Added	III-17
	25.	Renumbered and renamed	III-17
Uniform Weighmaster Law		Completely revised	
Uniform Packaging and Labeling Regulation	Preamble	Added	IV-9
	2.9.	Added	IV-10
	2.10.	Added	IV-10
	6.4.	Amended	IV-12
	10.12.(b)	Amended	IV-29
	10.13.	Added	IV-29
	11.2.	Amended	IV-30
	11.19.	Amended	IV-33
	11.31	Amended and renumbered	IV-35
Uniform Regulation for the Method of Sale of Commodities	Preamble	Added	IV-47
	1.1.	Amended	IV-47
	1.5.1.	Amended	IV-48
	1.5.2.*	Renumbered and retitled	IV-49
	1.5.2.1.	Amended and renumbered	IV-49
	1.5.2.2.	Added	IV-49
	1.5.2.3.	Amended and renumbered	IV-49
	1.5.2.4.	Amended and renumbered	IV-49
	1.5.2.5.	Amended and renumbered	IV-49
	1.6.	Amended	IV-49
	2.1.	Added	IV-52
	2.22.	Added	IV-63

\*"Stuffed Fish, Seafood, Poultry or Meat Products," which was Section 1.5.2. in the 1989 Edition of H-130, was deleted.



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## Editorial Changes

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Law or Regulation	Section	Action	Page
National Bureau of Standards changed to National Institute of Standards and Technology			
Uniform Weighmaster Law	Section 10. Certificate	List reordered	III-24
	Section 17. Prohibited Acts	List reordered	III-26
	All references to Handbook 44 changed to "most recent edition of"		
Uniform Packaging and Labeling Regulation	Section 2.9. Petroleum Products	Renumbered 2.11.	IV-11
	Section 6.7.7.(a)	Clarification of length and width statements	IV-16
	Section 6.7.7.(c)(2)	Clarification of length and width statements	IV-17
	Section 10.9.4. Textile Packages	Renumbered 11.31.	IV-35
	Section 10.9.5.	Renumbered 10.9.4.	IV-28
Uniform Regulation for the Method of Sale of Commodities	Sections 2.1. through 2.20.	Renumbered 2.2. through 2.21.	IV-52
Uniform Regulation for National Type Evaluation	Intent in Introduction	Sentence on participating laboratory added	IV-89

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Date		Time		Location		Remarks	
1911	10/1	10:00	11:00	St. Paul	St. Paul	St. Paul	St. Paul
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1911	10/11	10:00	11:00	St. Paul	St. Paul	St. Paul	St. Paul
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1911	10/15	10:00	11:00	St. Paul	St. Paul	St. Paul	St. Paul
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1911	10/17	10:00	11:00	St. Paul	St. Paul	St. Paul	St. Paul
1911	10/18	10:00	11:00	St. Paul	St. Paul	St. Paul	St. Paul
1911	10/19	10:00	11:00	St. Paul	St. Paul	St. Paul	St. Paul
1911	10/20	10:00	11:00	St. Paul	St. Paul	St. Paul	St. Paul
1911	10/21	10:00	11:00	St. Paul	St. Paul	St. Paul	St. Paul
1911	10/22	10:00	11:00	St. Paul	St. Paul	St. Paul	St. Paul
1911	10/23	10:00	11:00	St. Paul	St. Paul	St. Paul	St. Paul
1911	10/24	10:00	11:00	St. Paul	St. Paul	St. Paul	St. Paul
1911	10/25	10:00	11:00	St. Paul	St. Paul	St. Paul	St. Paul
1911	10/26	10:00	11:00	St. Paul	St. Paul	St. Paul	St. Paul
1911	10/27	10:00	11:00	St. Paul	St. Paul	St. Paul	St. Paul
1911	10/28	10:00	11:00	St. Paul	St. Paul	St. Paul	St. Paul
1911	10/29	10:00	11:00	St. Paul	St. Paul	St. Paul	St. Paul
1911	10/30	10:00	11:00	St. Paul	St. Paul	St. Paul	St. Paul
1911	10/31	10:00	11:00	St. Paul	St. Paul	St. Paul	St. Paul



# I. Introduction

- A. Source.** - The Uniform Laws and Regulations<sup>1</sup> in this compiled form comprise all of those adopted by the National Conference on Weights and Measures (NCWM).<sup>2</sup>

The National Conference is sponsored by the National Institute of Standards and Technology (NIST), which organization provides its secretariat and publishes its documents. The NIST also develops technical publications for use by weights and measures agencies; these publications may subsequently be endorsed or adopted by the NCWM.

The Conference Committee on Laws and Regulations (see Paragraph C), acting at the request of the Conference or upon its own initiative, prepares, with the technical assistance of the National Institute of Standards and Technology, proposed amendments or additions to the material previously adopted by the Conference. Such amendments or additions are then presented to the Conference as a whole, where they are discussed by weights and measures officials and representatives of interested manufacturers, industries, consumer groups, and others. Eventually the proposals of the Committee, which may have been amended on the floor, are voted upon by the weights and measures officials. Following the voting procedures adopted by the NCWM in 1978, a national consensus is required on all issues adopted by the Conference. No Uniform Law or Regulation is adopted without at least a majority of the States' representatives and at least a majority of other voting delegates favoring such adoption.

All of the Uniform Laws and Regulations given herein are recommended by the National Conference on Weights and Measures for use by States when reviewing or amending their official laws and regulations in the areas covered. A similar recommendation is made with regard to the local jurisdictions within a State in the absence of the promulgation of such laws and regulations at the State level.

- B. Purpose.** - The purpose of these Uniform Laws and Regulations is to achieve, to the maximum extent possible, standardization in weights and measures laws and regulations among the various States and local jurisdictions in order to facilitate trade between the States, permit fair competition among businesses, and provide uniform and sufficient protection to all consumers in weights and measures issues.
- C. Amendments.** - The Committee on Laws and Regulations of the National Conference on Weights and Measures provides the mechanism for consideration of amendments or additions to the Uniform Laws and Regulations. Recommendations for changes should be directed to the Committee on Laws

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<sup>1</sup> When referring to the Uniform Laws and Regulations in Handbook 130, Laws and Regulations will be capitalized. When referring to general Federal or State laws and regulations, no capitalization will be used.

<sup>2</sup> When sitting as a voting body, the National Conference on Weights and Measures (NCWM) is made up of State and local weights and measures officials from all parts of the United States. The NCWM normally meets annually.



and Regulations, National Conference on Weights and Measures, P. O. Box 4025, Gaithersburg, Md., 20885 (with a copy to the Executive Secretary at the same address).

- o To be considered by the Committee for action during the upcoming Conference, proposals must be presented in writing to the Committee by November 1 prior to the Interim Meetings (usually the third week of January of each year).
- o Proposals should contain a concise statement of the problem and clearly outline the purpose and national need for its consideration.
- o Proposals should be accompanied by adequate background material, including test data, analysis of test data, or other appropriately researched and documented material from which the Committee will be able either to make a suitable judgment for a firm recommendation or to consider the need for further study. When possible, solutions to problems should be proposed and stated in specific language in amendment form to Conference documents.
- o Weights and measures officials are encouraged to utilize their regional associations for initial exploration of issues and to use the resources of all member States within that regional association to assist in the development of well documented proposals where applicable.
- o If a proposal involves a new area of weights and measures activity, it is appropriate to make recommendations for both Uniform Regulations and test methods to provide for proper enforcement.

Additionally, when a proposal that would modify or add to Handbook 130 is presented to the Committee, the proposal should:

- o Identify the pertinent portion, section, and paragraph of the existing publication (e.g., Uniform Regulation for the Method of Sale of Commodities, Section 2.8.).
- o Where applicable, provide evidence of consistency with other portions of NCWM publications (such as with other Uniform Laws and Regulations).
- o Where applicable, provide evidence of consistency with Federal laws and regulations (such as with FDA or FTC regulations).

**D. Revisions to the Handbook.** - This Handbook will be reissued each year following the annual meeting of the National Conference on Weights and Measures and will reflect changes approved by the Conference at that meeting. Each Uniform Law and Regulation will be reprinted in full each year, even if it is not changed that year, to indicate the current version clearly. (Note: Section numbering may be changed from one edition of this Handbook to another to accommodate additions or deletions.)

**E. Annotation.** - From 1971 on, amendments or additions to sections in the Uniform Laws and Regulations are delineated at the end of each section (e.g., "amended 1982") as a service for those States that are planning to update their own laws or regulations. The references to each revision and the year will enable legislators and rule makers to study the actual wording and rationale for changes (appearing in the Annual Report of the NCWM for that year) and subsequently adopt changes in their own laws and regulations, modeling them after the Uniform Laws and Regulations.



## **II. Uniformity of Laws and Regulations**

### **1. National Conference Goal**

The goal of the National Conference on Weights and Measures with respect to these Uniform Laws and Regulations is to achieve their acceptance in all States and local jurisdictions that have authority over such matters. The Conference stands ready to assist any jurisdiction in any way possible in securing adoption.

### **2. Status of Promulgation**

The following pages list, by State, information regarding the adoption of the Uniform Laws and Regulations. The tabulated data indicate if the State has adopted the Uniform Law or Regulation in total or in part, or if the State has used it as guidance in developing a similar law or regulation.

The information is verified with each State annually; the entries are intended to represent the current status of State adoption.

There is need for judgment concerning the actual degree of adoption unless a section-by-section comparison is made between each State law or regulation and the related Uniform Laws and Regulations. This detailed comparison has been made for three regulations:

- (1) Packaging and Labeling (see Report of the 69th NCWM, 1984),
- (2) Method of Sale (see Report of the 68th NCWM, 1983), and
- (3) Voluntary Registration (see Report of the 67th NCWM, 1982.) Note that the Regulation was revised in 1984, hence the data in the 1982 intercomparison is only partly valid.



**SUMMARY OF STATE LAWS AND REGULATIONS  
FOR WEIGHTS AND MEASURES  
(as of July, 1989)**

STATE	LAWS			REGULATIONS						
	WEIGHTS AND MEASURES LAW	WEIGHMASTER LAW	MOTOR FUEL LAW <sup>1</sup>	PACKAGING & LABELING REG.	METHOD OF SALE REG.	UNIT PRICING REG.	REGISTRATION REG.	OPEN DATING REG. <sup>2</sup>	TYPE EVALUATION REG.	MOTOR FUEL REG. <sup>1,3</sup>
ALABAMA	YES	YES	yes*	yes	yes	NO	YES	NO	YES	yes*
ALASKA	YES	NO	NO	yes	yes	NO	NO	NO	no	NO
ARIZONA	YES	YES	yes*	YES	yes	no	yes	YES	yes	yes*
ARKANSAS	YES	NO	yes	YES	YES	NO	YES	YES	YES	yes
CALIFORNIA	YES	yes	yes*	yes	yes	NO	yes	yes*	yes	yes
COLORADO	yes	yes	yes*	YES	yes	NO	yes	NO	NO	yes*
CONNECTICUT	yes	YES	yes*	yes	YES	yes*	yes*	yes*	YES	yes
DELAWARE	yes	yes	yes*	yes	no	NO	NO	NO	NO	yes*
DISTRICT OF COLUMBIA	yes	yes	NO	yes	yes	NO	NO	yes*	no	NO
FLORIDA	YES	NO	yes*	yes	no	yes*	YES	yes*	no	yes*
GEORGIA	yes	yes*	yes*	yes	yes	NO	yes	yes*	yes	yes*
HAWAII	YES	YES	yes*	yes	yes	YES	YES	YES	yes	yes*
IDAHO	YES	YES	yes*	yes	yes	NO	YES	NO	no	yes*
ILLINOIS	YES	NO	yes*	YES	YES	NO	yes	NO	YES	yes
INDIANA	yes	yes	yes*	yes	yes	NO	NO	NO	no	yes*
IOWA	YES	yes*	yes*	YES	yes*	NO	yes*	NO	yes	yes*
KANSAS	yes	NO	yes*	yes	yes	NO	yes	NO	yes	yes*
KENTUCKY	YES	NO	NO	YES	yes*	NO	YES	NO	NO	NO
LOUISIANA	yes	yes	yes*	yes*	yes	NO	NO	NO	no	yes*
MAINE	YES	no	yes*	YES	YES	NO	no	NO	no	yes*

**KEY:**

- YES - Fully adopted
- yes - Adopted in part, modified, or used as a guideline
- yes\* - Law or regulation in force, but NCWM standard was not considered
- no - No law or regulation on this subject, however NCWM standard is used as guideline
- NO - No law or regulation on this subject

- <sup>1</sup> Motor Fuel Requirements may be part of tax laws or regulations
- <sup>2</sup> Open Dating Requirements may be part of dairy regulations
- <sup>3</sup> If state has gasoline-alcohol labeling requirements, they are listed as having used Uniform Regulation as a guideline (yes or yes\*)



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STATE	LAWS			REGULATIONS						
	WEIGHTS AND MEASURES LAW	WEIGHMASTER LAW	MOTOR FUEL LAW <sup>1</sup>	PACKAGING & LABELING REG.	METHOD OF SALE REG.	UNIT PRICING REG.	REGISTRATION REG.	OPEN DATING REG. <sup>2</sup>	TYPE EVALUATION REG.	MOTOR FUEL REG. <sup>1,3</sup>
MARYLAND	YES	NO	yes*	yes	yes	yes*	NO	yes*	NO	yes*
MASSACHUSETTS	yes*	yes*	yes*	yes	yes	yes*	NO	NO	yes*	yes*
MICHIGAN	yes*	yes*	yes	yes	no	NO	NO	yes*	no	yes
MINNESOTA	YES	NO	tes*	YES	NO	NO	YES	YES	NO	yes*
MISSISSIPPI	YES	YES	yes	yes	yes	yes	yes	NO	yes	yes
MISSOURI	yes	NO	yes	YES	YES	NO	YES	yes*	yes	yes
MONTANA	YES	NO	yes*	no	no	no	YES	no	no	yes*
NEBRASKA	yes	NO	NO	no	no	NO	YES	NO	no	yes
NEVADA	yes	yes	NO	yes	yes*	NO	yes	NO	no	NO
NEW HAMPSHIRE	YES	YES	NO	YES	YES	YES	YES	YES	YES	yes
NEW JERSEY	yes	YES	NO	yes	yes	yes*	yes*	NO	yes*	NO
NEW MEXICO	YES	YES	yes*	NO	yes	NO	YES	yes*	NO	yes*
NEW YORK	yes	yes	NO	yes	yes	yes*	NO	NO	yes	NO
NORTH CAROLINA	yes	yes*	yes	yes	yes	NO	yes	NO	yes	yes
NORTH DAKOTA	yes	YES	yes*	yes*	yes*	NO	yes	NO	no	yes*
OHIO	yes	NO	NO	yes	no	NO	NO	NO	YES	yes
OKLAHOMA	YES	NO	yes*	yes	yes*	NO	NO	yes*	NO	yes*
OREGON	YES	NO	NO	YES	yes	yes*	NO	yes*	no	yes
PENNSYLVANIA	yes	yes*	NO	yes	yes	NO	NO	NO	yes*	NO
PUERTO RICO	yes	YES	NO	yes	yes*	yes*	yes	NO	NO	yes*

**KEY:**

- YES - Fully adopted
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- yes\* - Law or regulation in force, but NCWM standard was not considered
- no - No law or regulation on this subject, however NCWM standard is used as guideline
- NO - No law or regulation on this subject

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- <sup>2</sup> Open Dating Requirements may be part of dairy regulations
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RHODE ISLAND	yes*	no	NO	yes*	YES	yes*	NO	yes*	no	yes*
SOUTH CAROLINA	yes	yes*	yes*	yes	yes	NO	yes	NO	NO	yes*
SOUTH DAKOTA	YES	NO	yes*	YES	yes	NO	YES	NO	no	yes*
TENNESSEE	YES	YES	yes	YES	YES	no	YES	no	no	yes*
TEXAS	YES	yes*	NO	yes*	yes	NO	yes	NO	no	NO
UTAH	YES	NO	yes*	YES	YES	NO	YES	NO	YES	yes*
VERMONT	YES	yes	NO	YES	yes	yes*	yes	NO	no	yes
VIRGINIA	YES	YES	yes*	YES	YES	NO	NO	yes*	NO	yes*
VIRGIN ISLANDS	YES	NO	yes*	yes*	yes*	NO	NO	NO	NO	NO
WASHINGTON	YES	YES	NO	YES	no	NO	no	NO	NO	yes
WEST VIRGINIA	YES	NO	NO	yes	yes	NO	NO	NO	NO	NO
WISCONSIN	yes	NO	yes*	yes	yes	NO	no	NO	NO	yes*
WYOMING	yes*	NO	NO	yes*	yes*	NO	yes	NO	no	NO

SUMMARY:	YES	29	14	0	17	11	2	15	5	7	0
53 TOTAL	yes	20	9	7	27	27	1	15	0	10	15
(STATES, D.C.	yes*	4	8	28	6	7	11	3	13	3	27
PUERTO RICO,	no	0	2	0	2	7	3	3	2	20	0
VIRGIN ISLANDS)	NO	0	20	18	1	1	36	17	33	13	11

**KEY:**

- YES - Fully adopted
- yes - Adopted in part, modified, or used as a guideline
- yes\* - Law or regulation in force, but NCWM standard was not considered
- no - No law or regulation on this subject, however NCWM standard is used as guideline
- NO - No law or regulation on this subject

- <sup>1</sup> Motor Fuel Requirements may be part of tax laws or regulations
- <sup>2</sup> Open Dating Requirements may be part of dairy regulations
- <sup>3</sup> If state has gasoline-alcohol labeling requirements, they are listed as having used Uniform Regulation as a guideline (yes or yes\*)



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# Uniform Weights and Measures Law

1971

as adopted by  
The National Conference on Weights and Measures<sup>1</sup>

## 1. Background

Recognition of the need for uniformity in weights and measures laws and regulations among the States was first noted at the second National Conference on Weights and Measures in April 1906. In the following year, basic outlines of a "Model State Weights and Measures Law" were developed. The first "Model Law", as such, was formally adopted by the Conference in 1911.

Through the years, almost without exception, each State has relied upon the NCWM Weights and Measures Law at the time it first enacted comprehensive weights and measures legislation. This has led to a great degree of uniformity in the basic weights and measures requirements throughout the country.

The original Law was regularly amended to provide for new developments in commercial practices and technology. This resulted in a lengthy and cumbersome document and in the need for a simplification of the basic weights and measures provisions. The 1971 National Conference on Weights and Measures adopted a thoroughly revised, simplified, modernized version of the "Model State Weights and Measures Law." This Law now can serve as a framework for all the many concerns in weights and measures administration and enforcement.

The title of the Law was changed by the 1983 NCWM. Amendments or revisions to the Law since 1971 are noted at the end of each section.

Sections 4 through 10 of the Uniform Weights and Measures Law adopt NIST Handbook 44 and Uniform Regulations in NIST Handbook 130 by citation. In addition, these sections adopt supplements to and revisions of Handbook 44 and the Uniform Regulations "except insofar as modified or rejected by regulation." Some State laws may not permit enacting a statute that provides for automatic adoption of future supplements to or revisions of a Uniform Regulation covered by that statute. If this should be the case in a given State, two alternatives are available:

- (a) Sections 4 through 10 may be enacted without the phrase "... and supplements thereto or revisions thereof..."
- (b) Sections 4 through 10 may be enacted by replacing "... except insofar as modified or rejected by regulation..." with the phrase "...as adopted, or amended and adopted, by rule of the director."

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<sup>1</sup>The National Conference on Weights and Measures is sponsored by the National Institute of Standards and Technology in partial implementation of its statutory responsibility for "cooperation with the States in securing uniformity in weights and measures laws and methods of inspection."



Either alternative requires action on the part of the director to adopt a current version of Handbook 44 and each Uniform Regulation each time a supplement or revision is made by the National Conference on Weights and Measures.

## **2. Status of Promulgation**

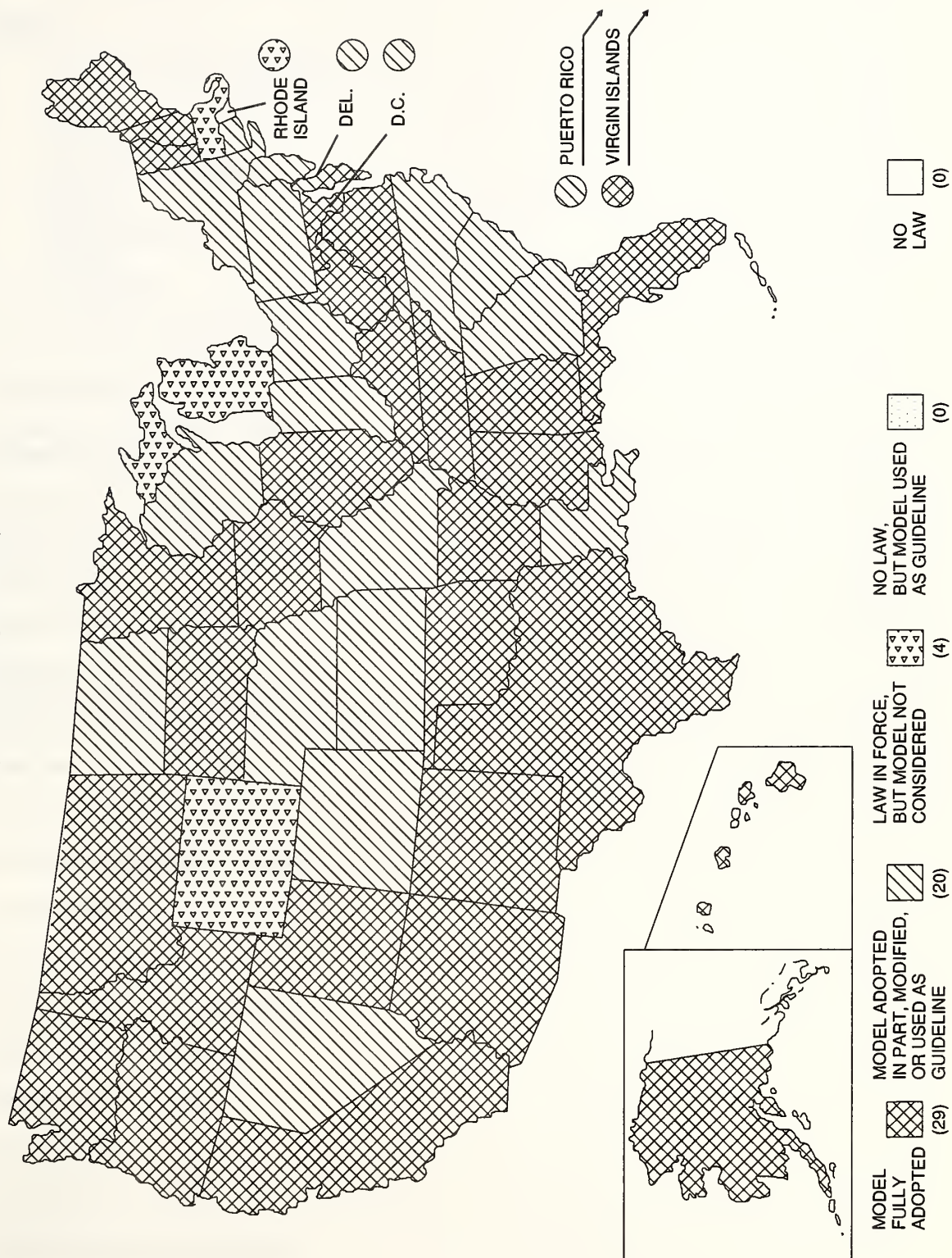
The map on the following page shows the status of promulgation (as of July 1989) of the Uniform Weights and Measures Law.



# STATUS OF STATE ADOPTION OF WEIGHTS & MEASURES

## LAW

(as of July, 1989)









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# Uniform Weights and Measures Law

1971

## Section 1. Definitions. -- When used in this Act:

- 1.1. **Weight(s) and (or) Measure(s).** -- The term "weight(s) and (or) measure(s)" means all weights and measures of every kind, instruments and devices for weighing and measuring, and any appliance and accessories associated with any or all such instruments and devices.
- 1.2. **Weight.** -- The term "weight" as used in connection with any commodity means net weight; except where the label declares that the product is sold by drained weight, the term means net drained weight. (Amended 1974)
- 1.3. **Correct.** -- The term "correct" as used in connection with weights and measures means conformance to all applicable requirements of this Act.
- 1.4. **Primary Standards.** -- The term "primary standards" means the physical standards of the State that serve as the legal reference from which all other standards and weights and measures are derived.
- 1.5. **Secondary Standards.** -- The term "secondary standards" means the physical standards that are traceable to the primary standards through comparisons, using acceptable laboratory procedures, and used in the enforcement of weights and measures laws and regulations.
- 1.6. **Director.** -- The term "director" means the \_\_\_\_\_ of the Department of \_\_\_\_\_.
- 1.7. **Person.** -- The term "person" means both plural and the singular, as the case demands, and includes individuals, partnerships, corporations, companies, societies, and associations.
- 1.8. **Sale from Bulk.** -- The term "sale from bulk" means the sale of commodities when the quantity is determined at the time of sale.
- 1.9. **Package.** -- The term "package" means any commodity put up or packaged in any manner in advance of sale in units suitable for either wholesale or retail sale.
- 1.10. **Net Weight.** -- The term "net weight" means the weight of a commodity excluding any materials, substances, or items not considered to be part of the commodity. Materials, substances, or items not considered to be part of the commodity include, but are not limited to, containers, conveyances, bags, wrappers, packaging materials, labels, individual piece coverings, decorative accompaniments, and coupons.  
(Added 1988, amended 1989)

## Section 2. Systems of Weights and Measures

The system of weights and measures in customary use in the United States and the metric system of weights and measures are jointly recognized, and either one or both of these systems shall be used for all commercial purposes in the State. The definitions of basic units of weight and measure, the tables of weight and measure, and weights and measures equivalents as published by the National Institute of Standards and Technology are recognized and shall govern weighing and measuring equipment and transactions in the State.



### **Section 3. Physical Standards**

Weights and measures that are traceable to the U.S. prototype standards supplied by the Federal Government, or approved as being satisfactory by the National Institute of Standards and Technology, shall be the State primary standards of weights and measures, and shall be maintained in such calibration as prescribed by the National Institute of Standards and Technology. All secondary standards may be prescribed by the director and shall be verified upon their initial receipt, and as often thereafter as deemed necessary by the director.

### **Section 4. Technical Requirements for Weighing and Measuring Devices<sup>1</sup>**

The specifications, tolerances, and other technical requirements for commercial, law enforcement, data gathering, and other weighing and measuring devices as adopted by the National Conference on Weights and Measures and published in National Institute of Standards and Technology Handbook 44, "Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices," and supplements thereto or revisions thereof, shall apply to weighing and measuring devices in the State, except insofar as modified or rejected by regulation.

(Amended 1975)

### **Section 5. Requirements for Packaging and Labeling<sup>1</sup>**

The Uniform Packaging and Labeling Regulation as adopted by the National Conference on Weights and Measures and published in the National Institute of Standards and Technology Handbook 130 "Uniform Laws and Regulations" and supplements thereto or revisions thereof, shall apply to packaging and labeling in the State, except insofar as modified or rejected by regulation.

(Added 1983)

### **Section 6. Requirements for the Method of Sale of Commodities<sup>1</sup>**

The Uniform Regulation for the Method of Sale of Commodities as adopted by the National Conference on Weights and Measures and published in National Institute of Standards and Technology Handbook 130 "Uniform Laws and Regulations" and supplements thereto or revisions thereof, shall apply to the method of sale of commodities in the State, except insofar as modified or rejected by regulation.

(Added 1983)

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<sup>1</sup>Sections 4 through 10 of the Uniform Weights and Measures Law adopt NIST Handbook 44 and Uniform Regulations in NIST Handbook 130 by citation. In addition, these sections adopt supplements to and revisions of Handbook 44 and the Uniform Regulations "except insofar as modified or rejected by regulation." Some State laws may not permit enacting a statute that provides for automatic adoption of future supplements to or revisions of a regulation covered by that statute. If this should be the case in a given State, two alternatives are available:

- (a) Sections 4 through 10 may be enacted without the phrase "...and supplements thereto or revisions thereof..."
- (b) Sections 4 through 10 may be enacted by replacing "...except insofar as modified or rejected by regulation ..." with the phrase "...as adopted, or amended and adopted, by rule of the director."

Either alternative requires action on the part of the director to adopt a current version of Handbook 44 and each Uniform Regulation each time a supplement is added or revision is made by the National Conference on Weights and Measures.



## **Section 7. Requirements for Unit Pricing<sup>1</sup>**

The Uniform Unit Pricing Regulation as adopted by the National Conference on Weights and Measures and published in National Institute of Standards and Technology Handbook 130, "Uniform Laws and Regulations" and supplements thereto or revisions thereof, shall apply to unit pricing in the State, except insofar as modified or rejected by regulation.

(Added 1983)

## **Section 8. Requirements for the Registration of Servicepersons and Service Agencies for Commercial Weighing and Measuring Devices<sup>1</sup>**

The Uniform Regulation for the Voluntary Registration of Servicepersons and Service Agencies for Commercial Weighing and Measuring Devices as adopted by the National Conference on Weights and Measures and published in National Institute of Standards and Technology Handbook 130, "Uniform Laws and Regulations" and supplements thereto or revisions thereof, shall apply to the registration of servicepersons and service agencies in the State, except insofar as modified or rejected by regulation.

(Added 1983)

## **Section 9. Requirements for Open Dating<sup>1</sup>**

The Uniform Open Dating Regulation as adopted by the National Conference on Weights and Measures and published in National Institute of Standards and Technology Handbook 130, "Uniform Laws and Regulations" and supplements thereto or revisions thereof, shall apply to open dating in the State, except insofar as modified or rejected by regulation.

(Added 1983)

## **Section 10. Requirements for Type Evaluation<sup>1</sup>**

The Uniform Regulation for National Type Evaluation as adopted by the National Conference on Weights and Measures and published in National Institute of Standards and Technology Handbook 130, "Uniform Laws and Regulations," and supplements thereto or revisions thereof, shall apply to type evaluation in the State, except insofar as modified or rejected by regulation.

(Added 1985)

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<sup>1</sup>Sections 4 through 10 of the Uniform Weights and Measures Law adopt NIST Handbook 44 and Uniform Regulations in NIST Handbook 130 by citation. In addition, these sections adopt supplements to and revisions of Handbook 44 and the Uniform Regulations "except insofar as modified or rejected by regulation." Some State laws may not permit enacting a statute that provides for automatic adoption of future supplements to or revisions of a regulation covered by that statute. If this should be the case in a given State, two alternatives are available:

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- (b) Sections 4 through 10 may be enacted by replacing "...except insofar as modified or rejected by regulation ..." with the phrase "...as adopted, or amended and adopted, by rule of the director."

Either alternative requires action on the part of the director to adopt a current version of Handbook 44 and each Uniform Regulation each time a supplement is added or revision is made by the National Conference on Weights and Measures.



## **Section 11. State Weights and Measures Division**

There shall be a State Division of Weights and Measures located for administrative purposes within the Department of (agency, etc.). The Division is charged with, but not limited to, performing the following functions on behalf of the citizens of the State:

- (a) Assuring that weights and measures in commercial service within the State are suitable for their intended use, properly installed, and accurate, and are so maintained by their owner or user.
- (b) Preventing unfair or deceptive dealing by weight or measure in any commodity or service advertised, packaged, sold, or purchased within this State.
- (c) Making available to all users of physical standards or weighing and measuring equipment the precision calibration and related metrological certification capabilities of the weights and measures facilities of the Division.
- (d) Promoting uniformity, to the extent practicable and desirable, between weights and measures requirements of this State and those of other States and Federal agencies.
- (e) Encouraging desirable economic growth while protecting the consumer through the adoption by rule of weights and measures requirements as necessary to assure equity among buyers and sellers.  
(Added 1976)

## **Section 12. Powers and Duties of the Director**

The director shall:

- (a) Maintain traceability of the State standards to the national standards in the possession of the National Institute of Standards and Technology.
- (b) Enforce the provisions of this Act.
- (c) Issue reasonable regulations for the enforcement of this Act, which regulations shall have the force and effect of law.
- (d) Establish labeling requirements, establish requirements for the presentation of cost-per-unit information, establish standards of weight, measure, or count, and reasonable standards of fill for any packaged commodity; and may establish requirements for open dating information.  
(Added 1973)
- (e) Grant any exemptions from the provisions of this Act or any regulations promulgated pursuant thereto when appropriate to the maintenance of good commercial practices within the State.
- (f) Conduct investigations to ensure compliance with this Act.
- (g) Delegate to appropriate personnel any of these responsibilities for the proper administration of this office.
- (h) Test annually the standards of weight and measure used by any city or county within the State, and approve the same when found to be correct.
- (i) Inspect and test weights and measures kept, offered, or exposed for sale.



- (j) Inspect and test, to ascertain if they are correct, weights and measures commercially used:
  - (1) in determining the weight, measure, or count of commodities or things sold, or offered or exposed for sale, on the basis of weight, measure, or count, or,
  - (2) in computing the basic charge or payment for services rendered on the basis of weight, measure, or count.
- (k) Test all weights and measures used in checking the receipt or disbursement of supplies in every institution, for the maintenance of which funds are appropriated by the legislature of the State.
- (l) Approve for use, and may mark, such weights and measures as are found to be correct, and shall reject and mark as rejected such weights and measures as are found to be incorrect. Weights and measures that have been rejected may be seized if not corrected within the time specified or if used or disposed of in a manner not specifically authorized. The director shall condemn and may seize the weights and measures found to be incorrect that are not capable of being made correct.
- (m) Weigh, measure, or inspect packaged commodities kept, offered, or exposed for sale, sold, or in the process of delivery, to determine whether they contain the amounts represented and whether they are kept, offered, or exposed for sale in accordance with this Act or regulations promulgated pursuant thereto. In carrying out the provisions of this section, the director shall employ recognized sampling procedures, such as are designated in National Institute of Standards and Technology Handbook 133, "Checking the Net Contents of Packaged Goods."  
(Amended 1984, 1988)
- (n) Prescribe, by regulation, the appropriate term or unit of weight or measure to be used, whenever he determines in the case of a specific commodity that an existing practice of declaring the quantity by weight, measure, numerical count, or combination thereof, does not facilitate value comparisons by consumers, or offers an opportunity for consumer confusion.
- (o) Allow reasonable variations from the stated quantity of contents, which shall include those caused by loss or gain of moisture during the course of good distribution practice or by unavoidable deviations in good manufacturing practice only after the commodity has entered intrastate commerce.

### Section 13. Special Police Powers

When necessary for the enforcement of this Act or regulations promulgated pursuant thereto, the director is:

- (a) Authorized to enter any commercial premises during normal business hours, except that in the event such premises are not open to the public, he shall first present his credentials and obtain consent before making entry thereto, unless a search warrant has previously been obtained.
- (b) Empowered to issue stop-use, hold, and removal orders with respect to any weights and measures commercially used, and stop-sale, hold, and removal orders with respect to any packaged commodities or bulk commodities kept, offered, or exposed for sale.



- (c) Empowered to seize, for use as evidence, without formal warrant, any incorrect or unapproved weight, measure, package, or commodity found to be used, retained, offered, or exposed for sale or sold in violation of the provisions of this Act or regulations promulgated pursuant thereto.
- (d) Empowered to stop any commercial vehicle and, after presentation of his credentials, inspect the contents, require that the person in charge of that vehicle produce any documents in his possession concerning the contents, and require him to proceed with the vehicle to some specified place for inspection.
- (e) With respect to the enforcement of this Act, the director is hereby vested with special police powers, and is authorized to arrest, without formal warrant, any violator of this Act.

#### **Section 14. Powers and Duties of Local Officials**

Any weights and measures official appointed for a county or city shall have the duties and powers enumerated in this Act, excepting those duties reserved to the State by law or regulation. These powers and duties shall extend to their respective jurisdictions, except that the jurisdiction of a county official shall not extend to any city for which a weights and measures official has been appointed. No requirement set forth by local agencies may be less stringent than or conflict with the requirements of the State.

(Amended 1984)

#### **Section 15. Misrepresentation of Quantity**

No person shall:

- (a) sell, offer, or expose for sale less than the quantity he represents, nor
  - (b) take any more than the quantity he represents when as buyer he furnishes the weight or measure by means of which the quantity is determined.
- (Amended 1975)

#### **Section 16. Misrepresentation of Pricing**

No person shall misrepresent the price of any commodity or service sold, offered, exposed, or advertised for sale by weight, measure, or count, nor represent the price in any manner calculated or tending to mislead or in any way deceive a person.

#### **Section 17. Method of Sale**

Except as otherwise provided by the director, or by firmly established trade custom and practice:

- (a) commodities in liquid form shall be sold by liquid measure or by weight, and
- (b) commodities not in liquid form shall be sold by weight, by measure, or by count.

The method of sale shall provide accurate and adequate quantity information that permits the buyer to make price and quantity comparisons.

(Amended 1989)



### **Section 18. Sale from Bulk**

All bulk sales in which the buyer and seller are not both present to witness the measurement, all bulk deliveries of heating fuel, and all other bulk sales specified by rule or regulation of the director, shall be accompanied by a delivery ticket containing the following information:

- (a) The name and address of the buyer and seller.
- (b) The date delivered.
- (c) The quantity delivered and the quantity upon which the price is based, if this differs from the delivered quantity.
- (d) The identity in the most descriptive terms commercially practicable, including any quality representation made in connection with the sale.
- (e) The count of individually wrapped packages, if more than one.  
(Amended 1983)

### **Section 19. Information Required on Packages**

Except as otherwise provided in this Act or by regulations promulgated pursuant thereto, any package kept for the purpose of sale or offered or exposed for sale shall bear on the outside of the package a definite, plain, and conspicuous declaration of:

- (a) The identity of the commodity in the package, unless the same can easily be identified through the wrapper or container.
- (b) The quantity of contents in terms of weight, measure, or count.
- (c) The name and place of business of the manufacturer, packer, or distributor, in the case of any package kept, offered, or exposed for sale, or sold in any place other than on the premises where packed.

### **Section 20. Declarations of Unit Price on Random Weight Packages**

In addition to the declarations required by Section 19. of this Act, any package being one of a lot containing random weights of the same commodity, at the time it is offered or exposed for sale at retail, shall bear on the outside of the package a plain and conspicuous declaration of the price per pound or kilogram<sup>1</sup> and the total selling price of the package.  
(Amended 1986)

### **Section 21. Advertising Packages for Sale**

Whenever a packaged commodity is advertised in any manner with the retail price stated, there shall be closely and conspicuously associated with the retail price a declaration of quantity as is required by law or regulation to appear on the package. Where a dual declaration is required, only the declaration that sets forth the quantity in terms of the smaller unit of weight or measure need appear in the advertisement.

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<sup>1</sup>Packages subject to the Federal Fair Packaging and Labeling Act must be labeled in inch-pound units of measure. Metric units may also be declared on the principal display panel and may even appear first.



## Section 22. Prohibited Acts

No person shall:

- (a) use or have in possession for use in commerce any incorrect weight or measure;
- (b) sell or offer for sale for use in commerce any incorrect weight or measure;
- (c) remove any tag, seal, or mark from any weight or measure without specific written authorization from the proper authority;
- (d) hinder or obstruct any weights and measures official in the performance of his or her duties; or
- (e) violate any provisions of this Act or regulations promulgated under it.

## Section 23. Civil Penalties

Any person who by himself or herself, by his or her servant or agent, or as the servant or agent of another person commits any of the acts enumerated in Section 22 may be subject to a civil penalty.

**23.1. Civil Action.** A civil action may be brought by the director in any court of competent jurisdiction to recover a civil penalty of

- (a) not less than \$\_\_\_\_\_ nor more than \$\_\_\_\_\_ for a first violation,
- (b) not less than \$\_\_\_\_\_ nor more than \$\_\_\_\_\_ for a second violation within two years from the date of the first violation, and
- (c) not less than \$\_\_\_\_\_ nor more than \$\_\_\_\_\_ for a third violation within two years from the date of the first violation.

**23.2. Administrative Hearing.** The director or his/her designee shall be authorized to conduct an administrative hearing and, upon notice and an opportunity to be heard, may assess a civil penalty of

- (a) not less than \$\_\_\_\_\_ nor more than \$\_\_\_\_\_ for a first violation,
- (b) not less than \$\_\_\_\_\_ nor more than \$\_\_\_\_\_ for a second violation within two years from the date of the first violation, and
- (c) not less than \$\_\_\_\_\_ nor more than \$\_\_\_\_\_ for a third violation within two years from the date of the first violation

upon the finding of a violation of any provision of this Act.

The decision of the director shall be subject to appropriate judicial review.

Any civil penalty collected under this Act shall be transmitted to the state treasurer, who shall credit the same to the \_\_\_\_\_ fund.

(Added 1989)



## Section 24. Criminal Penalties

**24.1. Misdemeanors.** Any person who commits any of the acts enumerated in Section 22 shall be guilty of a class \_\_\_\_\_ misdemeanor, and upon a first conviction thereof shall be punished by a fine of not less than \$ \_\_\_\_\_ nor more than \$ \_\_\_\_\_ or by imprisonment for not more than \_\_\_\_\_ months, or both. Upon a subsequent conviction thereof, he or she shall be punished by a fine of not less than \$ \_\_\_\_\_ nor more than \$ \_\_\_\_\_ or by imprisonment for up to \_\_\_\_\_, or both.

**24.2. Felonies.** Any person who

- (a) intentionally violates any provisions of this Act or regulations under it;
- (b) is convicted under the misdemeanor provisions of Section 24(a) more than three times in a 2-year period;
- (c) removes or counterfeits the departmental seal; or
- (d) uses or has in his or her possession a device which has been altered to facilitate fraud,

shall be guilty of a class \_\_\_\_\_ felony, and upon a first offense, shall be punished by a fine of not less than \$ \_\_\_\_\_, or by imprisonment for not more than \_\_\_\_\_, or both.

(Added 1989)

## Section 25. Restraining Order and Injunction

The director is authorized to apply to any court of competent jurisdiction for a restraining order, or a temporary or permanent injunction, restraining any person from violating any provision of this Act.

(Retitled 1989)

## Section 26. Presumptive Evidence

Whenever there shall exist a weight or measure or weighing or measuring device in or about any place in which or from which buying or selling is commonly carried on, there shall be a rebuttable presumption that such weight or measure or weighing or measuring device is regularly used for the business purposes of that place.

## Section 27. Separability Provision

If any provision of this Act is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the Act and the applicability thereof to other persons and circumstances shall not be affected thereby.

## Section 28. Repeal of Conflicting Laws

All laws and parts of laws contrary to or inconsistent with the provisions of this Act are repealed except as to offenses committed, liabilities incurred, and claims made thereunder prior to the effective date of this Act.



**Section 29. Regulations to Be Unaffected by  
Repeal of Prior Enabling Statute**

The adoption of this Act or any of its provisions shall not affect any regulations promulgated pursuant to the authority of any earlier enabling statute unless inconsistent with this Act or modified or revoked by the director.

**Section 30. Effective Date**

This Act shall become effective on \_\_\_\_\_.



# Uniform Weighmaster Law

1989

as adopted by  
The National Conference on Weights and Measures<sup>1</sup>

## 1. Background

The "Model State Weighmaster Law" was first proposed by the 35th National Conference on Weights and Measures in 1950. It was formally adopted by the National Conference and recommended to the States in 1951.

Over the years, very little change had been made to the Weighmaster Law until 1965. In that year, the format of the Weighmaster Law was revised to be in full accord with the Weights and Measures Law. The name was changed to "Uniform Weighmaster Law" in 1983. The law was again completely revised and updated in 1989. It provides a registration, licensing and enforcement program for "public weighmasters," or third-party measurers in commercial transactions.

## 2. Status of Promulgation

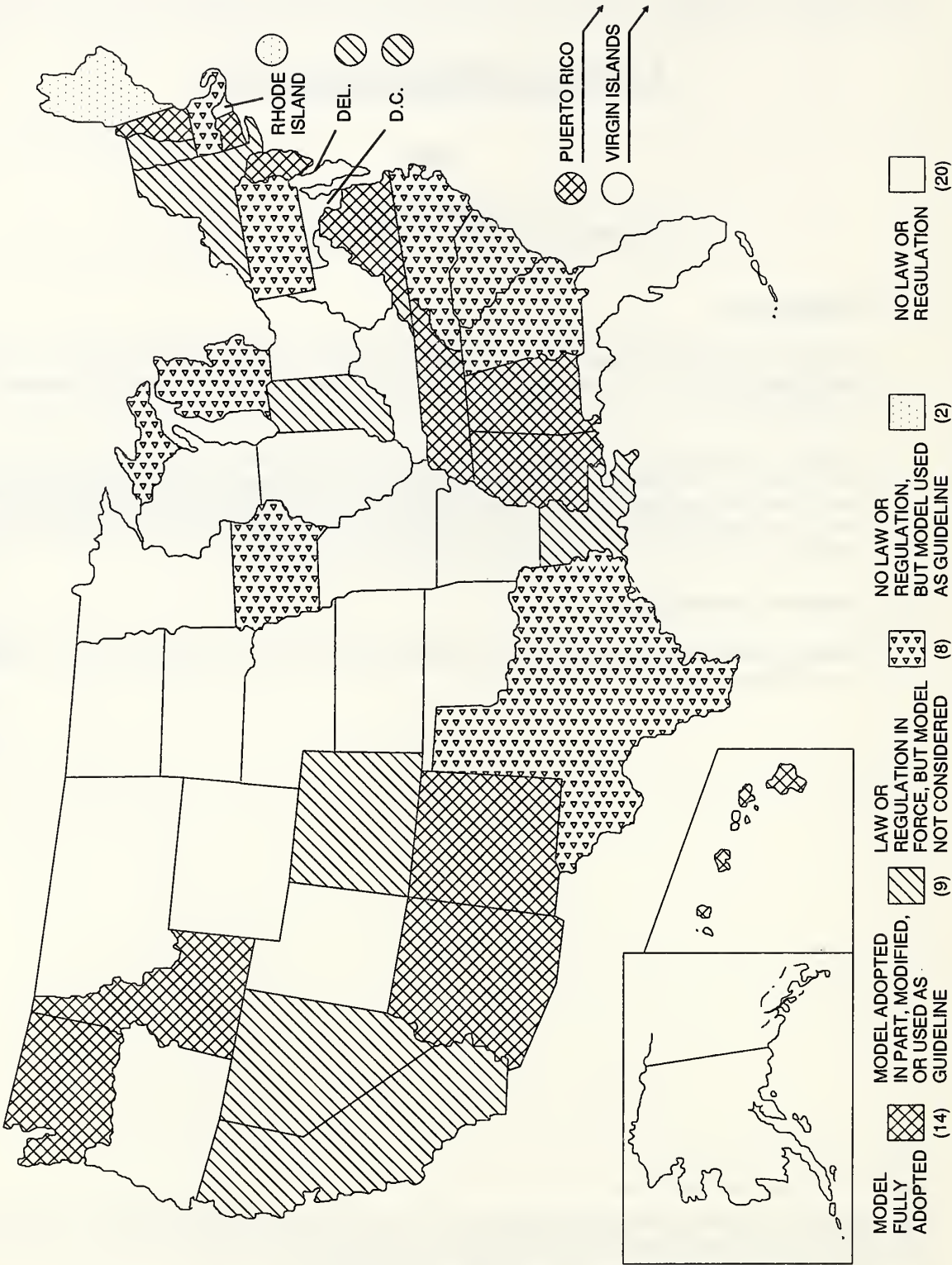
The map on the following page shows the status of promulgation (as of July 1989) of the 1988 Uniform Weighmaster Law.

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<sup>1</sup>The National Conference on Weights and Measures is sponsored by the National Institute of Standards and Technology in partial implementation of its statutory responsibility for "cooperation with the States in securing uniformity in weights and measures laws and methods of inspection."



STATUS OF STATE ADOPTION OF  
WEIGHMASTER LAW  
(as of July, 1989)





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# Uniform Weighmaster Law

1989

## Section 1. Purpose

This Act licenses and regulates public weighmasters in order to ensure accurate measurements by disinterested third parties to a transaction.

## Section 2. Scope

This Act establishes a registration, licensing, and enforcement program; provides authority for license fee collection; and empowers the state to promulgate regulations as needed to carry out the provisions of the Act. It provides for optional or voluntary licensing when the employing organization or other organizations require it as part of the condition for employment. It also provides for civil and criminal penalties.

## Section 3. Definitions.

When used in this Act:

- 3.1. **Public Weighing** means the weighing, measuring, or counting, upon request, of vehicles, property, produce, commodities, or articles other than those that the weigher or his/her employer, if any, is either buying or selling.
- 3.2. **Public Weighmaster** means any person who shall perform public weighing as defined in 3.1.
- 3.3. **Vehicle** means any device except railroad freight cars in, upon, or by which any property, produce, commodity, or article is or may be transported or drawn.
- 3.4. **Director** means the \_\_\_\_\_ of the Department of \_\_\_\_\_.

## Section 4. Enforcing Officer: Rules and Regulations

The director is authorized to enforce the provisions of this Act and shall issue from time to time reasonable regulations for the enforcement of this Act. These regulations shall have the force and effect of law. The director may adopt rules that include, but are not limited to, determining the qualifications of the applicant for a license as a public weighmaster; renewal or refusal of a license; period of license validity; measurement practices that must be followed, including the measurement or recording of tare; the required information to be submitted with or as part of a certificate; and the period of recordkeeping.



## **Section 5. Qualifications for Weighmaster**

A person who has the ability to weigh or measure accurately, to make correct certificates, possesses such other qualifications as required by regulation, and who has received from the director a license as a public weighmaster, shall be authorized to act as a public weighmaster.

## **Section 6. License Application**

An application for a license as a public weighmaster shall be made upon a form provided by the director and the application shall furnish evidence that the applicant has the qualifications required by Section 5 of this Act and regulations promulgated under the Act.

## **Section 7. Evaluation of Qualifications of Applicants: Records**

The director may pass upon the qualifications of the applicant upon the basis of the information supplied in the application, and such other supplementary information as may be required, or may examine such applicant for the purpose of determining his or her qualifications. The director shall grant licenses as public weighmasters to such applicants as may be found to possess the qualifications required by Section 5 of this Act. The director shall keep a record of all such applications and of all licenses issued thereon.

## **Section 8. License Fees**

The director shall have the authority to set fees for the administration of the licensing program. Before the issuance of any license as a public weighmaster, or any renewal thereof, the applicant shall pay to the director a fee of \$\_\_\_\_\_ for the purposes of administering and effectively enforcing the provisions of this Act.

## **Section 9. Licenses: Period and Renewal**

Each license as public weighmaster shall be issued for a period to expire as established by the director.

## **Section 10. Certificate: Required Entries**

The director shall prescribe the form of certificate to be used by a public weighmaster. The certificate may include, but is not limited to, the following information:

- (a) The name and license number of the public weighmaster;
- (b) The kind of commodity weighed, measured or counted;
- (c) The name of the owner, agent or consignee of the commodity;
- (d) The name of the recipient of the commodity, if applicable;
- (e) The date the certificate is issued;
- (f) The consecutive number of the certificate;
- (g) The identification, including the identification number, if any, of the carrier transporting the commodity, and the identification number or license number of the vehicle;
- (h) Such other information as may be necessary to distinguish or identify the commodity from a like kind;
- (i) The number of units of the commodity, if applicable;
- (j) The measure of the commodity, if applicable;



- (k) The weight of the commodity and the vehicle or container (if applicable) broken down as follows:
  - (1) The gross weight of the commodity and the vehicle or container thereof;
  - (2) The tare weight of the unladen vehicle or container; or
  - (3) Both the gross and tare weight and the resultant net weight of the commodity;
- (l) Signature of public weighmaster who determined the weight, measure, or count.

Such certificate, when so made and properly signed and sealed, shall be prima facie evidence of the accuracy of the measurements shown.

### **Section 11. Certificate: Execution, Requirements**

A public weighmaster shall not enter on a certificate issued by him or her any measurement values but such as he or she has personally determined, and shall make no entries on a certificate issued by some other person. A certificate shall be so prepared as to show clearly that measurements were actually determined.

If the certificate form provides for the entry of gross, tare, and net weights, in any case in which only the gross, the tare, or the net weight is determined by the weighmaster, he or she shall strike through or otherwise cancel the printed entries for the weights not determined or computed. If gross and tare weights are shown on a weight certificate and both of these were not determined on the same scale and on the day for which the certificate is dated, the weighmaster shall identify on the certificate the scale used for determining each such weight and the date of each such determination.

### **Section 12. Measurement Practices and Equipment Used: Type, Test**

When making a measurement as provided for by this Act, a public weighmaster shall use measurement practices and equipment in accordance with all requirements of the latest edition of NIST Handbook 44, "Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices." All measuring equipment must be examined, tested and approved for use by a weights and measures officer of this State.

### **Section 13. One-Draft Weighing**

A public weighmaster shall not weigh a vehicle, or combination of vehicles, when part of the vehicle or connected combination, is not resting fully, completely, and as one entire unit on the scale.

When weighing a combination of vehicles that will not rest fully, completely, and as one complete unit on the scale platform, the combination shall be disconnected and weighed separately. The weights so taken may be combined for the purpose of issuing a single certificate, provided that the certificate indicates that the total represents a combination of single draft weighings.

### **Section 14. Copies Of Certificates**

A public weighmaster shall keep and preserve for the period specified in the regulations authorized to be issued for the enforcement of this Act, a legible copy of each certificate issued by him or her, which copies shall be open at all reasonable times for inspection by any weights and measures officer of this State.



## **Section 15. Reciprocal Acceptance Of Certificates**

Whenever in any other State that licenses public weighmasters, there is statutory authority for the recognition and acceptance of the certificates issued by weighmasters of this State, the director of this State is authorized to recognize and accept the certificates of such other State.

## **Section 16. Optional Licensing**

The following persons shall not be required, but shall be permitted, to obtain licenses as public weighmasters:

- (a) a law enforcement or weights and measures officer, or other qualified employee of a state, city, or county agency or institution when acting within the scope of his official duties;
- (b) a person weighing property, produce, commodities, or articles that he or his employer, if any, is either buying or selling; and
- (c) a person weighing property, produce, commodities, or articles in conformity with the requirements of Federal statutes or the statutes of this State relative to warehousemen or processors.

## **Section 17. Prohibited Acts**

It is a prohibited act for any person to:

- (a) use any device for certification purposes that does not meet the requirements of the latest edition of NIST Handbook 44, "Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices;"
- (b) operate devices in a manner not in accordance with the latest edition of NIST Handbook 44, "Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices" requirements;
- (c) use or have in his possession a device which has been altered to facilitate fraud;
- (d) falsely certify any gross, tare, or net weight or measure required by the Act to be on the certificate;
- (e) falsify a certificate;
- (f) issue a certificate simulating the certificate in the Act;
- (g) refuse without cause to weigh or measure any article or thing which it is his duty to weigh or measure, or refuse to state in any certificate anything required to be therein;
- (h) hinder or obstruct in any way the director or his authorized agent in the performance of the director's official duties under this act;
- (i) assume the title of public weighmaster, or any title of similar import, without a valid license;
- (j) perform the duties or acts to be performed by a public weighmaster without a valid license;
- (k) hold himself or herself out as a public weighmaster without a valid license;



- (l) issue any certificate, ticket, memorandum, or statement for which a fee is charged without a valid license;
- (m) engage in full-time or part-time business of measuring for hire without a valid license;
- (n) delegate his authority to any person not licensed as a public weighmaster;
- (o) request a public weighmaster to weigh, measure, or count any vehicle, property, produce, commodity, or article falsely or incorrectly;
- (p) request a false or incorrect certificate;
- (q) violate any provision of this Act or any regulations promulgated under it;
- (r) violate any provision of this Act or any regulation promulgated under this Act for which a specific penalty has not been prescribed.

### Section 18. Suspension and Revocation of License

The director is authorized to suspend or revoke the license of any public weighmaster (1) when he or she is satisfied, after a hearing upon 10 days' notice to the licensee, that the said licensee has violated any provision of this Act or of any valid regulation of the director affecting public weighmasters, or (2) when a public weighmaster has been convicted in any court of competent jurisdiction of violating any provision of this Act or of any regulation issued under authority of this Act, or (3) convicted of any felony.

### Section 19. Civil Penalties

Any person who by him/herself, by his/her servant or agent, or as the servant or agent of another person commits any of the acts enumerated in Section 17. may be subject to a civil penalty.

**19.1. Civil Action.** A civil action may be brought by the Director in any court of competent jurisdiction to recover a civil penalty of

- (a) not less than \$ \_\_\_\_\_ nor more than \$ \_\_\_\_\_ for a first violation,
- (b) not less than \$ \_\_\_\_\_ nor more than \$ \_\_\_\_\_ for a second violation within two years from the date of the first violation, and
- (c) not less than \$ \_\_\_\_\_ nor more than \$ \_\_\_\_\_ for a third violation within two years from the date of the first violation.

**19.2. Administrative Hearing.** The Director or his/her designee shall be authorized to conduct an administrative hearing and, upon notice and an opportunity to be heard, may assess a civil penalty of

- (a) not less than \$ \_\_\_\_\_ nor more than \$ \_\_\_\_\_ for a first violation,
- (b) not less than \$ \_\_\_\_\_ nor more than \$ \_\_\_\_\_ for a second violation within two years from the date of the first violation, and



- (c) not less than \$ \_\_\_\_\_ nor more than \$ \_\_\_\_\_ for a third violation within two years from the date of the first violation

upon a finding of a violation of any provision of this Act.

The final decision of the Director shall be subject to appropriate judicial review.

Any civil penalty collected under this Act shall be transmitted to the State treasurer, who shall credit the same to the \_\_\_\_\_ fund.

## **Section 20. Criminal Penalties:**

**20.1. Misdemeanor.** Any person who by him/herself by his/her servant or agent, or as the servant or agent of another person commits any of the acts enumerated in Section 17. or violates any other provision of this Act shall be guilty of a Class \_\_\_\_\_ misdemeanor and upon conviction shall be punished by a fine not less than \$ \_\_\_\_\_ nor more than \$ \_\_\_\_\_ or by imprisonment for not less than \_\_\_\_\_ nor more than \_\_\_\_\_ or by both such fine and imprisonment.

**20.2. Felony.** Any person who by him/herself, by his/her servant or agent, or as the servant or agent of another person intentionally commits any of the acts enumerated in Section 17. or is convicted more than three times in a 2-year period under any other provision of this Act shall be guilty of a Class \_\_\_\_\_ felony and upon conviction shall be punished by a fine not less than \$ \_\_\_\_\_ and/or by imprisonment for not less than \_\_\_\_\_ nor more than \_\_\_\_\_.

## **Section 21. Restraining Order and Injunction**

The director is authorized to apply to any court of competent jurisdiction for a restraining order, or a temporary or permanent injunction restraining any person from violating any provision of this Act.

## **Section 22. Validity of Prosecutions**

Prosecutions for violation of any provision of this Act are declared to be valid and proper notwithstanding the existence of any other valid general or specific Act of this State dealing with matters that may be the same as or similar to those covered by this Act.

## **Section 23. Separability Provision**

If any provision of this Act is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the Act and the applicability thereof to other persons and circumstances shall not be affected thereby.

## **Section 24. Repeal of Conflicting Laws**

All laws and parts of laws contrary to or inconsistent with the provisions of this Act, and specifically \_\_\_\_\_, are repealed insofar as they might operate in the future; but as to offenses committed, liabilities incurred, and claims now existing thereunder, the existing law shall remain in full force and effect.



### **Section 25. Citation**

This Act may be cited as the "Public Weighmaster Act of \_\_\_\_\_."

### **Section 26. Effective Date**

This Act shall become effective on \_\_\_\_\_.







# Uniform Motor Fuel Inspection Law

1987

as adopted by  
The National Conference on Weights and Measures<sup>1</sup>

## 1. Background

In 1984, the National Conference on Weights and Measures adopted a section in the Uniform Regulation for the Method of Sale of Commodities requiring that motor fuels containing alcohol be labeled to disclose to the retail purchaser that the fuel contains alcohol. The delegates deemed this action necessary since motor vehicle manufacturers were qualifying their warranties with respect to some gasoline-alcohol blends, motor fuel users were complaining to weights and measures officials about fuel quality and vehicle performance, and the American Society for Testing and Materials (ASTM) had not yet finalized quality standards for oxygenated (which includes alcohol-containing) fuels. While many argued that weights and measures officials should not cross the line from quantity assurance programs to programs regulating quality, the delegates were persuaded that the issue needed immediate attention.

A Motor Fuels Task Force was appointed in 1984 and the Nation's governors were contacted, both with the expressed purpose of achieving uniformity in the evaluation and regulation of motor fuels.

The Task Force developed the Uniform Motor Fuel Inspection Law and the Uniform Motor Fuel Regulation to accompany the Law. The Law appears on the following pages, and the Regulation on page IV-95.

The recommended Law requires registration and certification of the motor fuel as meeting ASTM standards. It establishes a motor fuel quality testing capability by the State. Funding for the installation and support of the testing facility is established by a fee per gallon on all fuel marketed within the State.

## 2. Status of Promulgation

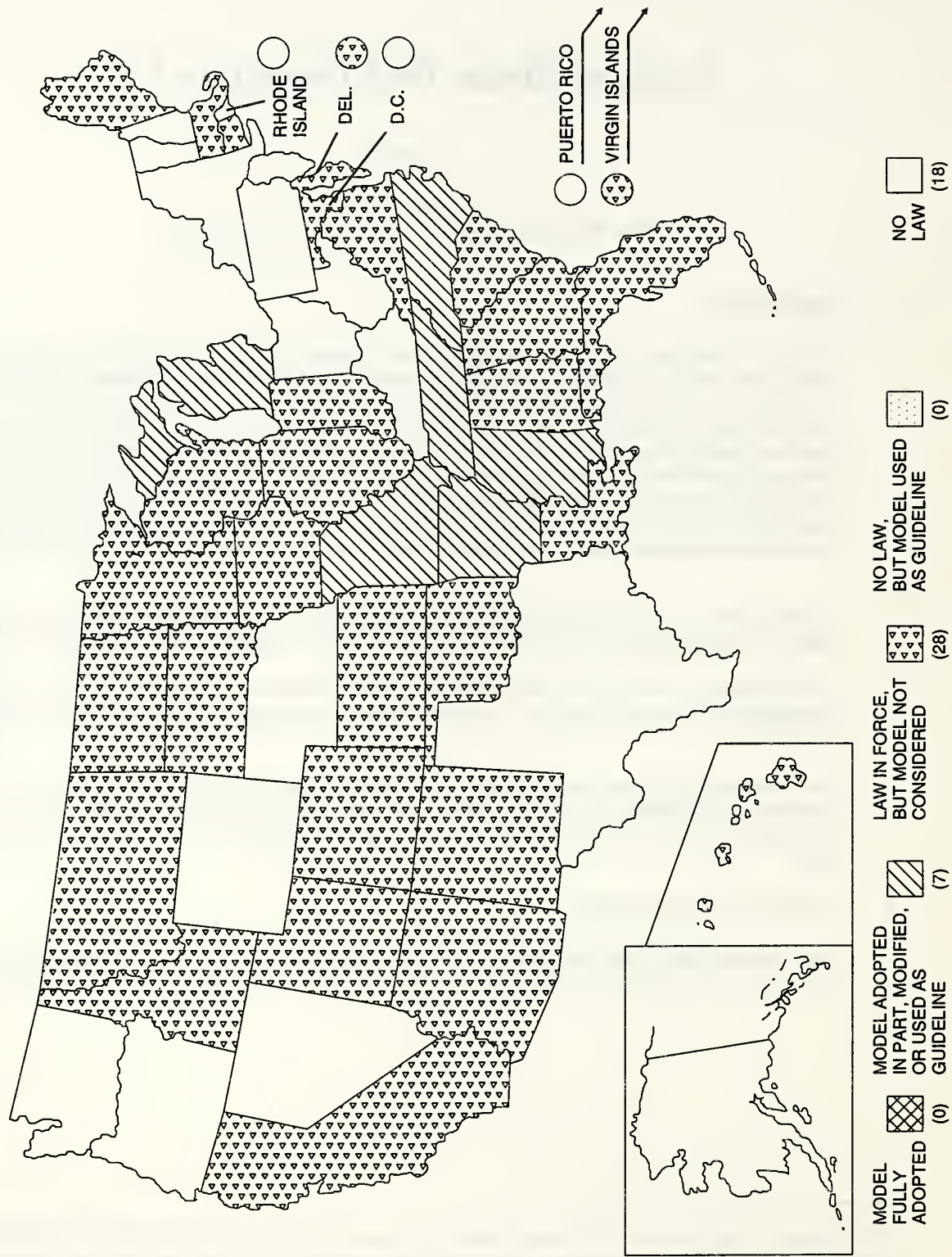
The Uniform Motor Fuel Inspection Law was recommended for adoption by the Conference in 1987. The map on the following page shows the States that have motor fuel laws as of July 1989.

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<sup>1</sup>The National Conference on Weights and Measures is sponsored by the National Institute of Standards and Technology in partial implementation of its statutory responsibility for "cooperation with the States in securing uniformity in weights and measures laws and methods of inspection."



**STATUS OF STATE ADOPTION OF MOTOR FUEL  
LAW**  
(as of July, 1989)





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# Uniform Motor Fuel Inspection Law

1987

## Section 1. Purpose

There should be uniformity among the requirements for motor fuels of the several States. This Act provides for the establishment of quality specifications for all liquid motor fuels, except aviation fuel and liquefied petroleum gases.

## Section 2. Scope

The Act establishes a sampling, testing, and enforcement program, provides authority for fee collection, requires registration of motor fuels, and empowers the State to promulgate regulations as needed to carry out the provisions of the Act. It also provides for penalties.

## Section 3. Definitions

As used in this Act:

- 3.1. Motor Fuel.** -- The term "motor fuel" means any liquid product used for the generation of power in an internal combustion engine, except aviation fuel and liquefied petroleum gases.
- 3.2. Director.** -- The term "director" means the \_\_\_\_\_ of the department of \_\_\_\_\_.
- 3.3. Person.** -- The term "person" means both plural and singular, as the case demands, and includes individuals, partnerships, corporations, companies, societies, and associations.

## Section 4. Administration, Adoption of Standards, and Rules

The provisions of the Act shall be administered by the Director or his authorized agent. For the purpose of administering and giving effect to the provisions of this Act, the standards set forth in the Annual Book of ASTM Standards and supplements thereto, and revisions thereof, are adopted except as amended or modified by the Director. The Director is empowered to write rules and regulations on the advertising, posting of prices, labeling, standards for, and identity of motor fuels and is authorized to establish a testing laboratory.

## Section 5. General Duties and Powers

The Director shall have the authority to:

- (a) Enforce and administer all the provisions of this Act by inspections, analyses, and other appropriate actions.



- (b) Have access during normal business hours to all places where motor fuels are marketed for the purpose of examination, inspection, taking of samples, and investigation. If such access shall be refused by the owner or agent or other persons leasing the same, the Director or his agent may obtain an administrative search warrant from a court of competent jurisdiction.
- (c) Collect, or cause to be collected, samples of motor fuels marketed in this State, and cause such samples to be tested or analyzed for compliance with the provisions of this Act.
- (d) Issue a stop-sale order for any motor fuel found not to be in compliance and remand said stop-sale order if the motor fuel is brought into full compliance with this Act.
- (e) Refuse, revoke, or suspend the registration of a motor fuel.
- (f) Delegate to authorized agents any of the responsibilities for the proper administration of this Act.

### **Section 6. Registration and Certification of Motor Fuels**

All motor fuel must be registered by the name, brand, or trademark under which it will be sold. Such registration shall include:

- (a) Name and address of person registering the motor fuel.
- (b) Antiknock index or Cetane number, as appropriate, at which the motor fuel is to be marketed.
- (c) Certification, declaration, or affidavit that each individual grade or type of motor fuel shall conform to the provisions of this Act.

### **Section 7. Inspection Fee**

There shall be paid a fee of \$\_\_\_\_\_ per gallon on all motor fuels marketed within this State for the purposes of administering and effectively enforcing the provisions of this Act.

### **Section 8. Prohibited Acts**

It shall be unlawful to:

- (a) Market motor fuels in any manner that may deceive or tend to deceive the purchaser as to the nature, price, quantity and/or quality of a motor fuel.
- (b) Fail to register a motor fuel.
- (c) Submit incorrect, misleading, or false information regarding the registration of a motor fuel.
- (d) Hinder or obstruct the Director, or his authorized agent, in the performance of his duties.
- (e) Market a motor fuel that is contrary to the provisions of this Act.



## **Section 9. Penalties**

Any person who violates any provision of this Act or regulations promulgated pursuant thereto shall be guilty of a misdemeanor, and upon conviction, shall be punished by a fine of not more than \$\_\_\_\_, or imprisonment for not more than \_\_\_\_ years, or both.

## **Section 10. Injunction**

The Director is authorized to apply to any court of competent jurisdiction for a temporary or permanent injunction restraining any person from violating any provision of this Act.

## **Section 11. Separability Provision**

If any word, phrase, provision, or portion of this Act shall be held in a court of competent jurisdiction to be unconstitutional or invalid, the unconstitutionality or invalidity shall apply only to such word, phrase, provision, or portion, and for this purpose the provisions of this Act are declared to be severable.

## **Section 12. Repeal of Conflicting Laws**

All laws and parts of laws contrary to or inconsistent with the provisions of this Act are repealed except as to offense committed, liabilities incurred, and claims made thereunder prior to the effective date of this Act.

## **Section 13. Citation**

This Act may be cited as the "Motor Fuel Inspection Act of \_\_\_\_."

## **Section 14. Effective Date**

This Act shall become effective on \_\_\_\_.







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# Uniform Packaging and Labeling Regulation

1978

as adopted by  
The National Conference on Weights and Measures<sup>1</sup>

## 1. Background

The Uniform Packaging and Labeling Regulation was first adopted during the 37th National Conference on Weights and Measures in 1952. Reporting to the Conference, the Committee on Legislation stated:

The National Conference should adopt a model package regulation for the guidance of those States authorized to adopt such a regulation under provisions of their weights and measures laws. Since so much of the work of weights and measures officials in the package field concerns food products, the importance of uniformity between the Federal Food and Drug Administration's regulations and any model regulations to be adopted by this Conference cannot be overemphasized.

Since its inception, the Uniform Packaging and Labeling Regulation has been continually revised to meet the complexities of an enormous expansion in the packaging industry--an expansion that, in late 1966, brought about the passage of the Fair Packaging and Labeling Act (FPLA). Recognizing the need for compatibility with the Federal Act, the Committee on Laws and Regulations of the 53rd National Conference in 1968 amended the "Model Packaging and Labeling Regulation" (renamed in 1983) to parallel regulations adopted by Federal agencies under FPLA. The process of amending and revising this Regulation is a continuing one, in order to keep it current with practices in the packaging field and make it compatible with appropriate Federal regulations. Amendments and additions since 1971 are noted at the end of each section.

The revision of 1978 provided for the use of metric units on labels as well as allowing metric-only labels for those commodities not covered by Federal laws or regulations.

**Nothing contained in this regulation should be construed to supersede any labeling requirement specified in Federal law or to require the use of metric.**

## 2. Status of Promulgation

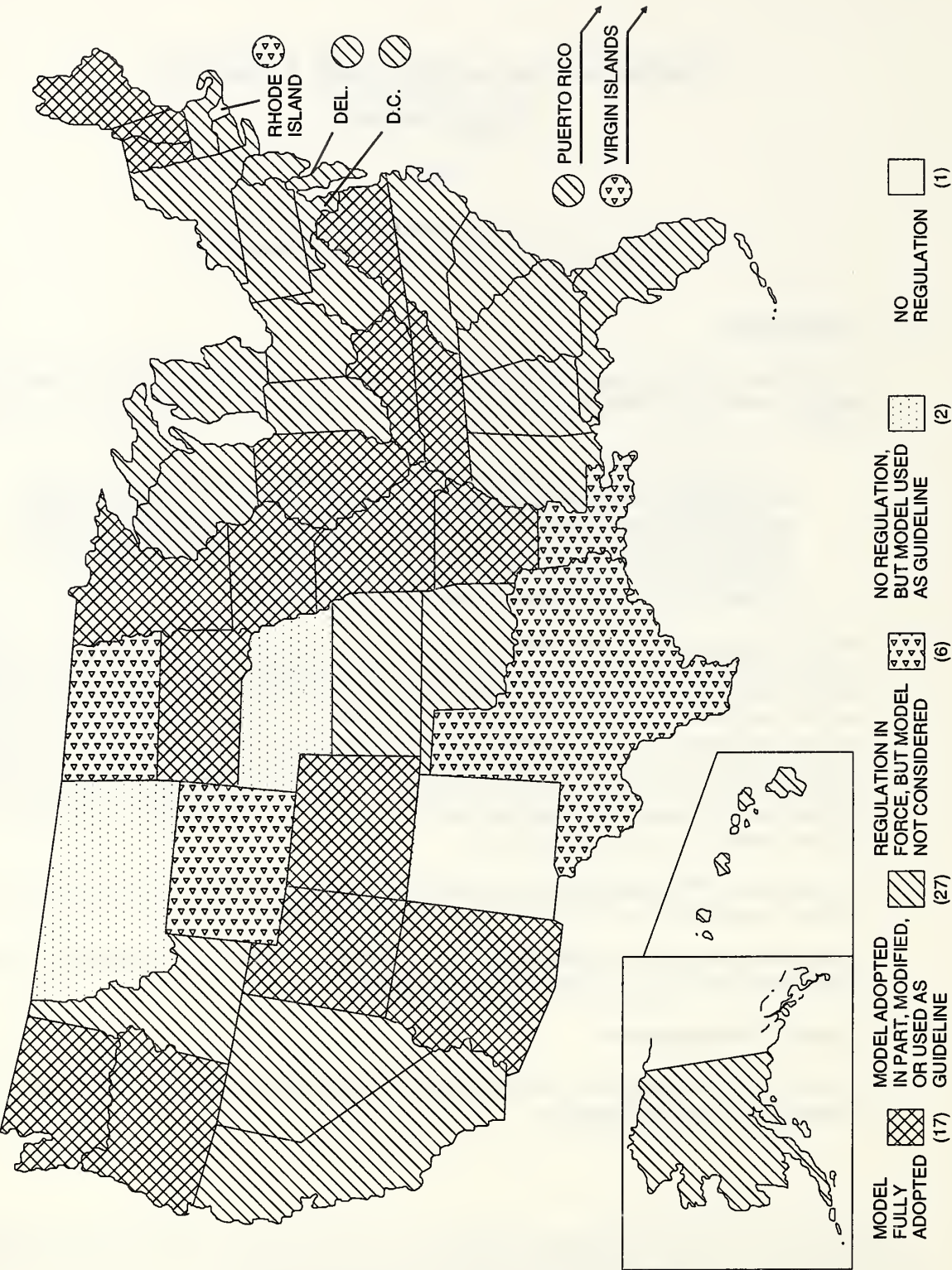
The map on the following page shows the status of promulgation (as of July 1989) of the Uniform Packaging and Labeling Regulation.

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<sup>1</sup>The National Conference on Weights and Measures is sponsored by the National Institute of Standards and Technology in partial implementation of its statutory responsibility for "cooperation with the States in securing uniformity in weights and measures laws and methods of inspection."



STATUS OF STATE ADOPTION OF PACKAGING &  
LABELING REGULATION  
(as of July, 1989)





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# Uniform Packaging and Labeling Regulation

1978

## Preamble

The purpose of this regulation is to provide accurate and adequate information on packages as to the identity and quantity of contents so that purchasers can make price and quantity comparisons.  
(Added 1989)

## Section 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) shipping containers or wrapping used solely for the transportation of any commodities in bulk or in quantity to manufacturers, packers, or processors, or to wholesale or retail distributors, but in no event shall this exclusion apply to packages of consumer or nonconsumer commodities, as defined herein, (Added 1971)
- (c) 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,
- (d) 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), 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.

## Section 2. Definitions

- 2.1. Commodity in Package Form.** -- 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 considered a commodity in package form. Where the term "package" is used in this regulation, it shall mean "commodity in package form" as here defined.  
(Amended 1988)
- 2.2. Consumer Package: Package of Consumer Commodity.** -- A commodity in package form that is customarily produced or distributed for sale through retail sales agencies or instrumentalities for consumption 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.  
(Amended 1988)



- 2.3. Nonconsumer Package: Package of Nonconsumer Commodity.** -- 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.  
(Amended 1988)
- 2.4. Random Package.** -- A package that is one of a lot, shipment, or delivery of packages of the same consumer commodity with various weights; that is, packages of the same consumer commodity with no fixed pattern of weight.  
(Amended 1988)
- 2.5. Label.** -- 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 that an inspector's tag or other nonpromotional matter affixed to or appearing upon a consumer commodity shall not be considered a label requiring the repetition of label information required by this regulation.  
(Amended 1988)
- 2.6. Person.** -- The term "person" means either singular or plural, and shall include any individual, partnership, company, corporation, association, and society.  
(Amended 1988)
- 2.7. Principal Display Panel or Panels.** -- 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. 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."  
(Amended 1988)
- 2.8. Multi-Unit Package.** -- A package containing two or more individual packages of the same commodity, in the same quantity, intended to be sold as a multi-unit package, but where the component packages are labeled individually in full compliance with all requirements of this regulation.  
(Amended 1988)
- 2.9. Combination Package.** -- A package intended for retail sale, containing two or more individual packages or units of dissimilar commodities. (Examples: an antiquing or housecleaning kit; sponge and cleaner; seasonal gift package of wine and cheese; lighter fluid and flints.)  
(Added 1989)
- 2.10. Variety Package.** -- A package intended for retail sale, containing two or more individual packages or units of similar, but not identical, commodities. Commodities that are generically the same, but that differ in weight, measure, volume, appearance, or quality, are considered similar but not identical. (Examples: 2 sponges of different sizes; plastic tableware, consisting of 4 spoons, 4 knives, and 4 forks; seasonal gift packages of different varieties of cheese; and packages of mixed types of cold cereal.)  
(Added 1989)



**2.11. Petroleum Products.** - Gasoline, diesel fuel, kerosene, or any product (whether or not such a product is actually derived from naturally occurring hydrocarbon mixtures known as "petroleum") commonly used in powering, lubricating, or idling engines or other devices, or is labeled as fuel to power camping stoves or lights. Therefore, sewing machine lubricant, camping fuels, and synthetic motor oil are "petroleum products" for the purposes of this regulation. Brake fluid, copier machine dispersant, antifreeze, cleaning solvents, and alcohol are not "petroleum products."  
(Added 1987, amended 1988)

### **Section 3. Declaration of Identity: Consumer Package**

**3.1. Declaration of Identity: Consumer Package.** -- A declaration of identity<sup>1</sup> 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 the identity on a consumer package shall appear generally parallel to the base on which the package rests as it is designed to be displayed.

(Footnote added 1986)

### **Section 4. Declaration of Identity: Nonconsumer Package**

A declaration of identity<sup>1</sup> 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.

(Footnote added 1986)

### **Section 5. Declaration of Responsibility: Consumer and Nonconsumer 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.

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.

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<sup>1</sup>Section 19.(a) of the Uniform Weights and Measures Law (and 21 CFR 101.100 (b) (3) for non-meat and non-poultry foods) specifically exempts packages from identity statements if the identity of the commodity "can easily be identified through the wrapper or container." (Added 1986)



## **Section 6. Declaration of Quantity: Consumer Packages**

- 6.1. General.**<sup>1</sup> -- The metric and inch-pound systems of weights and measures are recognized as proper systems to be used in the declaration of quantity. Units of both systems may be presented in a dual declaration of quantity.  
(Amended 1985)
- 6.2. 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 (following the requirements of Section 6.10. Fractions):
- (a) Inch-Pound Units**
    - (1)** in common or decimal fractions of such largest whole unit, or in
    - (2)** 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.
  - (b) Metric Units,** in decimal fractions of such largest whole unit.
- 6.3. Net Quantity.** -- A declaration of net quantity of the commodity in the package, exclusive of wrappers and any other material packed with such commodity (except as noted in Section 10.3.), shall appear on the principal display panel of a consumer package and, unless otherwise specified in this regulation (see subsections 6.7. through 6.8.3.), shall be in terms of the largest whole unit.
- 6.3.1. Use of "Net Weight."** -- The term "net weight" shall be used in conjunction with the declaration of quantity in units of weight. The term may either precede or follow the declaration of weight.
- 6.3.2. Lines of Print or Type.** -- A declaration of quantity may appear on one or more lines of print or type.  
(Amended 1982)
- 6.4. Terms: Weight, Liquid Measure, Dry 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 dry measure if the commodity is dry, 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 a declaration of quantity may be expressed in its traditional terms, provided that such traditional declaration gives accurate and adequate information as to the quantity of the commodity. Any net contents statement that does not permit price and quantity comparisons is forbidden.  
(Amended 1989)

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<sup>1</sup>Packages subject to the Federal Fair Packaging and Labeling Act must be labeled in inch-pound units of measure. Metric units may also be declared on the principal display panel and may even appear first.



**6.4.1. Combination Declaration. --**

- (a) A declaration of quantity in terms of weight shall be combined with appropriate declarations of the measure, count, and size of the individual units unless a declaration of weight alone is fully informative.
- (b) A declaration of quantity in terms of measure shall be combined with appropriate declarations of the weight, count, and size of the individual units unless a declaration of measure alone is fully informative.
- (c) A declaration of quantity in terms of count shall be combined with appropriate declarations of the weight, measure, and size of the individual units unless a declaration of count alone is fully informative.

(Added 1971)

**6.5. Inch-Pound 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 except in the case of petroleum products and distilled spirits, for which the declaration shall express the volume at 60 °F, 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, and except also in the case of malt beverages, for which the declaration shall express the volume at 39.1 °F;  
(Amended 1985)
- (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 volume measure, shall be in terms of the cubic yard, cubic foot, or cubic inch;
- (f) in units of dry measure, shall be in terms of the United States bushel of 2150.42 cubic inches, or peck, dry-quart, and dry-pint subdivisions of the bushel.

**6.5.1. Symbols and Abbreviations. --** Any of the following symbols and abbreviations, and none other, shall be employed in the quantity statement on a package of commodity:

avoirdupois	avdp	ounce	oz
cubic	cu	pint	pt
feet or foot	ft	pound	lb
fluid	fl	quart	qt
gallon	gal	square	sq
inch	in	weight	wt
liquid	liq	yard	yd

(There normally are no periods following, nor plural forms of, symbols. For example, "oz" is the symbol for both "ounce" and "ounces." Both upper and lower case letters are acceptable.)  
(Added 1974, amended 1980)



**6.5.2. Units of 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 "20 fluid ounces, 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."  
(Amended 1982)

**6.6. Metric Units: Weight, Measure<sup>1</sup>.** -- A declaration of quantity:

- (a) in units of weight shall be in terms of the kilogram, gram, or milligram;
- (b) in units of liquid measure shall be in terms of the liter or milliliter, and shall express the volume at 20 °C, except in the case of petroleum products or distilled spirits, for which the declaration shall express the volume at 15 °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 malt beverages or a commodity that is normally sold in the refrigerated state, for which the declaration shall express the volume at 4 °C;  
(Amended 1985)
- (c) in units of linear measure shall be in terms of the meter, centimeter, or millimeter;
- (d) in units of area measure, shall be in terms of the square meter or square centimeter;
- (e) in units of volume other than liquid measure, shall be in terms of the liter and milliliter, except that the terms cubic meter and cubic centimeter will be used only when specifically designated as a method of sale.

**6.6.1. Symbols.** -- Any of the following symbols for metric units, and none other, may be employed in the quantity statement on a package of commodity:

kilogram	kg	meter	m
gram	g	centimeter	cm
milligram	mg	millimeter	mm
liter	L or l	square meter	m <sup>2</sup>
milliliter	mL or ml	square centimeter	cm <sup>2</sup>
		cubic meter	m <sup>3</sup>
		cubic centimeter	cm <sup>3</sup>

- (a) Symbols, except for liter, are not capitalized unless the unit is derived from a proper name. Periods should not be used after the symbol. Symbols are always written in the singular form--do not add "s" to express the plural when the symbol is used.

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<sup>1</sup>Packages subject to the Federal Fair Packaging and Labeling Act must be labeled in inch-pound units of measure. Metric units may also be declared on the principal display panel and may even appear first. Packages entering interstate commerce are restricted by Federal regulations to two decimal place quantity declarations. For example, see 9 CFR 317.2(h)(5) for meat and meat products, 21 CFR 101.105(j)(2) for non-meat and non-poultry foods and 16 CFR 500.9(b) for certain nonfood consumer commodities.  
(Added 1984)



- (b) The "l" symbol for liter and "ml" symbol for milliliter are permitted; however, the "L" symbol and the "mL" symbol are preferred.

(Amended 1980)

## 6.7. Prescribed Units, Inch-Pound System. --

**6.7.1. Less than 1 Foot, 1 Square Foot, 1 Pound, or 1 Pint.** -- The declaration of quantity shall be expressed in terms of

- (a) in the case of length measure of less than 1 foot, inches and fractions of inches;
- (b) in the case of area measure of less than 1 square foot, square inches and fractions of square inches;
- (c) in the case of weight of less than 1 pound, ounces and fractions of ounces;
- (d) in the case of liquid measure of less than 1 pint, fluid ounces and fractions of fluid 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 three<sup>1</sup> decimal places.

(Amended 1984)

**6.7.2. Weight: Dual Quantity Declaration.** --On packages containing 1 pound or more but less than 4 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 three<sup>2</sup> decimal places.

(Amended 1984)

**6.7.3. Liquid Measure: Dual Quantity Declaration.** --On packages containing 1 pint or more, but less than 1 gallon, the declaration shall be expressed in fluid ounces and, in addition, shall be followed by a declaration in parentheses, expressed in terms of the largest whole unit.

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<sup>1</sup>Packages entering interstate commerce are restricted by Federal regulations to two decimal place quantity declarations. For example, see 9 CFR 317.2(h)(5) for meat and meat products, 21 CFR 101.105(j)(2) for non-meat and non-poultry foods, and 16 CFR 500.9(b) for certain non-food consumer commodities.  
(Added 1984)

<sup>2</sup>Packages entering interstate commerce are restricted by Federal regulations to two decimal place quantity declarations. For example, see 9 CFR 317.2(h)(5) for meat and meat products, 21 CFR 101.105(j)(2) for non-meat and non-poultry foods, and 16 CFR 500.9(b) for certain non-food consumer commodities.  
(Added 1984)



**6.7.4. Length Measure: Dual Quantity Declaration.** --On packages containing 1 foot or more, but less than 4 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.

**6.7.5. Area Measure: Dual Quantity Declaration.** --On packages containing 1 square foot or more but less than 4 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.

**6.7.6. Four Feet, 4 Square Feet, 4 Pounds, 1 Gallon, or More.** -- In the case of

(a) length measure of 4 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

(b) area measure of 4 square feet or more;

(c) weight of 4 pounds or more;

(d) liquid measure of 1 gallon or more

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

**6.7.7. Bidimensional Commodities.** -- For bidimensional commodities (including roll-type commodities) the quantity declaration shall be expressed,

(a) if less than 1 square foot, in terms of length and width in linear inches and fractions of linear inches;

(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 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 4 inches width or less,

(2) a dimension of less than 2 feet may be stated in inches within the parenthetical declaration, and

(3) commodities consisting of usable individual units (except roll-type commodities with individual usable units created by perforations, for which see subsection 6.9. Count: Ply.) require a declaration of unit area but not a declaration of total area of all such 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 terms of the largest whole unit; Provided, that



- (1) no declaration in square feet is required for a bidimensional commodity with a width of 4 inches or less,
- (2) bidimensional commodities, with a width of 4 inches or less, shall have the width first followed by the length expressed in inches followed by a statement in parentheses of the length in the largest whole unit. (Example: 2 inches by 360 inches (10 yards)),  
(Added 1972)
- (3) a dimension of less than 2 feet may be stated in inches within the parenthetical declaration, and
- (d) no declaration in square units 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.

## 6.8. Prescribed Units, Metric System<sup>1</sup> . --

### 6.8.1. Less than 1 Meter, 1 Square Meter, 1 Kilogram, or 1 Liter. - The declaration of quantity shall be expressed in terms of:

- (a) in the case of length measure of less than 1 meter, centimeters or millimeters;  
(Amended 1979)
- (b) in the case of area measure of less than 1 square meter, square centimeters and decimal fractions of square centimeters;
- (c) in the case of weight of less than 1 kilogram, grams and decimal fractions of a gram, but if less than 1 gram, then in milligrams;
- (d) in the case of liquid or dry measure of less than one liter, milliliters;

Provided, that the quantity declaration appearing on a random weight package may be expressed in terms of decimal fractions of the largest appropriate unit, the fraction being carried out to not more than three<sup>1</sup> decimal places.  
(Amended 1980)

### 6.8.2. One Meter, 1 Square Meter, 1 Kilogram, 1 Liter, or More. --In the case of:

- (a) length measure of 1 meter or more; in meters and decimal fractions to not more than two places.
- (b) area measure of 1 square meter or more; in square meters and decimal fractions to not more than two places.

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<sup>1</sup>Packages subject to the Federal Fair Packaging and Labeling Act must be labeled in inch-pound units of measure. Metric units may also be declared on the principal display panel and may even appear first. Packages entering interstate commerce are restricted by Federal regulations to two decimal place quantity declarations. For example, see 9 CFR 317.2(h)(5) for meat and meat products, 21 CFR 101.105(j)(2) for non-meat and non-poultry foods and 16 CFR 500.9(b) for certain nonfood consumer commodities.  
(Added 1984)



- (c) weight of 1 kilogram or more; in kilograms and decimal fractions to not more than two places.
- (d) liquid or dry measure of 1 liter or more; in liters and decimal fractions to not more than two places.

Provided, that the quantity declaration appearing on a random weight package may be expressed in terms of kilograms and decimal fractions carried out to not more than three<sup>1</sup> decimal places. (Added 1986)

**6.8.3. Bidimensional Commodities.** -- For bidimensional commodities (including roll-type commodities) the quantity declaration shall be expressed:

- (a) if less than 1 square meter in terms of length and width.
- (b) if 1 square meter or more, in terms of square measure followed in parentheses by a declaration of length and width; Provided, that
  - (1) quantity declarations on bidimensional commodities with a width of 100 millimeters or less may be expressed in terms of width and length, only.
  - (2) commodities consisting of usable individual units (except roll-type commodities with individual usable units created by perforations, for which see subsection 6.9. Count: Ply.) require a declaration of unit area but not a declaration of total area of all such units.
  - (3) no declaration in square units 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.

**6.9. Count: Ply.** -- If the commodity is in individually usable units of one or more components or plies, the quantity declaration shall, in addition to complying with other applicable quantity declaration requirements of this regulation, include the number of plies and 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,
  - (b) number of plies,
  - (c) count of usable units, and
  - (d) dimensions of a single usable unit.
- (Amended 1988)

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<sup>1</sup>Packages entering interstate commerce are restricted by Federal regulations to two decimal place quantity declarations. For example, see 9 CFR 317.2(h)(5) for meat and meat products, 21 CFR 101.105(j)(2) for non-meat and non-poultry foods, and 16 CFR 500.9(b) for certain non-food consumer commodities. (Added 1984)



## 6.10. Fractions. --

- (a) **Metric:** A metric statement in a declaration of net quantity of contents of any consumer commodity may contain only decimal fractions.
- (b) **Inch-Pound:** An inch-pound 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
  - (1) 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
  - (2) if linear measurements are required in terms of yards or feet common fractions may be in terms of thirds.
- (c) **Common fractions:** A common fraction shall be reduced to its lowest term (Example:  $\frac{2}{4}$  becomes  $\frac{1}{2}$ ).
- (d) **Decimal fractions:** A decimal fraction shall not be carried out to more than two places, except that the quantity declaration appearing on a random package may be carried out to not more than three<sup>1</sup> decimal places.  
(Amended 1986)

## 6.11. Supplementary Declarations. --

- 6.11.1. 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 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, "larger" liter, "full" gallon, "when packed," "minimum," or words of similar import).
- 6.11.2. Combined Metric and Inch-Pound Declarations.** -- An equivalent statement of the net quantity of contents in terms of either the inch-pound or metric system is not regarded as a supplemental statement and such statement may also appear on the principal display panel; Provided, that it conforms to both Section 6.5. and Section 6.6.
- 6.11.3. Rounding.** -- In all conversions for the purpose of showing an equivalent metric or inch-pound quantity to a rounded inch-pound or metric quantity, the number of significant digits retained should be such that accuracy is neither sacrificed nor exaggerated. As a general rule, converted values should be rounded down by dropping any digit beyond the first three. (Example: 196.4 grams becomes 196 grams or 1.759 feet becomes 1.75 feet.)

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<sup>1</sup>Packages entering interstate commerce are restricted by Federal regulations to two decimal place quantity declarations. For example, see 9 CFR 317.2(h)(5) for meat and meat products, 21 CFR 101.105(j)(2) for non-meat and non-poultry foods, and 16 CFR 500.9(b) for certain non-food consumer commodities.  
(Added 1984)



- 6.12. 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.
- 6.13. 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.  
(Added 1981)

## **Section 7. Declaration of Quantity: Nonconsumer Packages**

- 7.1. General.** -- The metric and inch-pound systems of weights and measures are recognized as proper systems to be used in the declaration of quantity. Units of both systems might be combined in a dual declaration of quantity.<sup>1</sup>
- 7.2. 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 6.2. Largest Whole Unit).
- 7.3. Terms: Weight, Liquid Measure, Dry 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 dry measure if the commodity is dry, 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.
- 7.4. Inch-Pound 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 except in the case of petroleum products or distilled spirits, for which the declaration shall express the volume at 60 °F, 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, and except also in the case of malt beverages, for which the declaration shall express the volume at 39.1 °F;  
(Amended 1985)

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<sup>1</sup>Although nonconsumer packages under this Regulation might bear metric declarations only, this Regulation should not be construed to supersede any labeling requirement specified in Federal law.



- (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 volume measure, shall be in terms of the cubic yard, cubic foot, or cubic inch;
- (f) in units of dry measure, shall be in terms of the United States bushel of 2150.42 cubic inches, or peck, dry-quart, and dry-pint subdivisions of the bushel.

**7.4.1. Symbols and Abbreviations.** -- Any generally accepted symbol and abbreviation of a unit name may be employed in the quantity statement on a package of commodity. (For commonly accepted symbols and abbreviations, see subsection 6.5.1. Symbols and Abbreviations.)

**7.5. Metric Units: Weight, Measure.** -- A declaration of quantity:

- (a) in units of weight, shall be in terms of the kilogram, gram, or milligram;
- (b) in units of liquid measure, shall be in terms of the liter or milliliter, and shall express the volume at 20 °C, except in the case of petroleum products or distilled spirits, for which the declaration shall express the volume at 15 °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 malt beverages or a commodity that is normally sold in the refrigerated state, for which the declaration shall express the volume at 4 °C;  
(Amended 1985)
- (c) in units of linear measure, shall be in terms of the meter, centimeter, or millimeter;
- (d) in units of area measure, shall be in terms of the square meter or square centimeter;
- (e) in units of volume other than liquid measure, shall be in terms of the liter and milliliter, except that the terms cubic meter and cubic centimeter will be used only when specifically designated as a method of sale.

**7.5.1. Symbols.** -- Only those symbols as detailed in subsection 6.6.1. Symbols, and none other, may be employed in the quantity statement on a package of commodity.

**7.6. 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.



## **Section 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. For cylindrical containers, see also subsection 10.7. for additional requirements.  
(Amended 1975)
- 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 area of the principal display panel shall be
- (a) in the case of a rectangular container, one entire side that 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 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), in which event 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 area of the panel, and the height of each number of a common fraction shall meet one-half the minimum height standards. In the case of the symbol for milliliter, the "m" shall meet the minimum height standard.  
(Amended 1982)

**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**

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 (in <sup>2</sup> ) and less	1/16 inch	1/8 inch
Greater than 5 in <sup>2</sup> and not greater than 25 in <sup>2</sup>	1/8 inch	3/16 inch
Greater than 25 in <sup>2</sup> and not greater than 100 in <sup>2</sup>	3/16 inch	1/4 inch
Greater than 100 in <sup>2</sup> and not greater than 400 in <sup>2</sup>	1/4 inch	5/16 inch
Greater than 400 in <sup>2</sup>	1/2 inch	9/16 inch



## **Section 9. Prominence and Placement: Nonconsumer Packages**

- 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.

## **Section 10. Requirements: Specific Consumer Commodities, Nonconsumer Commodities, Packages, Containers**

(Title amended 1979)

- 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.<sup>1</sup>** -- 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 any such declaration of total quantity shall not be required to include the parenthetical quantity statement of a dual quantity representation. (Example: soap bars, "6 Bars, Net Weight 75 grams each; Total Net Weight 450 grams)

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<sup>1</sup>Open multi-unit retail food packages under the authority of the Food and Drug Administration or the U.S. Department of Agriculture that do not obscure the number of units or prevent examination of the labeling on each of the individual units are not required to declare the number of individual units or the total quantity of contents of the multi-unit package, if the labeling of each individual unit complies with requirements so that it is capable of being sold individually. (see also Sections 11.12. and 11.13.) (Added 1984)



**10.5. Combination Packages.** -- Any package containing individual units of dissimilar commodities (such as an antiquing or a housecleaning kit, for example) shall bear on the label of the package a quantity declaration for each unit. (Example: sponges and cleaner: "2 sponges, each 10 centimeters x 15 centimeters x 2 centimeters; 1 box cleaner, net weight 150 grams")

**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. (Example: plastic tableware: 4 spoons, 4 forks, 4 knives, 12 pieces total.)

**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 designated 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:

- (1) **Inch-pound units** - 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 inches x 20 inches" or "100 BAGS, 20 inches x 2 feet 6 inches" or "50 BAGS, 20 inches x 2-1/2 feet")
- (2) **Metric units** - in millimeters except a dimension of one meter or more will be expressed in meters with the remainder in terms of decimal fractions of the meter (Examples: "25 BAGS, 500 millimeters x 600 millimeters" or "50 BAGS, 750 millimeters x 1.2 meters")

When the unit bag is gusseted, the dimensions will be expressed as width, depth, and length.

- (3) **Inch-pound units** - expressed in feet with any remainder in terms of inches or the common or decimal fractions of the foot. (Examples: "25 BAGS, 17 inches x 4 inches x 20 inches" or "100 BAGS, 20 inches x 12 inches x 2-1/2 feet")
- (4) **Metric units** - in millimeters except a dimension of one meter or more will be expressed in meters with the remainder in terms of decimal fractions of the meter. (Examples: "25 BAGS, 430 millimeters x 100 millimeters x 500 millimeters" or "50 BAGS, 500 millimeters x 300 millimeters x 1.2 meters")



- (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 50 millimeters or 2 inches. (Examples: "2 PANS, 8 inches x 8 inches" or "2 PANS, 203 millimeters x 203 millimeters")
- (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 50 millimeters or two inches. (Examples: "4 PANS, 8-inches diameter x 4 inches" or "4 PANS, 200-millimeters diameter x 100 millimeters")
- (d) 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. (Examples: "24 CUPS, 6 fluid ounces capacity" or "24 CUPS, 250 milliliter capacity")

**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) **Inch-Pound Units:**

- (1) Liquid measure for containers that 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). (Examples: Freezer Box - "4 BOXES, 1 quart capacity, 5 inches x 4 inches x 3 inches")
- (2) Dry measure for containers that are intended to be used for solids. The expressed capacity will be stated in terms of the largest whole unit (bushel, peck), with a remainder in terms of the common or decimal fraction of that unit. (Example: Leaf Bags - "8 BAGS, 6 bushel capacity, 3 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 containers. (Example: Garbage Can Liners - "10 LINERS, 2 feet 6 inches x 3 feet 9 inches. FITS UP TO 30-GALLON CANS")

- (b) **Metric units:** Volume measure for all containers and liners. (Examples: "4 BOXES, 1 liter capacity, 150 millimeters x 120 millimeters x 90 millimeters"; "8 BAGS, 200 liter capacity, 85 millimeters x 1.5 meters" or "10 LINERS, 750 millimeters x 1 meter, FITS UP TO 120 LITER CANS")

**10.8.3. Terms.** -- 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 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 6.4. of this regulation.



**10.9.2. Textiles.** -- Bedsheets, blankets, pillowcases, comforters, quilts, bedspreads, mattress covers and pads, afghans, throws, dresser and other furniture scarfs, tablecloths and napkins, flags, curtains, drapes, dishtowels, dish cloths, towels, face cloths, utility cloths, bath mats, carpets and rugs, pot holders, fixture and appliance covers, non-rectangular diapers, slip covers, etc., shall be exempt from the requirements of subsections 6.7.7. and 6.8.3. of this regulation; Provided, that

- (a) The quantity statement for fitted sheets and mattress covers shall state, in inches or centimeters, the length and width of the mattress for which the item is designed, and the size designation of the mattress, if the item is intended to fit a mattress identified as "twin," "double," "queen," "king," "California king," etc. Example: "Double Sheet for 54 inch x 75 inch mattress."  
(Amended 1987)
- (b) The quantity statement for flat sheets shall state, in inches or centimeters, the length and width of the mattress for which the sheet is designed, followed in parentheses by a statement, in inches or centimeters, of the length and width of the finished sheet. The quantity statement shall also state the size designation of the mattress for which the sheet is designed, such as "twin," "double," "queen," "king," "California king", if the item is intended to fit such a mattress. Example: "Twin Flat Sheet for 39 inch x 75 inch mattress (66 inch x 96 inch finished size)."  
(Amended 1987)
- (c) The quantity statement for pillowcases shall state, in inches or centimeters, the length and width of the pillow for which the pillowcase is designed, followed in parentheses by a statement, in inches or centimeters, of the length and width of the finished pillowcase. The quantity statement for pillowcases shall also state the size designation of the pillow for which the pillowcase is designed, e.g., "youth," "standard," "queen," etc., if the item is intended to fit such pillows. Example: "Standard Pillowcase for 20 inch x 26 inch pillow (20 inch x 30 inch finished size)."  
(Amended 1977, 1987)
- (d) The quantity statement for blankets, comforters, quilts, bedspreads, mattress pads, afghans, and throws shall state, in inches or centimeters, the length and width of the finished item. The quantity statement shall also state the length of any ornamentation and the size designation of the mattress for which the item is designed, if it is intended to fit, for example, a "twin," "double," "queen," "king," or "California King," etc., mattress.  
(Amended 1988)
- (e) The quantity statement for tablecloths and napkins shall state, in inches or centimeters, the length and width of the finished item. The quantity statement also may state parenthetically, in centimeters or inches, the length and width of the item before hemming and properly identified as such.
- (f) The quantity statement for curtains, drapes, flags, furniture scarfs, etc., shall state, in inches or centimeters, the length and width of the finished item. The quantity statement also may state parenthetically, in inches or centimeters, the length of any ornamentation.
- (g) The quantity statement for carpets and rugs shall state, in feet or meters, with any remainder in decimal fractions of the meter for metric sizes or common or decimal fractions of the foot or in inches for inch-pound sizes, the length and width of the item. The quantity statement also may state parenthetically, in inches or centimeters, the length of any ornamentation.



- (h) The quantity statement for woven dish towels, dish cloths, towels, face cloths, utility cloths, bath mats, etc., shall state, in inches or centimeters, the length and width of the item. The quantity statement for such items, when knitted, need not state the dimensions.
- (i) The quantity statement for textile products such as pot holders, fixture and appliance covers, non-rectangular diapers, slip covers, etc., shall be stated in terms of count and may include size designations and dimensions.
- (j) The quantity statement for other than rectangular textile products identified in subsections (a) through (h) shall state the geometric shape of the product and the dimensions that are customarily used in describing such geometric shape. (Example: "Oval Tablecloth 70 inches x 100 inches" representing the maximum length and width in this case).
- (k) The quantity statement for packages of remnants of textile products of assorted sizes, when sold by count, shall be accompanied by the term "irregular dimensions" and the minimum size of such remnants.  
(Added 1971)

#### **10.9.3. Textiles: Variations from Declared Dimensions. --**

- (a) For an item with no declared dimension less than 24 inches or 60 centimeters, a minus variation greater than 3% of a declared dimension and a plus variation greater than 6% of a declared dimension should be considered unreasonable.
- (b) For an item with a declared dimension less than 24 inches or 60 centimeters, a minus variation greater than 6% of that declared dimension and a plus variation greater than 12% of that declared dimension should be considered unreasonable.  
(Added 1971)

#### **10.9.4. Sewing Threads, Handicraft Threads, and Yarns. --** Sewing and handicraft threads shall be exempt from the requirements of subsection 6.7.6. and 6.8.2. of this regulation; Provided, that

- (a) The net quantity statement for inch-pound sizes of 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 length in terms of meters or yards or its net weight in terms of kilograms or grams or avoirdupois pounds or ounces, except that ready-wound bobbins that are not sold separately shall not be required to be individually marked to show the number of bobbins contained therein and the net meters or yards of thread on each bobbin.



**10.10. Packaged Seed.** -- Packages of seeds intended for planting shall be labeled in full accord with this regulation except as follows:

- (a) The quantity statement shall appear in the upper thirty percent of the principal display panel.
  - (b) The quantity statements shall be in terms of the largest whole unit of the metric system for all weights up to 7 grams, and in grams or in ounces for all other weights less than 225 grams or 8 ounces; packaged seeds weighing 225 grams or 8 ounces or more shall not be subject to Section 10.10.
  - (c) The quantity statement for coated seed, encapsulated seed, pelletized seed, preplanters, seed tapes, etc., shall be in terms of count.
- (Added 1972, amended 1975)

**10.11. Mulch: Variations from Declared Volume.**<sup>1</sup>-- An individual package minus variation greater than 5 percent of the declared volume shall be considered unreasonable.  
(Added 1983)

**10.12. Polyethylene Products: Variations from Declared Thickness<sup>1</sup>**

- (a) Any single measurement of thickness:
  - (1) When the labeled thickness is less than 1 mil (0.001 in), any individual thickness measurement of a polyethylene product may be as much as 35 percent below the labeled thickness (i.e., at least 65% of the labeled thickness)<sup>2</sup>.
  - (2) When the labeled thickness is 1 mil or larger, any individual thickness measurement of a polyethylene product may be as much as 20 percent below the labeled thickness (i.e., at least 80% of the labeled thickness.)<sup>3</sup>
- (b) Average thickness for a single package:

The average thickness of a single package of polyethylene sheeting, film, or bags may be as much as 4 percent below the labeled thickness (i.e., at least 96% of the labeled thickness).  
(Added 1985, amended 1988, 1989)

**10.13. Polyethylene Products: Variations from Declared Weight<sup>1</sup>** -- An individual package minus variation greater than 4 percent of the declared weight shall be considered unreasonable.  
(Added 1989)

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<sup>1</sup>In addition, the average net contents of lots, shipments, or deliveries must equal or exceed the labeled net contents. See Section 12.1.

<sup>2</sup>ASTM Standard D2103-86, "Standard Specification of Polyethylene Film and Sheeting," 1986.

<sup>3</sup>ASTM Standard D-4397-84, "Specification for Polyethylene Sheeting for Construction, Industrial and Agricultural Applications", 1984.



## Section 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 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 kilogram or 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.

This exemption shall also apply to packages of fresh fruit or vegetables labeled by count in the same manner and by the same type of equipment as random packages exempted by this section.  
(Amended 1989)

**11.3. Small Confections.** -- Individually wrapped pieces of "penny candy" and other confectionery of less than 15 grams or 1/2 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. Small Packages of Meat or Meat Products.** -- Individually wrapped and labeled packages of meat or meat products of less than 1/2-ounce net weight, which are in a shipping container, need not bear a statement of the net quantity of contents when the statement of the net quantity of contents on the shipping container is in conformance with the labeling requirements of this regulation.  
(Added 1987)

**11.5. Individual Servings.** -- Individual-serving-size packages of foods containing less than 15 grams or 1/2 ounce or less than 15 milliliters or 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.

**11.6. 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.



- 11.7. 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.
- 11.8. 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 subsection 10.4. Multi-Unit Packages; Provided, that such cartons bear a declaration of the net quantity of commodity in the package.
- 11.9. Packaged Commodities with Labeling Requirements Specified in Federal Law.** -- Packages of meat and meat products, poultry products, tobacco and tobacco products, insecticides, fungicides, rodenticides, and alcoholic beverages shall be exempt from those portions of these regulations requiring dual declarations in customary units and specifying location and minimum type size of the net quantity declaration; Provided, that quantity labeling requirements for such products are specified in Federal Law, so as to follow reasonably sound principles of providing consumer information.
- 11.10. 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 6.7.3.
  - (c) When measured by and packaged in measure containers as defined in "Measure Container Code of National Institute of Standards and Technology Handbook 44," are exempt from the requirements 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-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 on, or permanently applied to that part of the glass or plastic container that is at or above the shoulder of the container.
- 11.11. 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 6.5. (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 6.7.4.
- (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 requirements 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 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.

**11.12. 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.

**11.13. 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.

**11.14. Butter.** -- When packaged in 4-ounce, 8-ounce, and 1-pound packages with continuous label copy wrapping, butter is exempt from the requirements that the statement of identity (subsection 3.1.1.) 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 6.7.2.).  
(Amended 1980)

**11.15. 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.

**11.16. Flour.** -- Packages of wheat flour in conventional 2-, 5-, 10-, 25-, 50-, and 100-pound packages 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 6.7.2.).  
(Amended 1980)



- 11.17. Small Packages.** -- On a principal display panel of 5 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.  
(Amended 1980)
- 11.18. Decorative Containers.** -- 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 1/4 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.  
(Amended 1980)
- 11.19. Combination and Variety Packages.** -- Combination and variety 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.).
- (Amended 1989)
- 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 6.7.2.).  
(Amended 1980)
- 11.21. Corn Flour and Corn Meal.** -- Corn flour and corn meal 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.  
(Amended 1978, 1980)
- 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 that 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 linear meters or feet of usable film contained therein.
  - (b) The net quantity of contents on packages of movie film is expressed in terms of the running time of the exposed film for that portion of film that is of entertainment value.
- "Entertainment value" is defined as that portion of a film that commences with the first frame of sound or picture, whichever comes first after the countdown sequence and ends with either:



(a) the last frame of credits; or (b) the last frame of the phrase "The End", or (c) the end of sound whichever is last.

(Added 1976, amended 1979)

- (c) 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 millimeters x 24 millimeters" or "12 exposures, 2-1/4 inches x 2-1/4 inches")

#### **11.24. Paints and Kindred Products. --**

- (a) 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 6.7.3.
- (b) Tint base paint may be labeled on the principal display panel, in terms of a quart or a gallon including the addition of colorant selected by the purchaser, provided that the system employed ensures that the purchaser always obtains a quart or a gallon; and further provided that in conjunction with the required quantity statement on the principal display panel, a statement indicating that the tint base paint is not to be sold without the addition of colorant is presented; and further provided that the contents of the container, before the addition of colorant, is stated in fluid ounces elsewhere on the label.

Wherever the above conditions cannot be met, containers of tint base paint must be labeled with a statement of the actual net contents prior to the addition of colorant in full accord with all the requirements of this regulation.

(Added 1972, amended 1980)

#### **11.25. Automotive Cooling System Antifreeze. --**Antifreeze, when packed in 1-liquid-quart units, in metal or plastic containers, shall be exempt from the dual quantity declaration requirements of subsection 6.7.3.

#### **11.26. Motor Oils. --** Motor oils, when packed in 1-liquid-quart units, shall be exempt from the dual quantity declaration requirements of subsection 6.7.3. 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. DECLARATION OF IDENTITY: CONSUMER PACKAGE, to the extent that the Society of Automotive Engineers (SAE) viscosity number is required to appear on the principal display panel, provided the SAE viscosity number appears on the can lid and is expressed in letters and numerals in type size of at least 6 millimeters or 1/4 inch.

(Amended 1974, 1980)

#### **11.27. Pillows, Cushions, Comforters, Mattress Pads, Sleeping Bags, and Similar Products. --** Those products, including pillows, cushions, comforters, mattress pads, and sleeping bags, that bear a permanent label as designated by the Association of Bedding and Furniture Law Officials or by the California Bureau of Home Furnishings shall be exempt from the requirements for location (Section 8.1.1.), size of letters or numbers (Section 8.2.1. and 8.2.2.), free area (Section 8.1.4.), and the declarations of identity and responsibility (Sections 3.1. and 5.); Provided, that declarations of identity, quantity, and responsibility are presented on a permanently attached label and satisfy the other requirements of this Regulation, and further provided that the information on such permanently attached label be fully observable to the purchaser.

(Added 1973)



- 11.28. Commodities' Variable Weights and Sizes.** --Individual packaged commodities put up in variable weights and sizes for sale intact, and intended to be weighed and marked with the correct quantity statement prior to or at the point of retail sale, are exempt from the requirements of SECTION 6. DECLARATION OF QUANTITY: CONSUMER PACKAGES, while moving in commerce and while held for sale prior to weighing and marking; Provided, that the outside container bears a label declaration of the total net weight.  
(Added 1973)
- 11.29. Packaged Commodities Sold by Count.** -- When a packaged consumer commodity is properly measured in terms of count only, or in terms of count and some other appropriate unit, and the individual units are fully visible to the purchaser, such packages shall be labeled in full accord with this Regulation except that those containing six or less items need not include a statement of count.  
(Added 1973)
- 11.30. Fishing Lines and Reels.** -- Packaged fishing lines and reels are exempt from the dual quantity declaration requirements of Section 6.7.6. (a); Provided, that length of line or capacity of reel as appropriate is presented in terms of meters or yards in full accord with all other requirements of this Regulation.  
(Added 1973)
- 11.31. Textile Packages.** -- Packages of textiles that are required by subsection 6.4.1. to provide a combination declaration stating the quantity of each individual unit and the count shall be 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.).
- (Added 1971)  
(Amended 1989)

## Section 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 Sections 12., 12.1., 12.1.1., and 12.1.2. of this regulation shall be those expressly set forth in this regulation and variations such as those contained in the procedures and tables of National Institute of Standards and Technology Handbook 133, "Checking the Net Contents of Packaged Goods."  
(Amended 1976, 1980, 1984, 1988)

### Section 13. Retail Sale Price Representations

#### 13.1. "Cents-off" Representations. --

- (a) The term "cents-off representation" means any printed matter consisting of the words "cents-off" or words of similar import (bonus offer, 2 for 1 sale, 1 ¢ sale, etc.), placed upon any consumer package or placed upon any label affixed or adjacent to such package, stating or representing by implication that it is being offered for sale at a price lower than the ordinary and customary retail sale price.  
(Amended 1982)
- (b) Except as set forth in Section 13.2., the packager or labeler of a consumer commodity shall not have imprinted thereon a "cents-off" representation unless:
  - (1) The commodity has been sold at an ordinary and customary price in the most recent and regular course of business where the "cents-off" promotion is made.
  - (2) The commodity so labeled is sold at a reduction from the ordinary and customary price, which reduction is at least equal to the amount of the "cents-off" representation imprinted on the commodity package or label.
  - (3) Each "cents-off" representation imprinted on the package or label is limited to a phrase that reflects that the price marked by the retailer represents the savings in the amount of the "cents-off" the retailer's regular price; e.g., "Price Marked is \_\_\_ Cents Off the Regular Price," "Price Marked is \_\_\_¢ off the Regular Price of This Package"; provided, the package or label may in addition bear in the usual pricing spot a form reflecting a space for the regular price, the represented "cents-off", and a space for the price to be paid by the consumer.
  - (4) The commodity at retail presents the regular price, designated as the "regular price," clearly and conspicuously on the package or label of the commodity or on a sign, placard, or shelf-marker placed in a position contiguous to the retail display of the "cents-off" marked commodity.



- (5)
    - a. Not more than three "cents-off" promotions of any single size commodity may be initiated in the same trade area within a 12-month period;
    - b. At least 30 days must lapse between "cents-off" promotions of any particular size packaged or labeled commodity in a specific trade area; and
    - c. Any single size commodity so labeled may not be sold in a trade area for a duration in excess of 6 months within any 12-month period.
  - (6) Sales of any single size commodity so labeled in a trade area do not exceed in volume fifty percent (50%) of the total volume of sales of such size commodity in the same trade area during any 12-month period. The 12-month period may be the calendar, fiscal, or market year provided the identical period is applied in this subparagraph and subparagraph (5) of this paragraph. Volume limits may be calculated on the basis of projections for the current year but shall not exceed 50 percent of the sales for the preceding year in the event actual sales are less than the projection for the current year.
  - (c) No "cents-off" promotion shall be made available in any circumstances where it is known or there is reason to know that it will be used as an instrumentality for deception or for frustration of value comparison; e.g., where the retailer charges a price that does not fully pass on to the consumers the represented price reduction or where the retailer fails to display the regular price in the display area of the "cents-off" marked product.
  - (d) The sponsor of a "cents-off" promotion shall prepare and maintain invoices or other records showing compliance with this section. The invoices or other records required by this section shall be open to inspection and shall be retained for a period of one year subsequent to the end of the year (calendar, fiscal, or market) in which the "cents-off" promotion occurs.
- (Added 1972)

### 13.2. Introductory Offers. --

- (a) The term "introductory offer" means any printed matter consisting of the words "introductory offer" or words of similar import, placed upon a package containing any new commodity or upon any label affixed or adjacent to such new commodity, stating or representing by implication that such new commodity is offered for retail sale at a price lower than the anticipated ordinary and customary retail sale price.
- (b) The packager or labeler of a consumer commodity may not have imprinted thereon an introductory offer unless:
  - (1) The product contained in the package is new, has been changed in a functionally significant and substantial respect, or is being introduced into a trade area for the first time.
  - (2) Each offer on a package or label is clearly and conspicuously qualified.
  - (3) No commodity so labeled is sold in a trade area for duration in excess of 6 months.
  - (4) At the time of making the introductory offer promotion, the offerer intends in good faith to offer the commodity, alone, at the anticipated ordinary and customary price for a reasonably substantial period of time following the duration of the introductory offer promotion.



- (c) The packager or labeler of a consumer commodity shall not have imprinted thereon an introductory offer in the form of a "cents-off" representation unless, in addition to the requirements in paragraph (b) of this section:
    - (1) The package or label clearly and conspicuously and in immediate conjunction with the phrase "Introductory Offer" bears the phrase "\_\_\_ cents-off the after-introductory offer price."
    - (2) The commodity so labeled is sold at a reduction from the anticipated ordinary customary price, which reduction is at least equal to the amount of the reduction from the after-introductory offer price representation on the commodity package or label.
  - (d) No introductory offer with a "cents-off" representation shall be made available in any circumstance where it is known or there is reason to know that it will be used as an instrumentality for deception or for frustration of value comparison; e.g., where the retailer charges a price that does not fully pass on to consumers the represented price reduction.
  - (e) The sponsor of an introductory offer shall prepare and maintain invoices or other records showing compliance with this section. The invoices or other records required by this section shall be open to inspection and shall be retained for a period of one year subsequent to the period of the introductory offer.
- (Added 1972)

### 13.3. Economy Size. --

- (a) The term "economy size" means any printed matter consisting of the words "economy size," "economy pack," "budget pack," "bargain size," "value size," or words of similar import placed upon any package containing any consumer commodity or placed upon any label affixed or adjacent to such commodity, stating or representing directly or by implication that a retail sale price advantage is accorded the purchaser thereof by reason of the size of that package or the quantity of its contents.
  - (b) The packager or labeler of a consumer commodity may not have imprinted thereon an "economy" size representation unless:
    - (1) At the same time the same brand of the commodity is offered in at least one other packaged size or labeled form.
    - (2) Only one packaged or labeled form of that brand of commodity labeled with an "economy size" representation is offered.
    - (3) The commodity labeled with an "economy size" representation is sold at a price per unit of weight, volume, measure, or count that is substantially reduced (i.e., at least 5 percent) from the actual price of all other packaged or labeled units of the same brand of that commodity offered simultaneously.
  - (c) No "economy size" package shall be made available in any circumstances where it is known that it will be used as an instrumentality for deception; e.g., where the retailer charges a price that does not pass on to the consumer the substantial reduction in cost per unit initially granted.
  - (d) The sponsor of an "economy size" package shall prepare and maintain invoices or other records showing compliance with paragraph (b) of this section. The invoices or other records required by this section shall be open to inspection and shall be retained for one year.
- (Added 1972)



#### **Section 14. 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.

#### **Section 15. 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 \_\_\_\_\_.

SIGNED \_\_\_\_\_



**APPENDIX: Metric/Inch-Pound Conversion Factors****Length**

1 inch =	2.54 cm*	1 millimeter =	0.039 370 1 in
1 foot =	30.48 cm*	1 centimeter =	0.393 701 in
1 yard =	0.9144 m*	1 meter =	3.280 84 ft

**Area**

1 square inch =	6.4516 cm <sup>2</sup> *	1 square centimeter =	0.155 000 in <sup>2</sup>
1 square foot =	929.030 cm <sup>2</sup>	1 square decimeter =	0.107 639 ft <sup>2</sup>
1 square yard =	0.836 127 m <sup>2</sup>	1 square meter =	10.763 9 ft <sup>2</sup>

**Volume or Capacity**

1 cubic inch =	16.3871 cm <sup>3</sup>	1 cubic centimeter =	0.061 023 7 in <sup>3</sup>
1 cubic foot =	0.028 316 8 m <sup>3</sup>	1 cubic decimeter =	0.035 314 7 ft <sup>3</sup>
1 cubic yard =	0.764 555 m <sup>3</sup>	1 cubic meter =	35.314 7 ft <sup>3</sup>
			= 1.307 95 yd <sup>3</sup>
1 fluid ounce =	29.573 5 mL	1 milliliter =	0.033 814 0 fl oz
1 liquid pint =	473.177 mL	1 liter =	1.05669 liq qt
	= 0.473 177 L	1 liter =	0.264 172 gal
1 liquid quart =	946.353 mL		
	= 0.946 353 L		
1 gallon =	3.785 41 L		
1 bushel =	35.2391 L		

**Weight (Mass)**

1 ounce =	28.349 5 g	1 milligram =	0.000 035 274 0 oz
1 pound =	453.592 g		= 0.015 432 4 grain
	= 0.453 kg	1 gram =	0.035 274 0 oz
		1 kilogram =	2.204 62 lb

**Temperature**

$$t_{\text{oC}} = \frac{5}{9} (t_{\text{oF}} - 32) *$$

$$t_{\text{oF}} = 1.8 t_{\text{oC}} + 32 *$$

NOTE: These conversion factors are given to six significant digits in the event such accuracy is necessary. See Section 6.11.3. Rounding for information about the use of conversion factors in labeling.

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\*Exactly



# **Uniform Regulation for the Method of Sale of Commodities**

**1979**

as adopted by  
The National Conference on Weights and Measures<sup>1</sup>

## **1. Background**

The National Conference on Weights and Measures has long been concerned with the proper units of measurement to be used in the sale of all commodities. This approach has gradually broadened to concerns of standardized package sizes and general identity of particular commodities. Requirements for individual products were at one time made a part of the Weights and Measures Law or were embodied in separate individual Model Regulations. In 1971 this "Model State Method of Sale of Commodities Regulation" was established (renamed in 1983); amendments have been adopted by the Conference almost annually since that time.

Sections with "added 1971" dates refer to those sections that were originally incorporated in the Weights and Measures Law or in individual Model Regulations recommended by the NCWM. Subsequent dates reflect the actual amendment or addition dates.

The 1979 edition included for the first time requirements for items packaged in metric quantities as well as continuing to present requirements for inch-pound quantities. It should be stressed that nothing in this Regulation requires changing to the metric system of measurement. Metric values are given for the guidance of those wishing to adopt new metric quantities of the commodities governed by this Regulation.

This Regulation assimilates all of the actions periodically taken by the Conference with respect to certain food items, non-food items, and general method of sale concepts. Its format is such that it will permit the addition of individual items as need arises at the end of appropriate sections. Its adoption as a regulation by individual jurisdictions will eliminate the necessity for legislative considerations of necessary changes in the method of sale of particular commodities. Such items will be able to be handled through the normal regulation-making process.

## **2. Status of Promulgation**

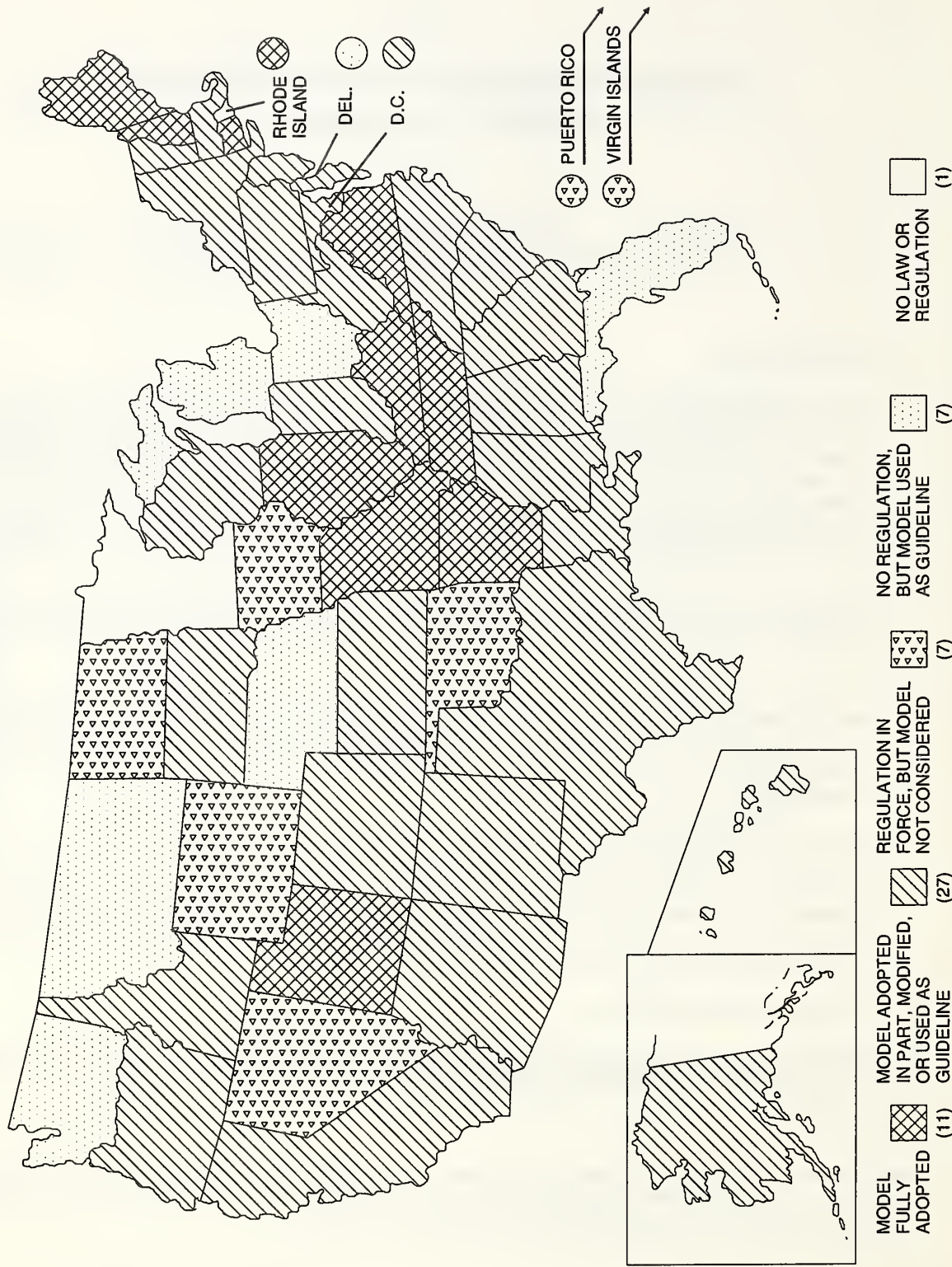
The map on the following page shows the status of promulgation (as of July 1989) of the Uniform Regulation for the Method of Sale of Commodities.

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<sup>1</sup>The National Conference on Weights and Measures is sponsored by the National Institute of Standards and Technology in partial implementation of its statutory responsibility for "cooperation with the States in securing uniformity in weights and measures laws and methods of inspection."



STATUS OF STATE ADOPTION OF METHOD OF SALE LAW  
OR REGULATION  
(as of July, 1989)





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# Uniform Regulation for the Method of Sale of Commodities

1979

## Preamble

The purpose of this regulation is to require accurate and adequate information about commodities so that purchasers can make price and quantity comparisons.  
(Added 1989)

## Section 1. Food Products<sup>1</sup>

**1.1. Berries and Small Fruits.** -- Shall be offered and exposed for sale and sold by weight, or by volume if in measure containers that are either open or else covered by uncolored transparent lids or other wrappings that do not obscure the contents and having capacities per subsection 1.1.(a) or subsection 1.1.(b). When selling berries and small fruits by volume in measure containers, whether or not covered, the measure containers themselves shall not be packages for labeling purposes.

(a) Inch-Pound Capacities - 1/2 dry pint, 1 dry pint, or 1 dry quart.

(b) Metric Capacities - 250 milliliters, 500 milliliters, or 1 liter.  
(Added 1979, amended 1985)

If two or more measure containers are placed in a shipping package, the crate or package shall show the number of measure containers and the quantity of contents of each.  
(Added 1971, amended 1979, 1985, 1989)

**1.2. Bread.** -- Each loaf and each unit of a twin or multiple loaf made or procured for sale, kept, offered, exposed for sale, or sold, whether or not wrapped or sliced, and each portion of a loaf that is pre-packaged, shall have a weight per subsection 1.2.(a) or subsection 1.2.(b); Provided, that the provisions of this section shall not apply to biscuits, buns, or rolls of inch-pound sizes 4 ounces or less or of metric sizes 100 grams or less or to "stale bread" sold and expressly represented at the time of sale as such, and when so sold, the wrappers shall be deemed not to be packages for labeling purposes.

(a) Inch-Pound Weights - 1/2 pound, 3/4 pound, 1 pound, 1-1/2 pounds, or a multiple of 1 pound.

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<sup>1</sup>Packages subject to the Federal Fair Packaging and Labeling Act must be labeled in inch-pound units of measure. Metric units may also be declared on the principal display panel and may even appear first. (Added 1982)



- (b) Metric Weights - 250 grams, 375 grams, 500 grams, 750 grams, or a multiple of 500 grams.  
(Added 1979, amended 1985)  
(Added 1971, amended 1979, 1980, 1985, 1987)

**1.3. Butter, Oleomargarine,<sup>1</sup> Margarine, Butter-Like and/or Margarine-Like Spreads.**

-- Shall be offered and exposed for sale and sold by weight per subsection 1.3.(a) or subsection 1.3.(b).

- (a) Inch-Pound Weights - 1/4 pound, 1/2 pound, 1 pound, 1 1/2 pounds, or a multiple of 1 pound. (Amended 1986)
- (b) Metric Weights - 125 grams, 250 grams, 500 grams, 750 grams, or a multiple of 500 grams.  
(Added 1979, amended 1986)

"Butter-like and/or Margarine-like spreads" are those products that meet the Federal Standard of Identity for butter or margarine and oleomargarine except that they contain less than 80 percent fat and may contain other safe and suitable ingredients. (Added 1985, amended 1986)  
(Added 1971, amended 1979, 1985, 1986)

**1.4. Flour, Corn Meal, and Hominy Grits.** -- Wheat flour, whole wheat flour, graham flour, self-rising wheat flour, phosphated wheat flour, bromated flour, corn flour, corn meal, and hominy grits, whether enriched or not, shall be packaged, kept, offered, or exposed for sale, or sold only in weights per subsection 1.4.(a) or subsection 1.4.(b); Provided that inch-pound sizes less than 2 pounds or more than 100 pounds and that metric sizes less than 1 kilogram or more than 50 kilograms shall be permitted.

- (a) Inch-Pound Weights - 2, 5, 10, 25, 50, or 100 pounds.
- (b) Metric Weights - 1, 2.5, 5, 10, 25, or 50 kilograms.  
(Added 1979, amended 1985)  
(Added 1971, amended 1979, 1985)

**1.5. Meat, Poultry, Fish, and Seafood.<sup>2</sup>** -- Shall be sold by weight, except that whole shellfish in the shell may be sold by weight, measure, and/or count. Shellfish are aquatic animals having a shell, such as mollusks (for example, scallops) or crustaceans (for example, lobster or shrimp).  
(Amended 1988)

**1.5.1. In Combination with Other Foods.** -- When meat, poultry, fish, or seafood is combined with some other food element to form a distinctive food product, the quantity representation may be in terms of the total weight of the product or combination, and a quantity representation need not be made for each element, provided that a statement listing the ingredients in order of their predominance by weight must also appear on the label.  
(Amended 1989)

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<sup>1</sup>Oleomargarine and margarine are not permitted in multiples of one pound, 500 grams, or multiples of 500 grams because Section 407(b)(2) of the Federal Food, Drug, and Cosmetic Act prohibits margarine and oleomargarine packaged in sizes greater than one pound. (Added 1982)

<sup>2</sup>See Section 1.12. for additional requirements for ready-to-eat food.



### 1.5.2. Clams, Mussels, Oysters, and Other Mollusks.

**1.5.2.1. Whole clams, oysters, mussels, or other mollusks in the shell** (fresh or frozen) shall be sold by weight (including the weight of the shell, but not including the liquid or ice packed with them), dry measure (e.g., bushel), and/or count. In addition, size designations may be provided.

**1.5.2.2. Whole clams, oysters, mussels, or other mollusks on the half shell** (fresh, cooked, smoked, or frozen, with or without sauces or spices added) shall be sold by weight (excluding the weight of the shell) or by count. Size designations may also be provided.  
(Added 1989)

**1.5.2.3. Fresh oysters, clams, mussels, or other mollusks removed from the shell** and placed in a container shall be sold by fluid volume. A maximum of 15 percent free liquid by weight is permitted.

**1.5.2.4. Processed clams, mussels, oysters, or other mollusks, on the half shell** (fresh or frozen) shall be sold by net weight excluding the weight of the shell. The term "processed" means removing the meat from the shell and chopping it or cutting it or commingling it with other solid foods.  
(Amended 1989)

**1.5.2.5. Canned (heat-processed) mussels, clams, oysters, or other mollusks** shall be sold by net weight. A maximum of 41 percent free liquid by weight is permitted for canned oysters.  
(Added 1986)

(Added 1971, amended 1982, 1985, 1986, 1989)

**1.6. Fluid Milk Products.** -- All fluid milk products, including but not limited to milk, lowfat milk, skim milk, cultured milks, and cream shall be packaged for retail sale only in volumes per subsection 1.6.(a), or subsection 1.6.(b); provided, that inch-pound sizes less than 1 gill and metric sizes less than 100 milliliters shall be permitted.

(a) Inch-Pound Volumes - 1 gill, 1/2 liquid pint, 10 fluid ounces, 12 fluid ounces, 1 liquid pint, 1 liquid quart, 1/2 gallon, 1 gallon, 1-1/2 gallons, 2 gallons, 2-1/2 gallons, or multiples of 1 gallon.

(b) Metric Volumes - 125 milliliters, 250 milliliters, 350 milliliters, 500 milliliters, 1 liter, or multiples of 1 liter.

(Added 1979, amended 1985)

(Added 1971, amended 1979, 1982, 1985, 1989)

**1.7. Other Milk Products.** -- Cottage cheese, cottage cheese products, and other milk products that are solid, semi-solid, viscous, or a mixture of solid and liquid, as defined in the Pasteurized Milk Ordinance of the U.S. Public Health Service, as amended in 1965, shall be sold in terms of weight; provided, that cottage cheese, cottage cheese products, sour cream, and yogurt<sup>1</sup> shall be packaged for

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<sup>1</sup>Except see 1.7.1. for frozen yogurt.



retail sale only in weights per subsection 1.7.(a) or subsection 1.7.(b) and provided further, that the total net weight of multiunit packages need not comply with subsections 1.7.(a) or (b) if their individual units comply.

- (a) Inch-Pound Weights - 1, 2, 3, 4, 5, 6, 8, 12, 16, 24, 32, 64, 80, and 128 ounces avoirdupois.
  - (b) Metric Weights - 25, 50, 75, 100, 125, 150, 175, 200, 250, 375, 500, 750 grams; 1, 2, and 4 kilograms.  
(Added 1979)
- (Added 1971, amended 1975, 1976, 1979, 1982, 1985, 1987)

**1.7.1. Factory Packaged and Hand-Packed Ice Cream and Similar Frozen Products.<sup>1</sup>** -- Ice cream, ice milk, frozen yogurt, and similar products shall be kept, offered, or exposed for sale, or sold in terms of fluid volume.  
(Added 1979, amended 1985)

**1.8. Pickles.** -- The declaration of net quantity of contents on pickles and pickle products, including relishes but excluding one or two whole pickles in a transparent wrapping, which may be declared by count, shall be expressed in terms of liquid measure. Sales of pickles from bulk may be by count.  
(Added 1971)

**1.9. Advertising and Price Computing of Bulk Food Commodities.**

**1.9.1. Price Computing.** -- The price of bulk food commodities or food commodities not in package form and sold by weight shall be computed in terms of whole units of weight (i.e., pounds, ounces, grams, kilograms, etc.) and not in common or decimal fractions.

**1.9.2. Price Advertising.** -- The price of bulk food commodities or food commodities not in package form and sold by weight shall be advertised or displayed in terms of whole weight units of pounds or kilograms only, not in common or decimal fractions or in ounces. A supplemental declaration in common or decimal fractions, or in ounces, in print no larger than the whole unit price, is permitted.

(Added 1976, amended 1985, 1987)

**1.10. Generic Terms for Meat Cuts.** -- A declaration of identity for meat cuts shall be limited to generic terms, such as those listed in the Uniform Retail Meat Identity Standards.

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<sup>1</sup>For prepackaged measure-containers, intended to be used only once, to determine in advance of sale the quantity of a commodity such as ice cream, ice milk, or sherbet on the basis of liquid measure, the size restrictions noted in Section 4.45. MEASURE-CONTAINERS of National Institute of Standards and Technology Handbook 44, "Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices," apply. Handbook 44 requires capacities of such measure containers to be a multiple of or a binary submultiple of a quart or liter, except that any capacity less than 1/2 liquid pint or 1/4 liter is permitted.

(Added 1986)



The following abbreviations may be used:

BAR B Q	Barbeque	POT-RST	Pot Roast
BI	Bone In	RND	Round
BNLS	Boneless	RST	Roast
DBLE	Double	SHLDR	Shoulder
LGE	Large	SQ	Square
N. Y. (NY)	New York	STK	Steak
PK	pork	TRMD	Trimmed

(Added 1976)

## **1.11. Sale of Meat by Carcass, Side, or Primal Cut. --**

The seller of a carcass, side, quarter, or primal cut on a gross or hanging weight basis shall provide to the buyer a written statement giving the following information at the times indicated:  
(Amended 1985)

### **1.11.1. Prior to delivery. --**

- (a) The name and address of the seller (firm);
- (b) the date of the contract;
- (c) the name and address of the buyer;
- (d) the total net weight (hanging weight) of the carcass, side, or primal cut prior to cutting or processing;
- (e) the USDA quality grade and yield grade of the meat to be supplied if so represented;
- (f) the price per pound for each species (not including any inducements) and the total price of the sale order;
- (g) the estimated cutting loss on the order in terms of percentage and weight (e.g., "40 percent, 160 lb");
- (h) a list by name and estimated count of each cut to be derived from each primal source;
- (i) additional costs, listed separately, for cutting, wrapping, freezing, and finance charges, if any; and
- (j) that the buyer may keep the cutting loss.  
(Added 1985)

### **1.11.2. At the time of delivery. --**

- (a) The name and address of the buyer and seller;
- (b) the date of delivery;



- (c) the total net weight of the meat delivered;
- (d) a list, by name and count, of each cut derived from each primal cut; and
- (e) a separate indication of the quantity of any meat or other commodity(s) received by the purchaser as an inducement in connection with the purchase of the carcass, side, or primal cut.  
(Added 1985)

**1.11.3. Exemptions.** -- This subsection shall not apply to the sale of any carcass, side, quarter, or primal cut of meat that individually or collectively has a gross or hanging weight of 50 pounds or less. (Added 1985)

**1.11.4. Right of cancellation.** -- The buyer shall have the right to cancel any carcass, side, quarter, or primal cut meat contract until midnight of the third business day after the day on which the buyer executed the contract or after the day on which the seller provided the buyer with a fully executed copy of the contract, whichever is later. (Added 1985)  
(Added 1977, amended 1980, 1985)

**1.12. Ready-to-eat Food.** -- The following may be sold by weight, measure, or count:

- (a) items sold for consumption on the premises;
- (b) items sold as one of three or more different elements, excluding condiments, comprising a ready-to-eat meal sold as a unit, for consumption elsewhere than on the premises where sold;
- (c) ready-to-eat chicken parts cooked on the premises but not packaged in advance of sale;
- (d) sandwiches when offered or exposed for sale on the premises where packed or produced and not intended for resale.

(Added 1985)

## **Section 2. Nonfood Products.<sup>1</sup>**

**2.1. Advertising and Price Computing of Bulk Commodities.** -- The price of bulk commodities or commodities not in package form and sold by weight shall be advertised, displayed, and computed in terms of whole units of weight (i.e., pounds, ounces, grams, kilograms, etc.), and not in common or decimal fractions.  
(Added 1989)

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<sup>1</sup>Packages subject to the Federal Fair Packaging and Labeling Act must be labeled in inch-pound units of measure. Metric units may also be declared on the principal display panel and may be even appear first.  
(Added 1982)



**2.2. Fence Wire Products.** -- Rolls of fence wire products shall be sold by

- (a) Gauge of wire.
  - (b) Height in terms of inches or centimeters, if applicable.
  - (c) Length in terms of rods, meters or feet.
- (Added 1979)

**2.3. Coatings.** -- Asphalt paints, coatings, and plastics shall be sold in terms of liquid measure.

(Added 1971)

**2.4. Fireplace and Stove Wood.** -- For the purpose of this regulation, this section shall apply to the sale of all wood, natural and processed, for use as fuel.

**2.4.1. Definitions.** --

**2.4.1.1. Fireplace and stove wood.** -- Any kindling logs, boards, timbers, or other wood, split or not split, advertised, offered for sale, or sold as fuel.

**2.4.1.2. Cord.** -- The amount of wood that is contained in a space of 128 cubic feet, when the wood is ranked and well stowed. For the purpose of this regulation, "ranked and well stowed" shall be construed to mean that pieces of wood are placed in a line or row, with individual pieces touching and parallel to each other, and stacked in a compact manner.

**2.4.1.3. Representation.** -- A "representation" shall be construed to mean any advertisement, offering, invoice, or the like that pertains to the sale of fireplace or stove wood.

**2.4.2. Identity.** -- A representation may include a declaration of identity that indicates the species group (Example: 50% hickory, 50% miscellaneous softwood). Such a representation shall indicate, within 10 percent accuracy, the percentages of each group.

**2.4.3. Quantity.** -- Wood, of any type, for use as fuel shall be advertised, offered for sale, and sold only by measure, using the term "cord" and fractional parts of a cord, or the cubic meter; except that wood, natural or processed, offered for sale in packaged form shall display the quantity in terms of cubic feet, to include fractions of cubic feet; or cubic meters, to include decimal fractions of cubic meters. A single log shall be sold by weight, and packages of such individual logs containing less than 4 cubic feet ( $1/32$  cord), or less than one-tenth cubic meter, may be sold by net weight plus count.

(Amended 1976)

**2.4.4. Prohibition of terms.** -- The terms "face cord," "rack," "pile," "truckload," or terms of similar import shall not be used when advertising, offering for sale, or selling wood for use as fuel.



**2.4.5. Delivery ticket or sales invoice.** -- A delivery ticket or sales invoice shall be presented by the seller to the purchaser whenever any nonpackaged fireplace or stove wood is sold. The delivery ticket or sales invoice shall contain at least the following information:

- (a) the name and address of the vendor;
- (b) the name and address of the purchaser;
- (c) the date delivered;
- (d) the quantity delivered and the quantity upon which the price is based, if this differs from the delivered quantity;
- (e) the price of the amount delivered;
- (f) the identity in the most descriptive terms commercially practicable, including any quality representation made in connection with the sale.

(Added 1975)

**2.5. Peat and Peat Moss.** -- Applies only with respect to organic matter of geological origin, excluding coal and lignite, originating principally from dead vegetative remains through the agency of water in the absence of air and occurring in a bog, swampland, or marsh, and containing an ash content not exceeding 25 percent on a dry-weight basis (dried in an oven at 105 °C (221 °F) until no further weight loss can be determined).

**2.5.1. Declaration of quantity.** -- The declaration of quantity of peat and peat moss shall be expressed in weight units or in cubic-measure units.

**2.5.2. Units.** --

**2.5.2.1. Weight.** -- Peat and peat moss sold in terms of weight shall be offered and exposed for sale only in pounds and/or kilograms.

**2.5.2.2. Cubic measure.** -- Peat and peat moss sold in terms of cubic measures shall be offered and exposed for sale only in cubic feet and/or liters. If the commodity is labeled in terms of compressed cubic measurement, the quantity declaration shall represent the quantity in the compressed state and the quantity from which the final product was compressed (the latter declaration not exceeding the actual amount of material that can be recovered).

(Amended 1975, 1979, 1983)

(Added 1971)

**2.6. Prefabricated Utility Buildings.** -- These buildings shall be offered for retail sale on the basis of usable inside space as follows:

- (a) length, measured from inside surface of wall panels at the base;
- (b) width, measured from inside surface of wall panels at the base;



- (c) height, measured from the base to the top of the shortest wall panel.

Inside dimensions in inch-pound units shall be declared to the nearest inch; inside dimensions in metric units shall be declared to the nearest 0.01 meter.

If total usable inside space is declared in a supplemental declaration, it shall be to the nearest cubic decimeter or cubic foot.

(Added 1975)

- 2.7. Roofing and Roofing Material.** -- Shall be sold either by the square, or by the square foot only if sold in inch-pound units, or by the square meter only if sold in metric units.  
(Amended 1979)

**2.7.1. Definitions.** --

- 2.7.1.1. Square meter.** -- The term "square meter" shall mean the quantity of roofing or roofing material that, when applied according to the directions or instructions of the manufacturer, will cover one square meter exclusive of side laps or side joints.  
(Added 1979)

- 2.7.1.2. Square.** -- The term "square" shall mean the quantity of roofing or roofing material that, when applied according to directions or instructions of the manufacturer, will cover an area of 100 square feet exclusive of side laps or side joints; provided, that, in the case of roofing or roofing material of corrugated design, the side lap or side joint shall be one full corrugation.

- 2.7.1.3. Square foot.** -- The term "square foot" shall mean the quantity of roofing or roofing material that, when applied according to the directions or instructions of the manufacturer, will cover one square foot (144 square inches) exclusive of side laps or side joints.

- 2.7.2. Declaration of quantity.** -- When the declaration of quantity on a package of roofing or roofing material contains the term "square," it shall include, plainly and conspicuously, a numerical definition of the term "square"; for example, "One square covers 100 square feet of roof area."

- 2.7.2.1. Common fractions.** -- The use of the common fraction one-third ( $1/3$ ) is specifically authorized in the quantity statement of a package of roofing or roofing material when, and only when, used as the common fraction of the "square."

- 2.7.2.2. Quantity statement.** -- The primary declaration if in inch-pound units shall only be in terms of squares or square feet, and if in metric units shall only be in terms of square meters. There is no prohibition against the use of supplementary quantity declarations, such as shingle dimensions, but in no case shall the weight of the material be stated or implied. However, the use of numerical descriptions for rolls of felt roofing material may continue to be used.

(Amended 1979)

(Added 1971)



**2.8. Sealants.** -- Caulking compounds, glazing compounds, and putty shall be sold in terms of liquid measure, except that rope calk shall be sold by weight.  
(Added 1971, amended 1981)

**2.9. Sod and Turf.** --

**2.9.1. Application.** -- For the purpose of this regulation this section shall apply to all sod, including turf sod, turf plugs, and turf sprigs.

**2.9.2. Definitions.** --

**2.9.2.1. Sod.** -- Sod shall mean "turf sod," "turf plugs," or "turf sprigs" of a single kind or variety or a mixture of kinds and varieties.

**2.9.2.2. Turf.** -- Turf shall mean a live population of one or more kinds of grasses, legumes, or other plant species used for lawns, recreational use, soil erosion control, or other such purposes.

**2.9.2.3. Turf plug.** -- Turf plug shall mean a small section cut from live turf of those kinds of turf normally vegetatively propagated (such as zoysia grass) that when severed contain sufficient plant material to remain intact.

**2.9.2.4. Turf sod.** -- Shall mean a strip or section of live turf that when severed contains sufficient plant material to remain intact.

**2.9.2.5. Turf sprig.** -- Shall mean a live plant, stolon, crown, or section cut from stolonifera plants used as turf.

**2.9.3. Quantity.** -- Sod shall be advertised, offered for sale, and sold by measure or by a combination of count and measure as prescribed by this subsection.

**2.9.3.1. Turf sod.** - Turf sod shall be advertised for sale and sold in terms of the square meter, square foot, or square yard, as appropriate.  
(Amended 1979)

**2.9.3.2. Turf plugs.** - Turf plugs shall be advertised for sale and sold in terms of count, combined with a statement of the plug diameter.

**2.9.3.3. Turf sprigs.** - Turf sprigs shall be advertised for sale and sold in terms of the liter or bushel.  
(Amended 1979)

(Added 1976)

**2.10. Softwood Lumber.<sup>1</sup>** -- Applies to softwood boards, timbers, and dimension lumber that have been dressed on four sides, but shall not apply to rough lumber, to lumber that has been matched, pat-

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<sup>1</sup>Values in metric units for softwood lumber will not be added until a new standard is developed to cover metric softwood lumber.



turned, or shiplapped, or to lumber remanufactured or joined so as to have changed the form or identity, such as individual assembled, or packaged millwork items.

### **2.10.1. Definitions. --**

- 2.10.1.1. Dressed (surfaced) lumber.** -- Lumber that has been dressed (or surfaced) for the purpose of attaining smoothness of surface and uniformity of size.
- 2.10.1.2. Boards.** -- Lumber 1-1/4 inches or less in actual thickness and 1-1/2 inches or more in actual width. Lumber less than 1-1/2 inches in actual width may be classified as strips.
- 2.10.1.3. Timbers.** -- Lumber 1-1/2 inches or more in least actual dimension. Timber may be classified as beams, stringers, posts, caps, sills, girders, purlins, etc.
- 2.10.1.4. Dimension lumber.** -- Lumber from 1-1/2 inches to, but not exceeding, 4-1/2 inches in actual thickness, and 1-1/2 inches or more in actual width. Dimension lumber may be classified as framing, joists, planks, rafters, studs, small timbers, etc.
- 2.10.1.5. Rough lumber.** -- Lumber that has not been dressed but that has been sawed, edged, and trimmed at least to the extent of showing saw marks in the wood on the four longitudinal surfaces of each piece for its overall length.
- 2.10.1.6. Matched lumber.** -- Lumber that has been worked with a tongue on one edge of each piece and a groove on the opposite edge to provide a close tongue-and-groove joint by fitting two pieces together; when end-matched, the tongue and groove are worked in the ends also.
- 2.10.1.7. Patterned lumber.** -- Lumber that is shaped to a pattern or a molded form, in addition to being dressed, matched, or shiplapped, or any combination of these workings.
- 2.10.1.8. Shiplapped lumber.** -- Lumber that has been worked or rabbeted on both edges of each piece to provide a closelapped joint by fitting two pieces together.
- 2.10.1.9. Grade.** -- The commercial designation assigned to lumber meeting specifications established by a nationally recognized grade rule writing organization.
- 2.10.1.10. Species.** -- The commercial name assigned to a species of trees.
- 2.10.1.11. Species group.** -- The commercial name assigned to two or more individual species having similar characteristics.
- 2.10.1.12. Representation.** -- A "representation" shall be construed to mean any advertisement, offering, invoice, or the like that pertains to the sale of lumber.
- 2.10.1.13. Minimum dressed sizes (width and thickness).** -- The standardized width and thickness at which lumber is dressed when manufactured in accordance with the U.S. Department of Commerce Voluntary Product Standard 20-70, "American Softwood Lumber Standard," and regional grading rules conforming to VPS 20-70 (See Table 1.)



<b>Table 1. Softwood Lumber Sizes</b>  Minimum standard dressed sizes at the time of manufacture for both unseasoned (green) and dry lumber as published by the U.S. Department of Commerce in Product Standard 20-70.		
Product Classification (Nominal Size) Inches	Minimum Dressed Sizes (See Note 2)	
	Unseasoned  Inches	Dry  Inches
Dimension Lumber (See Note 1)		
2 X 4 2 X 6 2 X 8 2 X 10 2 X 12	1-9/16 X 3-9/16 1-9/16 X 5-5/8 1-9/16 X 7-1/2 1-9/16 X 9-1/2 1-9/16 X 11-1/2	1-1/2 X 3-1/2 1-1/2 X 5-1/2 1-1/2 X 7-1/4 1-1/2 X 9-1/4 1-1/2 X 11-1/4
Board Lumber		
1 X 4 1 X 6 1 X 8 1 X 10 1 X 12	25/32 X 3-9/16 25/32 X 5-5/8 25/32 X 7-1/2 25/32 X 9-1/2 25/32 X 11-1/2	3/4 X 3-1/2 3/4 X 5-1/2 3/4 X 7-1/4 3/4 X 9-1/4 3/4 X 11-1/4
<p>Note 1. The dry thicknesses of nominal 3" and 4" lumber are 2-1/2" and 3-1/2"; unseasoned thicknesses are 2-9/16" and 3-9/16." Widths for these thicknesses are the same as shown above.</p> <p>Note 2. Product Standard 20-70 defines dry lumber as being 19 percent or less in moisture content and unseasoned lumber as being over 19 percent moisture content. The size of lumber changes approximately 1 percent for each 4 percent change in moisture content. Lumber stabilizes at approximately 15 percent moisture content under normal use conditions.</p> <p>(Added 1971)</p>		

**2.10.2. Identity** -- representations shall include a declaration of identity that specifies the grade or grades, species or species group, and whether the lumber is unseasoned (green) or dry.

**2.10.3. Quantity** -- representations shall be in terms of the number of pieces, the minimum dressed width and thickness, the length of individual pieces, or the lineal footage, except that:



- (a) the use of nominal dimensions shall be allowed when used in conjunction with the required minimum dressed sizes and actual length;
- (b) with respect to all invoices, a table of minimum dressed sizes may appear on the reverse side of the invoice, so long as appropriate reference to the table is prominently and conspicuously shown on the face of the invoice.

(Added 1971)

**2.11. Carpeting.** -- Anyone who sells carpeting shall provide the purchaser with written statements at the time of sale giving the following information:

- (a) The name and address of the manufacturer.
- (b) The style name and roll number of the carpet.
- (c) The generic name of the fiber and the type of backing material.
- (d) The amount delivered (exact size shipped).
- (e) The price per square yard if sold in inch-pound units, or the price per square meter if sold in metric units, and the total price.

(Amended 1979)

(Added 1977)

**2.12. Hardwood Lumber.** -- Sales of hardwood lumber measured after kiln drying shall be quoted, invoiced and delivered on the basis of net board footage, with no addition of footage for kiln drying shrinkage. Sales of hardwood lumber measured prior to kiln drying shall be quoted, invoiced, and delivered on the basis of net board footage before kiln drying. If the lumber is to be kiln dried at the request of the purchaser, the kiln drying charge shall be clearly shown and identified on the quotation and invoice. (Added 1977)

**2.13. Polyethylene Products.** --

**2.13.1. Consumer and nonconsumer products** offered and exposed for sales shall be sold in the terms given in subsection 2.13.1.1.

**2.13.1.1. Sheeting and film.** --

- (a) length and width
- (b) area in square feet or square meters  
(Amended 1979)
- (c) thickness in mils<sup>1</sup>
- (d) weight  
(Added 1982)

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<sup>1</sup>1 mil = 0.001 in



**2.13.2. Consumer products** at retail shall be sold in the terms given in subsections 2.13.2.1., 2.13.2.2., and 2.13.2.3.

**2.13.2.1. Food wrap. --**

- (a) length and width
- (b) area in square feet or square meters  
(Amended 1979)

**2.13.2.2. Lawn and trash bags. --**

- (a) count
- (b) dimensions
- (c) thickness in mils
- (d) capacity<sup>1</sup>

**2.13.2.3. Food and sandwich bags. --**

- (a) count
- (b) dimensions
- (c) capacity<sup>1</sup>

The capacity statement does not apply to fold-over sandwich bags.

**2.13.3. Products not intended for the retail consumer** shall be offered and exposed for sale in the terms given in subsection 2.13.3.1.:

**2.13.3.1. Bags. --**

- (a) count
- (b) dimensions
- (c) thickness in mils
- (d) weight
- (e) capacity<sup>1</sup>

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<sup>1</sup>See Section 10.8.2. of the Uniform Packaging and Labeling Regulation.



**2.13.4. Declaration of weight.** -- The labeled statement of weight for polyethylene sheeting and film products under sections 2.13.1.1., and 2.13.3.1. shall be not less than the weight calculated by using the following formula:

$$W = T \times A \times 0.03613 \times D, \text{ where}$$

W = net weight in pounds

T = nominal thickness in inches

A = nominal length in inches times nominal width<sup>1</sup> in inches

D = density in grams per cubic centimeter as determined by ASTM Standard D1505-68 "Standard Method of Test for Density of Plastics by the Density Gradient Technique" (or latest issue)

0.03613 is a factor for converting g/cm<sup>3</sup> to lb/in<sup>3</sup>.

For the purpose of this regulation, the minimum density shall be 0.92 g/cm<sup>3</sup>.

(Added 1982)

(Added 1977, amended 1980, 1982, 1987, 1989)

## **2.14. Insulation. --**

**2.14.1. Packaged loose fill insulation except cellulose.** -- Packaged loose-fill insulation, except cellulose, shall declare the net weight with no qualifying statement; each package must contain at least the stated weight. In addition, the following information shall be supplied on the package: minimum thickness, maximum net coverage area, number of bags per 1000 square feet, and minimum weight per square foot at R-values of 11, 19, and 22. This information shall also be supplied for any additional R-values listed.

**2.14.2. Packaged loose-fill cellulose insulation.** -- The principal display panel of packaged loose-fill cellulose insulation shall declare the net weight with no qualifying statement; each package must contain at least the stated weight. In addition, the following information shall be supplied on the package: minimum thickness, maximum net coverage area, number of bags per 100 square feet, and minimum weight per square foot at R-values of 13, 19, 24, 32, and 40. This information shall also be supplied for any additional R-values listed.

**2.14.3. Batt and blanket insulation.** -- The principal display panel of packaged batt or blanket insulation shall declare the square feet of insulation in the package, and the length and width of the batt or blanket. In addition, R-value and thickness shall be declared on the package.

**2.14.4. Installed insulation.** -- Installed insulation must be accompanied by a contract or receipt. For all insulation except loose fill and aluminum foil, the receipt must show the coverage area, thickness, and R-value of the insulation installed. For loose-fill, the receipt must show those three items plus the number of bags used. For aluminum foil, the receipt must show the number and thickness of the air spaces, the direction of heat flow, and R-value. The receipt must be dated and signed by the installer.

Example: This is to certify that the insulation has been installed in conformance with the requirements indicated by the manufacturer to provide a value of R-19 using 31.5 bags of insulation to cover 1500 square feet area. Signed and dated.

(Added 1979, Amended 1983)

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<sup>1</sup>The nominal width for bags in this calculation is twice the labeled width.



**2.15. Solid Fuel Products.** -- Anthracite, semi-anthracite, bituminous, semi-bituminous, or Lignite Coal, and any other natural, manufactured, or patented fuel, not in liquid or gaseous form, except fireplace and stove wood, shall be offered, exposed for sale, or sold by net weight when in package form.  
(Added 1979)

**2.16. Liquefied Petroleum Gas Cylinder Tare Weights.** -- whenever stamped tare weights on cylinders are employed in the sale of liquified petroleum gas, the following shall apply.

**2.16.1. Allowable difference.** -- The allowable difference between the actual tare weight and the stamped tare weight for a new or used cylinder shall be one percent of the actual tare weight. The tare weight shall include the weight of the cylinder (including paint), valve, and other permanent attachments. The weight of a protective cap shall not be included in tare or gross weights.

**2.16.2. Average requirement.** -- The tare weights of cylinders at a single place of business found to be in error predominantly in a direction favorable to the seller and near the allowable difference limit shall be considered to be not in conformance with these requirements.

(Added 1981)

**2.17. Precious Metals.** --

**2.17.1. Definition.** --

**2.17.1.1. Precious metals.** -- Gold, silver, platinum, or any item composed partly or completely of these metals or their alloys and in which the market value of the metal in the item is principally the gold, silver, or platinum component.

**2.17.2. Quantity.** -- The unit of measure and the method of sale of precious metals, if the price is based in part or wholly on a weight determination, shall be either troy weight or metric weight. When the measurement or method of sale is expressed in metric weight units, a conversion chart to troy units shall be prominently displayed so as to facilitate price comparison. The conversion chart shall also display a table of troy weights indicating grains, pennyweights, and troy ounces.

(Added 1982)

**2.18. Mulch.** --

**2.18.1. Definition.** --

**2.18.1.1. Mulch.** -- Any product or material except peat or peat moss (see Section 2.5.) that is advertised, offered for sale, or sold for primary use as a horticultural, aboveground dressing; for decoration, moisture control, weed control, erosion control, temperature control, or other similar purposes.

(Added 1987)

**2.18.2. Quantity.** -- All mulch shall be sold, offered, or exposed for sale in terms of volume measure: in inchpound units in terms of the cubic yard or cubic foot; in metric units in terms of the cubic meter or liter.

(Added 1983, amended 1987)



**2.19. Kerosene.** -- All kerosene kept, offered, exposed for sale, or sold shall be identified as such and will include, with the word kerosene, an indication of its compliance with the standard specification adopted by the American Society for Testing and Materials in Specification number D-3699 (1982 or latest revision).

Example: 1K Kerosene; Kerosene - 2K.  
(Added 1983)

## **2.20. Gasoline - Alcohol Blends. --**

**2.20.1. Method of retail sale.** -- All motor fuel kept, offered, or exposed for sale, or sold, at retail containing at least one percent by volume of ethanol, methanol, or a combination shall be identified as "with" or "containing" (or similar wording) "ethanol", "methanol", or "ethanol/methanol" on the upper 50 percent of the dispenser front panel in a position clear and conspicuous from the driver's position, in a type at least one half inch in height, 1/16 inch stroke (width of type).

**2.20.2. Documentation for dispenser labeling purposes.**--The retailer must be provided, at the time of delivery of the fuel, on an invoice, bill of lading, shipping paper, or other documentation, the presence and maximum amount of ethanol, methanol, or any combination of ethanol/methanol (in terms of percent by volume) contained in the fuel. This documentation is only for dispenser labeling purposes; it is the responsibility of any potential blender to determine the total oxygen content of the motor fuel before blending.

(Added 1984, amended 1985, 1986)

**2.21. Liquefied Petroleum Gas.** -- All liquefied petroleum gases, including but not limited to propane, butane, and mixtures thereof, shall be kept, offered, exposed for sale, or sold by the pound, metered cubic foot<sup>1</sup> of vapor (defined as one cubic foot at 60 °F), or the gallon (defined as 231 cubic inches at 60 °F). All metered sales by the gallon, except those using meters with a maximum rated capacity of 20 gallons per minute or less, shall be accomplished by use of a meter and device that automatically compensates for temperature. (Added 1986)

## **2.22. Liquid Oxygen Used for Respiration. --**

(a) If sold by weight, liquid oxygen must be weighed on an appropriate, sealed commercial scale. A pressure or other type of gauge may not be used to determine weight.

(b) A delivery ticket or sales invoice shall be provided and shall contain at least the following information:

(1) date delivered,

(2) name and address of vendor,

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<sup>1</sup>Sources: American National Standards Institute, Inc., "American National Standard for Gas Displacement Meters (500 Cubic Feet per Hour Capacity and Under)", First Edition, 1974, and National Institute of Standards and Technology Handbook 44, "Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices."



- (3) name and address of the purchaser,
  - (4) a. if sold by weight:
    - weight of cylinder before filling,
    - weight of cylinder after filling, and
    - the net weight of liquid oxygen delivered,
  - (4) b. if sold by measure:
    - method of measurement and any computation used to arrive at the net quantity of liquid oxygen delivered,
  - (5) the unit price,
  - (6) the total computed price, and
  - (7) weigher's or measurer's signature.
- (Added 1989)

### Section 3. General

**3.1. Presentation of Price.** -- Whenever an advertised, posted, or labeled price per unit of weight, measure, or count for any commodity includes a fraction of a cent, all elements of the fraction shall be prominently displayed, and the numerals expressing the fraction shall be immediately adjacent to, of the same general design and style as, and at least one-half the height and width of the numerals representing the whole cent.  
(Added 1976)

**3.2. Allowable Differences: Combination Quantity Declarations.** -- Whenever the method of sale for a bulk or packaged commodity requires the use of a statement that includes count in addition to weight, measure, or size, the following shall apply to the particular commodity:

**3.2.1. Beverageware: pressed and blown tumblers and stemware.** -- The allowable difference between actual and declared capacity shall be:

**(a) inch-pound:**

- (1) plus or minus 1/4 fluid ounce for items of 5 fluid ounce capacity or less;
- (2) plus or minus 5 percent of the stated capacity for items over 5 fluid ounce capacity.

**(b) metric:**

- (1) plus or minus 10 milliliters for items of 200 milliliter capacity or less;
- (2) plus or minus 5 percent of the stated capacity for items over 200 milliliter capacity.

(Added 1974, amended 1979)

(Added 1973, amended 1980)



**3.3. Machine Vended Commodities.** -- All vending machines dispensing packaged commodities shall indicate:

- (a) product identity;
- (b) net quantity;
- (c) name, address, and telephone number of responsible party.

The requirements for product identity and net quantity can be met either by display of the package or by information posted on the outside of the machine.

(Added 1972)

**3.4. Railroad Car Tare Weights.** -- Whenever stenciled tare weights on freight cars are employed in the sale of commodities or the assessment of freight charges, the following conditions and requirements shall apply:

**3.4.1. Newly Stenciled Tare Weights.** -- All newly stenciled or restenciled tare weights shall be accurately represented to the nearest 100 pounds for inch-pound units and to the nearest 50 kilograms for metric units, and the representation shall include the date of weighing.  
(Amended 1979)

**3.4.2. Allowable Difference.** -- The allowable difference between actual tare weight and stenciled tare weight on freight cars in use shall be per subsection 3.4.2.(a) or subsection 3.4.2.(b).

(a) Inch-Pound allowable difference:

- (1) plus or minus 300 pounds for cars 50 000 pounds or less;
- (2) plus or minus 400 pounds for cars over 50 000 pounds to and including 60 000 pounds;
- (3) plus or minus 500 pounds for cars over 60 000 pounds.

(b) Metric allowable difference:

- (1) plus or minus 150 kilograms for cars 25 000 kilograms or less;
- (2) plus or minus 200 kilograms for cars over 25 000 kilograms to and including 30 000 kilograms;
- (3) plus or minus 250 kilograms for cars over 30 000 kilograms.  
(Added 1979)

**3.4.3. Verification or Change of Tare Weights.** -- Tare weight determinations for verification or change of stenciled weights shall only be made on properly prepared and adequately cleaned freight cars.



**3.4.4. Special Cars.** -- Tank cars, covered hopper cars, flat cars equipped with multideck racks or special superstructure, mechanical refrigerator cars, and house-type cars equipped with special lading protective devices must be reweighed and restenciled only by owners or their authorized representatives:

(a) when car bears no lightweight (empty weight) stenciling;

(b) when repairs or alterations result in a change of weight in excess of the permissible lightweight tolerance.

(Added 1974, renumbered 1985)

(Added 1973, amended 1974,1979,1985)

#### **Section 4. 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.  
(Added 1971)

#### **Section 5. 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 \_\_\_\_\_

(Added 1971, Amended 1973)



# Uniform Unit Pricing Regulation

1971

as adopted by  
The National Conference on Weights and Measures<sup>1</sup>

## 1. Background

The Uniform Unit Pricing Regulation (renamed in 1983) provides a national approach to the subject for those jurisdictions choosing to adopt such a regulation.

The traditional approach of the Conference in drafting Uniform Regulations has been to design specific implementing Regulations for the enforcement of the broader requirements of the Uniform Weights and Measures Law. Given the authority of Section 12.3 and the mandate of Section 16. of this Law, as well as the trend in unit pricing, both voluntary and mandatory, the Unit Pricing Regulation is considered appropriate. Unit pricing has been a traditional concern of the weights and measures official and has been required for random weight packages for a long period of time.

## 2. Status of Promulgation

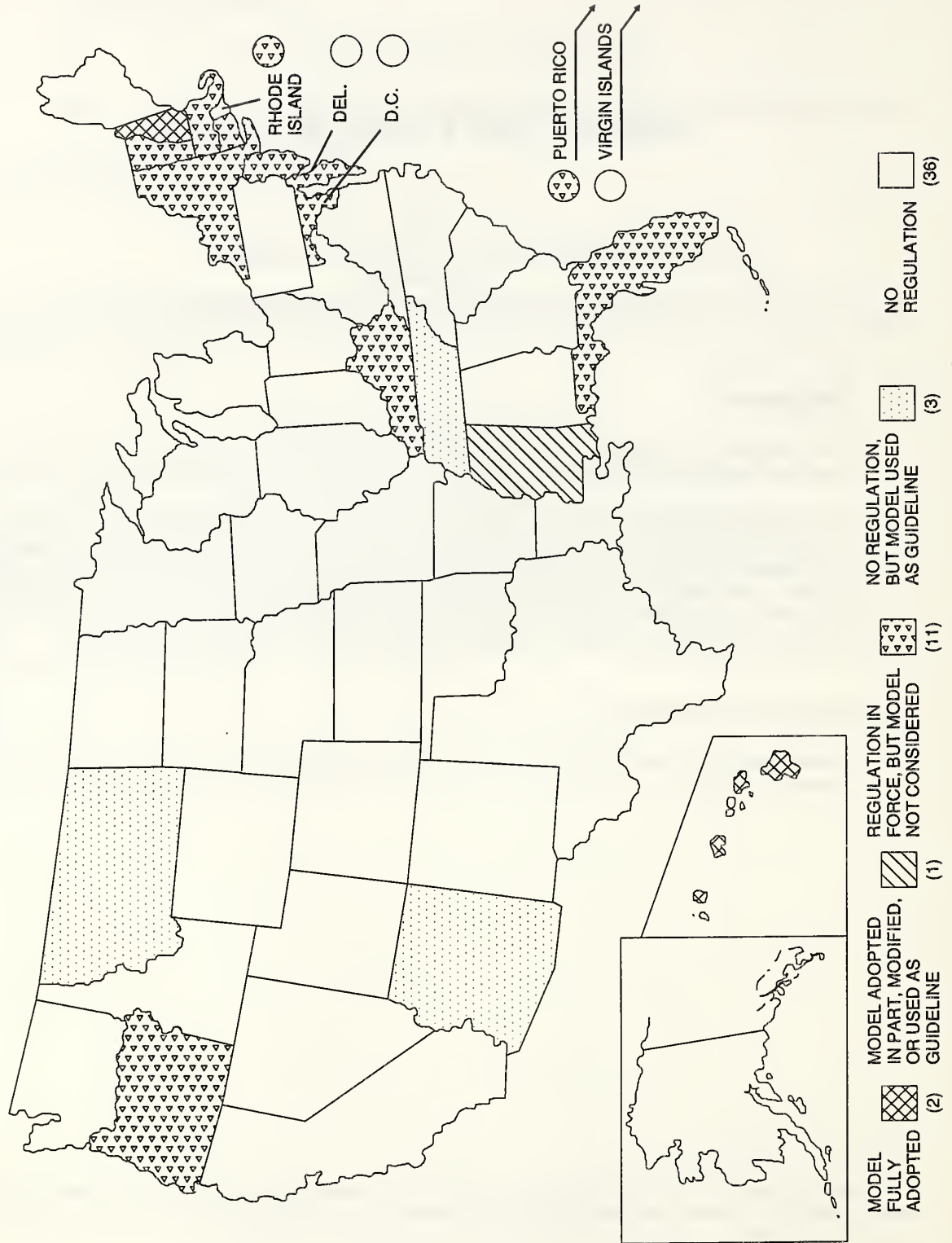
The map on the following page shows the status of promulgation (as of July 1989) of the Uniform Unit Pricing Regulation.

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<sup>1</sup>The National Conference on Weights and Measures is sponsored by the National Institute of Standards and Technology in partial implementation of its statutory responsibility for "cooperation with the States in securing uniformity in weights and measures laws and methods of inspection."



# **STATUS OF STATE ADOPTION OF UNIT PRICING REGULATION** (as of July, 1989)





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# Uniform Unit Pricing Regulation

1971

## Section 1. Application

Except for random weight packages unit priced in accord with existing regulations and uniform weight packages of cheese and cheese products unit priced in the same manner and by the same type of equipment as random weight packages, any retail establishment providing unit price information in addition to the total price, for any commodity listed herein, shall also provide the unit price information for all packaged commodities listed herein and in the manner prescribed herein.

## Section 2. Commodities

The standard of reference of all categories listed below shall be the latest edition of the "Standard Industrial Classification Manual" published by the Executive Office of the President, Office of Management and Budget.

Meat, Poultry, and Seafood	Price per pound
Fruits and Vegetables	Price per pound or per individual unit, or whole unit of dry measure
Fruit and Vegetable Juices and Drinks	Price per quart
Dry Detergents, Soap Powders, and Dry Household Cleaners	Price per pound
Liquid Detergents and Household Cleaners and Disinfectants	Price per quart
Relishes and Condiments	Price per pound or quart
Liquid Soups and Condensed Liquid Soups	Price per pound or quart
Cereals	Price per pound
Candy	Price per pound
Cookies and Crackers	Price per pound
Sanitary Paper Products	Price per 50 sq ft, or, if by count, per 50 units, including ply
Foil, Film, and Other Rolls of Wrapping (except gift wrap)	Price per 50 sq ft
Cooking Oils and Shortening	Price per quart or pound
Salad Dressings	Price per quart
Soft Drinks	Price per quart
Jams, Jellies, Preserves, and Peanut Butter	Price per pound
Coffee, Tea, and Cocoa	Price per pound
Syrups, Table and Topping	Price per pound or quart
Cheese, Natural and Processed	Price per pound
Rice	Price per pound
Pet Food	Price per pound
Toothpaste	Price per ounce
Deodorants, Personal	Price per ounce
Shaving Preparations	Price per ounce
Toilet Water and Colognes	Price per ounce
Hair Preparations	Price per ounce



### **Section 3. Exemption: Small Packages**

Any of the commodities listed herein shall be exempt from these provisions when packaged in quantities of less than one ounce (avoirdupois) or one fluid ounce or when the total retail price thereof is ten cents or less.

### **Section 4. Exemption: Single Item**

Any of the commodities listed herein shall be exempt from these provisions when there is only one brand in only one size appearing in a particular retail establishment.

### **Section 5. Pricing**

The unit price information shall be to the nearest tenth of one cent when less than one dollar and to the nearest cent when a dollar or more.

### **Section 6. Presentation of Price**

- (a) In any retail establishment in which unit price information is provided in accordance with the provisions of the Regulation, that information may be displayed by means of a sign that offers the unit price for one or more brands and/or sizes of a given commodity, by means of a sticker, stamp, sign, label, or tag affixed to the shelf upon which the commodity is displayed, or by means of a sticker, stamp, sign, label, or tag affixed to the consumer commodity itself.
- (b) Where a sign providing unit price information for one or more sizes or brands of a given commodity is used, that sign shall be provided clearly and in a nondeceptive manner in a central location as close as practical to all items to which the sign refers.
- (c) If a single sign or tag does provide the unit price information for more than one brand or size of a given commodity, then the following information shall be provided:
  - (1) The identity and the brand name of the commodity.
  - (2) The quantity of the packaged commodity if more than one package size per brand is displayed.
  - (3) The total retail sales price.
  - (4) The price per appropriate unit, in accordance with SECTION 2. COMMODITIES.

### **Section 7. Effective Date**

- (a) Not less than one-third of the commodity categories listed in section 2 of this Regulation shall be unit priced by any individual retail establishment within 90 days after this Regulation, by its terms, becomes applicable to such establishment.
- (b) Full compliance with this Regulation by any individual retail establishment shall be attained within 120 days after this Regulation, by its terms, becomes applicable to such establishment.



# **Uniform Regulation for the Voluntary Registration of Servicepersons and Service Agencies for Commercial Weighing and Measuring Devices**

1984

as adopted by  
The National Conference on Weights and Measures<sup>1</sup>

## **1. Background**

The Uniform Regulation covering the registration of servicepersons and service agencies was developed and adopted by the National Conference on Weights and Measures in 1966, retitled in 1983, and substantially revised in 1984. It is designed to promote uniformity among those jurisdictions that provide for or are contemplating the establishment of some type of control over the servicing of commercial weighing and measuring devices. It offers to a serviceperson or to a service agency the opportunity to register, and carries with it the privilege of restoring devices to service and of placing new or used devices in service.

Two unique features of the registration plan are its voluntary nature and the provision for reciprocity. Registration is not required; however, the privileges gained make it attractive. Also, in order to provide maximum effectiveness of the program and to reduce to a minimum legal obstacles to service across State lines, provision is made for reciprocity in certification of standards and testing equipment among States.

## **2. Status of Promulgation**

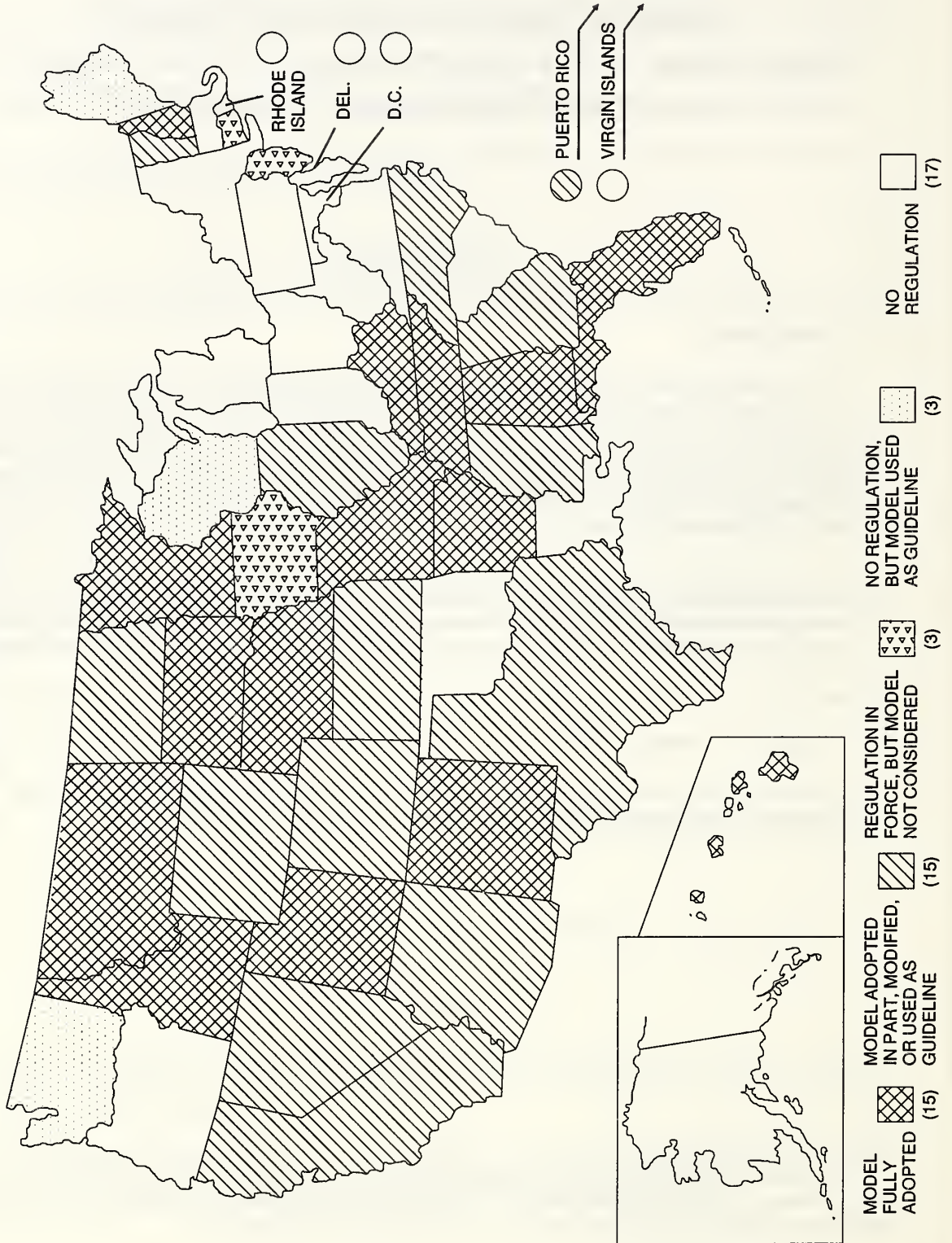
The map on the following page shows the status (as of July 1989) of promulgation of the Uniform Regulation for the Regulation of Servicepersons and Service Agencies.

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<sup>1</sup>The National Conference on Weights and Measures is sponsored by the National Institute of Standards and Technology in partial implementation of its statutory responsibility for "cooperation with the States in securing uniformity in weights and measures laws and methods of inspection."



# **STATUS OF STATE ADOPTION OF REGISTRATION OF SERVICE PERSONS REGULATION** (as of July, 1989)





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# **Uniform Regulation for the Voluntary Registration of Servicepersons and Service Agencies for Commercial Weighing and Measuring Devices**

1984

## **Section 1. Policy**

For the benefit of the users, manufacturers, and distributors of commercial weighing and measuring devices, it shall be the policy of the Director of Weights and Measures, hereinafter referred to as "Director," to accept registration of (a) an individual and (b) an agency providing acceptable evidence that he, she, or it is fully qualified by training or experience to install, service, repair, or recondition a commercial weighing or measuring device; has a thorough working knowledge of all appropriate weights and measures laws, orders, rules, and regulations; and has possession of or available for use, and will use calibrated weights and measures standards and testing equipment appropriate in design and adequate in amount. (An employee of government shall not be eligible for registration.)

The Director will check the qualifications of each applicant. It will be necessary for an applicant to have available sufficient standards and equipment (see Section 5).

It shall also be the policy of the Department to issue to qualified applicants, whose applications for registration are approved, a "Certificate of Registration." This gives authority to remove rejection seals and tags placed on Commercial and Law-Enforcement Weighing and Measuring Devices by authorized weights and measures officials, to place in service repaired devices that were rejected, or to place in service devices that have been newly installed.

The Director is NOT guaranteeing the work or fair dealing of a Registered Serviceperson or Service Agency. He will, however, remove from the registration list any Registered Serviceperson or Service Agency that performs unsatisfactory work or takes unfair advantage of a device owner.

Registration with the Director shall be on a voluntary basis. The Director shall reserve the right to limit or reject the application of any Serviceperson or Service Agency and to revoke his, her, or its permit to remove rejection seals or tags for good cause.

This policy shall in no way preclude or limit the right and privilege of any individual or agency not registered with the Director to install, service, repair, or recondition a commercial weighing or measuring device (however, see Section 7).

(Added 1966, revised 1984)

## **Section 2. Definitions**

**2.1. Registered Serviceperson.** -- The term "registered serviceperson" shall be construed to mean any individual who for hire, award, commission, or any other payment of any kind, installs, services, repairs, or reconditions a commercial weighing or measuring device, and who voluntarily applies for registration with the Director of Weights and Measures.

(Added 1966)



**2.2. Registered Service Agency.** -- The term "registered service agency" shall be construed to mean any agency, firm, company, or corporation that for hire, award, commission, or any other payment of any kind installs, services, repairs, or reconditions a commercial weighing or measuring device, and that voluntarily registers itself as such with the Director of Weights and Measures. Under agency registration, identification of individual servicepersons shall be required.

(Added 1966, amended 1984)

**2.3. Commercial and Law-Enforcement Weighing and Measuring Devices.** -- The term "Commercial and Law-Enforcement Weighing and Measuring Device" shall be construed to include any weight or measure or weighing or measuring device commercially used or employed in establishing the size, quantity, extent, area, or measurement of quantities, things, produce, or articles for distribution or consumption, purchased, offered, or submitted for sale, hire, or award, or in computing any basic charge or payment for services rendered on the basis of weight or measure. It shall also include any accessory attached to or used in connection with a commercial weighing or measuring device when such accessory is so designed or installed that its operation affects the accuracy of the device. It also includes weighing and measuring equipment in official use for the enforcement of law or for the collection of statistical information by government agencies.

(Added 1966, amended 1984)

### **Section 3. Registration Fee**

There shall be charged by the Director an annual fee of (\$ ) per Registered Serviceperson and (\$ ) per Registered Service Agency to cover costs at the time application for registration is made, and annually, thereafter.

(Added 1966, revised 1984)

### **Section 4. Voluntary Registration**

An individual or agency qualified by training or experience may apply for registration to service weighing devices or measuring devices on an application form supplied by the Director. Said form, duly signed and witnessed, shall include certification by the applicant that the individual or agency is fully qualified to install, service, repair, or recondition whatever devices for the service of which competence is being registered; has in possession or available for use, and will use, all necessary testing equipment and standards; and has full knowledge of all appropriate weights and measures laws, orders, rules, and regulations. An applicant also shall submit appropriate evidence or references as to qualifications. Application for registration shall be voluntary, but the Director is authorized to reject or limit any application.

(Added 1966, amended 1984)

### **Section 5. Minimum Equipment**

Applicants must have available sufficient standards and equipment to adequately test devices as set forth in the Notes section of each applicable code in NIST Handbook 44, "Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices." When applicable, this equipment will meet the specifications of National Institute of Standards and Technology Handbook 105-1, "Specifications and Tolerances for Reference Standards and Field Standard Weights and Measures, Specifications and Tolerances for Field Standard Weights (NIST Class F)," National Institute of Standards and Technology Handbook 105-2, "Specifications and Tolerances for Reference Standards and Field Standard Weights and Measures, Specifications and Tolerances for Field Standard Measuring Flask," or National Institute of Standards and Technology Handbook 105-3, "Specifications and Tolerances for Reference Standards and Field Standard Weights and



Measures, Specifications and Tolerances for Graduated Neck Type Volumetric Field Standards." See also Section 9.

(Added 1984)

## **Section 6. Certificate of Registration**

The Director will review and check the qualifications of each applicant. The Director shall issue to the applicant a "Certificate of Registration," including an assigned registration number if it is determined that the applicant is qualified. The "Certificate of Registration" will expire one year from the date of issuance.

(Added 1966, amended 1984)

## **Section 7. Privileges and Responsibilities of a Voluntary Registrant**

A bearer of a Certificate of Registration shall have the authority to remove an official rejection tag or mark placed on a weighing or measuring device by the authority of the Director; place in service, until such time as an official examination can be made, a weighing or measuring device that has been officially rejected; and place in service, until such time as an official examination can be made, a new or used weighing or measuring device. The Registered Serviceperson or Service Agency is responsible for installing, repairing, and adjusting devices such that the devices are adjusted as closely as practicable to zero error.

(Added 1966, amended 1984)

## **Section 8. Placed in Service Report**

The Director shall furnish each Registered Serviceperson and Registered Service Agency with a supply of report forms to be known as "Placed in Service Reports." Such a form shall be executed in triplicate, shall include the assigned registration number, and shall be signed by a Registered Serviceperson or by a serviceperson representing a Registered Agency for each rejected device restored to service and for each newly installed device placed in service. Within 24 hours after a device is restored to service, or placed in service, the original of the properly executed Placed in Service Report, together with any official rejection tag removed from the device, shall be mailed to the Director at \_\_\_\_\_ (address) \_\_\_\_\_. The duplicate copy of the report shall be handed to the owner or operator of the device, and the triplicate copy of the report shall be retained by the Registered Serviceperson or Agency.

(Added 1966)

## **Section 9. Examination and Calibration or Certification of Standards and Testing Equipment**

A registered Serviceperson and a Registered Service Agency shall submit, at least annually to the Director, for examination and certification, any standards and testing equipment that are used, or are to be used, in the performance of the service and testing functions with respect to weighing and measuring devices for which competence is registered. A Registered Serviceperson or Agency shall not use in servicing commercial weighing or measuring devices any standards or testing equipment that have not been certified by the Director. Equipment calibrated by another State weights and measures laboratory that can show traceability to the National Institute of Standards and Technology will also be recognized as equipment suitable for use by Registered Servicepersons or Service Agencies in this State.

(Added 1966, revised 1984)



### **Section 10. Revocation of Certificate of Registration**

The Director is authorized to suspend or revoke a Certificate of Registration for good cause which shall include but not be limited to: taking of unfair advantage of an owner of a device; failure to have test equipment or standards certified; failure to use adequate testing equipment, failure to adjust Commercial or Law-Enforcement Devices to comply with Handbook 44 subsequent to service or repair.

(Added 1966, revised 1984)

### **Section 11. Publication of Lists of Registered Servicepersons and Registered Service Agencies**

The Director shall publish, from time to time as he deems appropriate, and may supply upon request, lists of Registered Servicepersons and Registered Service Agencies.

(Added 1966)

### **Section 12. Effective Date**

This regulation shall become effective on \_\_\_\_\_ .

(Added 1966)



# Uniform Open Dating Regulation

1985

as adopted by  
The National Conference on Weights and Measures<sup>1</sup>

## 1. Background

Numerous State and local jurisdictions have provided for, or are considering, mandatory open dating of certain packaged commodities. Additionally, many commodities in the marketplace are now voluntarily open dated. Lack of uniformity between jurisdictions could impede the orderly flow of commerce.

In 1985 the National Conference on Weights and Measures, in concert with the Association of Food and Drug Officials, wrote a new Uniform Regulation. It resolved the differences which existed between the versions previously developed by the two organizations independently.

The regulation provides two options for implementation by the States. One requires open dating on all perishable foods. The other permits voluntary open dating of such foods. In the latter (voluntary) case, the open dating must then conform to the uniform regulation. Footnotes to Sections 1.(a) and 3.1. indicate the alternative wording for the voluntary version of the Regulation.

## 2. Status of Promulgation

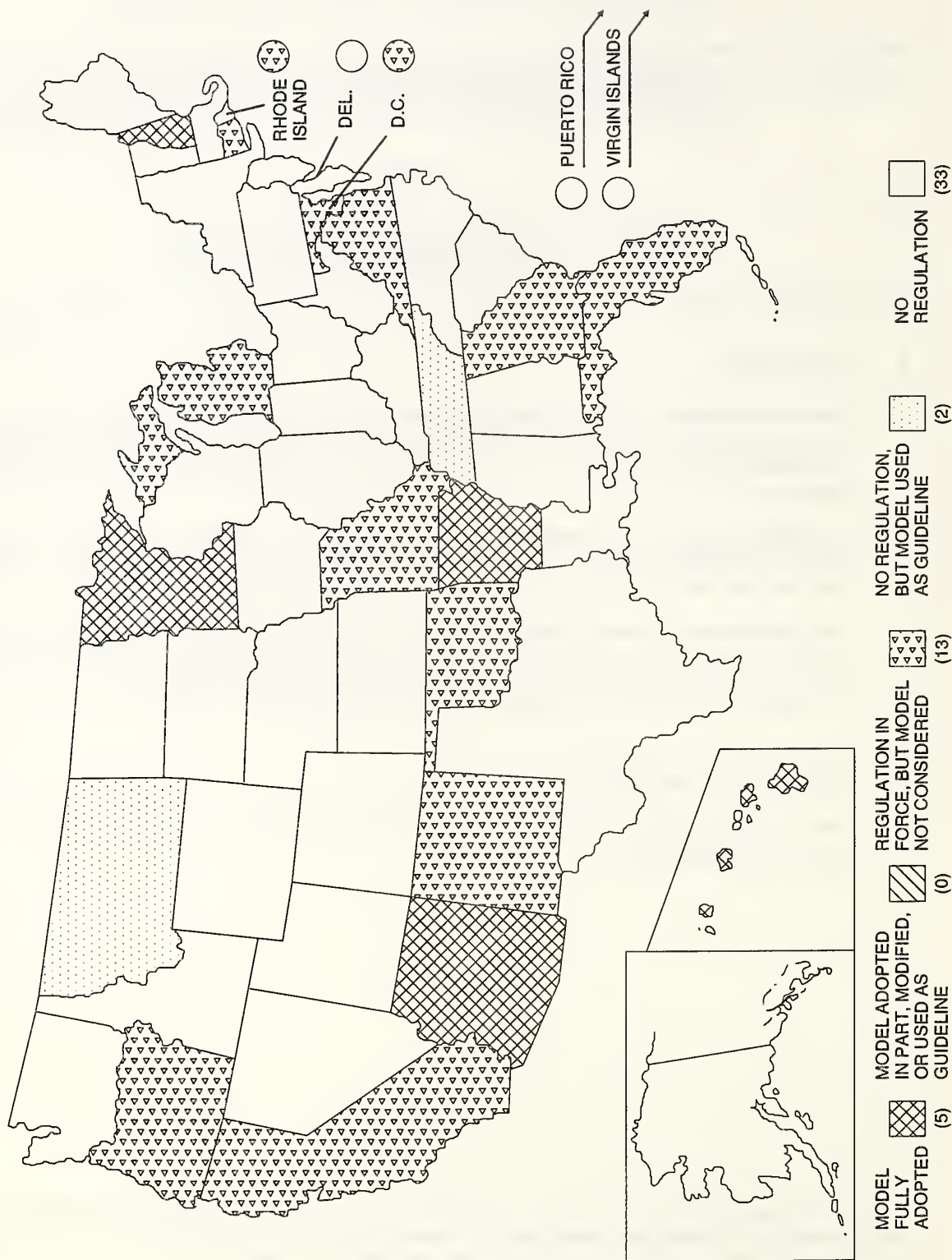
The map on the following page shows the status (as of July 1989) of promulgation of the Uniform Open Dating Regulation.

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<sup>1</sup>The National Conference on Weights and Measures is sponsored by the National Institute of Standards and Technology in partial implementation of its statutory responsibility for "cooperation with the States in securing uniformity in weights and measures laws and methods of inspection."



# **STATUS OF STATE ADOPTION OF OPEN DATING REGULATION** (as of July, 1989)





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# Uniform Open Dating Regulation<sup>1</sup>

1985

## Section 1. Purpose, Scope, and Application

- 1.1. Purpose.**<sup>1</sup> -- The purpose of this regulation is to prescribe mandatory uniform date labeling of pre-packaged, perishable foods, and to prescribe optional uniform date labeling that must be used whenever a packager elects to use date labeling on prepackaged foods that are not perishable. Open dating is intended for use and understanding by both distributors and consumers when judging food qualities.
- 1.2. Scope and Application.** -- This regulation prescribes the manner of date labeling, the method of determining the appropriate date, required records, responsible persons, and the foods subject to this regulation. This regulation provides for the permissible sale of a regulated food after the expiration of the date on the label. This regulation does not apply to any food that is not prepackaged or is exempted by Section 8.

## Section 2. Definitions

- 2.1. "Sell By" Date.** -- "Sell by" date" means a recommended last date of sale that permits a subsequent period before deterioration of qualities described in 2.2., 2.3., and 2.4.
- 2.2. Perishable Food.** -- "Perishable food" means any food having a significant risk of spoilage, loss of value, or loss of palatability within 60 days of the date of packaging.
- 2.3. Semi-perishable Food.** -- "Semi-perishable food" means any food for which a significant risk of spoilage, loss of value, or loss of palatability occurs only after a minimum of 60 days, but within 6 months, after the date of packaging.
- 2.4. Long Shelf-life Food.** -- "Long shelf-life food" means any food for which a significant risk of spoilage, loss of value, or loss of palatability does not occur sooner than 6 months after the date of packaging including foods preserved by freezing, dehydrating, or being placed in a hermetically sealed container.
- 2.5. Prepackaged.** -- "Prepackaged" means packaged prior to being displayed or offered for retail sale.

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<sup>1</sup>Alternatively, this regulation may be adopted to require uniformity of open dating of perishable foods whenever a packager voluntarily elects to use date labeling. In such instance, Section 1.1. is reworded in the following manner:

- 1.1. PURPOSE.** The purpose of this regulation is to prescribe uniform date labeling that must be used whenever a packager elects to use date labeling on a prepackaged food. Open date labeling is intended for use and understanding by both distributors and consumers when judging food qualities.



- 2.6. "Best If Used By" Date.** -- "Best if used by" date means a date prior to deterioration of qualities described in 2.3. and 2.4.
- 2.7. Person.** -- "Person" means an individual, partnership, association, or corporation.

### **Section 3. Sale of Perishable Food and Date Determination.**

- 3.1. "Sell By" Date.<sup>1</sup>** -- A retail food establishment shall not sell or offer for sale a prepackaged perishable food unless it is identified with a "sell by" date as prescribed by this regulation.
- 3.2. Sale after Expiration of "Sell By" Date.** --
- 3.2.1. Advertisement.** -- Perishable food shall not be offered for sale after the "sell by" date unless it is wholesome and advertised in a conspicuous manner as being offered for sale after the recommended last date of sale. The placement of a sign, sticker, or tag is acceptable for such advertising if it is easily readable and clearly identifies the perishable food as having passed the recommended last date of sale.
- 3.2.2. Responsibility for advertisement.** -- The retailer or final seller is responsible for the advertisement, described in 3.2.1., of a perishable food offered for sale after the recommended last date of sale.
- 3.3. Determination of "Sell By" Date.** --
- 3.3.1. Reasonable period for consumption.** -- A manufacturer, processor, packer, repacker, retailer, or other person who prepackages perishable food, shall determine a date that allows a reasonable period after sale for consumption of the food without physical spoilage, loss of value, or loss of palatability. A reasonable period for consumption shall consist of at least one third of the approximate total shelf life of the perishable food.
- 3.3.2. Responsibility for "sell by" date.** -- A retailer who purchases prepackaged perishable food may upon written agreement with the person prepackaging such food determine, identify, and be responsible for the "sell by" date placed on or attached to each package of such food.

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<sup>1</sup>Alternatively, this regulation may be adopted to require uniformity of open dating of perishable foods whenever a packager voluntarily elects to use date labeling. In such instance, Section 3.1. is reworded in the following manner:

- 3.1. "SELL BY" DATE.** If a retail food establishment elects to sell or offer for sale a prepackaged perishable food identified with a "sell by" date, the "sell by" date used must be as prescribed by this regulation.



### 3.4. Manner of Expressing Date. --

**3.4.1. Month and day, or day of week.** -- A person described in section 3.3.1. or 3.3.2. shall place or attach to each package of perishable food a date by month and day. However, bakery products with a shelf-life of not more than 7 days may be dated with the day of the week representing the last recommended day of sale.

**3.4.2. The term "sell by."** -- The "sell by" date shall be displayed with the term "sell by" or words of similar import immediately preceding or immediately over the designated date unless a prominent notice is on the label describing the date as a "sell by" date and indicating the location of the date.

**3.4.3. Abbreviation of weekday.** -- If the day of the week is solely designated as provided in section 3.4.1., the name of the day may be abbreviated by the use of either the first two or first three letters of the name of the day.

**3.4.4. Expression of month and day.** -- Except as provided for in section 3.4.1., the date shall be designated by:

- (a) the first three letters of the month, preceded or followed by a numeral indicating the calendar day, or
- (b) the month represented numerically followed by a numeral designation of the calendar day.

The month and day designation shall be separated by a period, slash, dash, or spacing. When a numeral designation of the first nine days of the month is used, the number shall include a zero as the first digit; for example, 01 or 03.

(Amended 1987)

**3.4.5. Expression of the year.** -- The "sell by" date may include the year following the day if such year is expressed as a two or four digit number separated as described in section 3.4.4.

## Section 4. Sale of Semi-perishable and Long Shelf-life Food

**4.1. "Best If Used By" Date.** -- A manufacturer, processor, packer, repacker, or other person who prepackages semi-perishable or long shelf-life food may place upon or attach to the package an open date providing it is designated by the "best if used by" date.

**4.2. Sale after Expiration of "Best If Used By" Date.** -- A retail food establishment may sell or offer for sale food beyond the designated "best if used by" date providing the food is wholesome and the sensory physical quality standards for that food have not significantly diminished.

**4.3. Manner of Expressing Date.** -- The "best if used by" date as required by section 4.1. shall be placed upon or attached to each container or package and be limited to the terms "best if used by" or words of similar import followed by or immediately over the date designated by the month and year unless a prominent notice is on the label describing the date as a "best if used by" date and indicating the location of the date. The date shall be designated by the first three letters of the month followed by a numeral indicating the year. The use of the day of the month is permissible provided that the day of the month is placed prior to the month; for example, 30 Jun 81.



## **Section 5. Placement of the Date**

The date, whether "sell by" or "best if used by," shall be printed, stamped, embossed, perforated, or otherwise shown on the package, label on the package, or tag attached to the package in a manner that is easily readable and separate from other information, graphics, or lettering so as to be clearly visible to a prospective purchaser. The date shall not be superimposed on other required information or obscured by other information, graphics, or pricing. Regardless of the type size used, the date shall be easily readable. These requirements do not preclude a supplemental notice elsewhere on a package describing and/or indicating the location of the date.

## **Section 6. Factors for the Date Determination**

A person who, as provided for in this regulation, places either the "sell by" date or "best if used by" date shall determine the date by taking into consideration the food quality, characteristics, formulation, processing impact, packaging or container and other protective wrapping or coating, customary transportation, and storage and display conditions. For purposes of calculating this date, home storage conditions shall be considered to be similar to those in the usual retail store except that the date for refrigerated food may be calculated by using a home storage temperature standard of 40 degrees Fahrenheit (4.4 degrees Celsius).

## **Section 7. Records**

A person responsible for establishing the date for perishable, semi-perishable, and long shelf-life food shall keep a record of the method used for the determination of that date. A record revision is necessary whenever a factor affecting date determination is altered. Such record shall be retained for not less than 6 months after the most recent "sell by" or "best if used by" date and be available during normal business hours for examination upon request by (insert agency name).

## **Section 8. Exemptions**

- 8.1.** This regulation does not apply to perishable fruits or vegetables in a container permitting sensory examination.
- 8.2.** This regulation does not apply to prepackaged perishable foods open dated according to requirements of Federal law or regulation.

## **Section 9. Pre-emption of Local, County, and Municipal Ordinance**

A municipality or county shall not adopt or impose standards or requirements other than those provided for in this regulation.

## **Section 10. Effective Date**

This regulation shall become effective on and after (insert appropriate date).



# Uniform Regulation for National Type Evaluation

1983

as adopted by  
The National Conference on Weights and Measures<sup>1</sup>

## 1. Background

The Uniform Regulation for National Type Evaluation is a necessary adjunct to recognize and enable participation in the National Type Evaluation Program administered by the National Institute of Standards and Technology. The Regulation specifically authorizes: type evaluation; recognition of a National Institute of Standards and Technology "Certificate of Conformance" of type; the State Measurement Laboratory to operate as a Participating Laboratory, if authorized by the National Institute of Standards and Technology under its program of certification of State Measurement Laboratories; and, the State to charge fees to those persons who seek type evaluation of weighing and measuring devices.

## 2. Intent

It is the intent of this regulation to have all States use the National Type Evaluation Program, as approved by the National Conference on Weights and Measures, as their examining procedure. If a State does not wish to establish a Participating Laboratory, Section 2.4. Participating Laboratory and Section 4. Participating Laboratory may be deleted.

## 3. Status of Promulgation

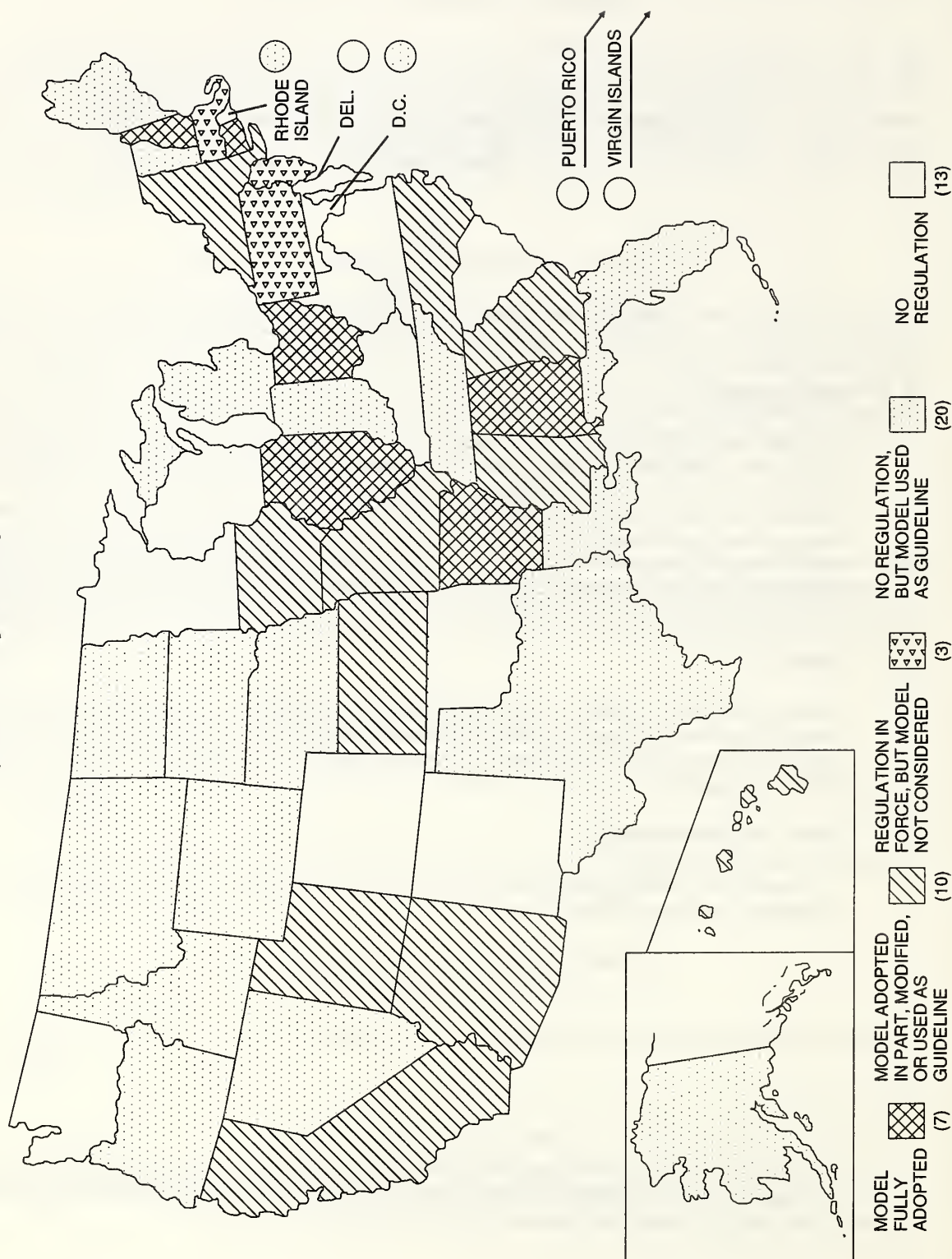
The map on the following page shows the status (as of July 1989) of promulgation of the Uniform Regulation for National Type Evaluation.

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<sup>1</sup>The National Conference on Weights and Measures is sponsored by the National Institute of Standards and Technology in partial implementation of its statutory responsibility for "cooperation with the States in securing uniformity in weights and measures laws and methods of inspection."



# STATUS OF STATE ADOPTION OF TYPE EVALUATION REGULATION (as of July, 1989)





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# Uniform Regulation for National Type Evaluation

1983

## Section 1. Application

This regulation shall apply to all classes of devices and/or equipment as covered in National Institute of Standards and Technology Handbooks 44, 105-1, 105-2, and 105-3.

## Section 2. Definitions

- 2.1. National Type Evaluation Program.** -- The term "National Type Evaluation Program" shall be construed to mean a program of cooperation between the National Institute of Standards and Technology, the National Conference on Weights and Measures, the States, and the private sector for determining, on a uniform basis, conformance of a type with the relevant provisions of National Institute of Standards and Technology Handbook 44, "Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices," National Institute of Standards and Technology Handbook 105-1, "Specifications and Tolerances for Reference Standards and Field Standard Weights and Measures, Specifications and Tolerances for Field Standard Weights (NIST Class F)," National Institute of Standards and Technology Handbook 105-2, "Specifications and Tolerances for Reference Standards and Field Standard Weights and Measures, Specifications and Tolerances for Field Standard Measuring Flask," or National Institute of Standards and Technology Handbook 105-3, "Specifications and Tolerances for Reference Standards and Field Standard Weights and Measures, Specifications and Tolerances for Graduated Neck Type Volumetric Field Standards."
- 2.2. Type Evaluation.** -- The term "type evaluation" shall be construed to mean the testing, examination, and/or evaluation of a type by a Participating Laboratory under the National Type Evaluation Program.
- 2.3. Type.** -- The term "type" shall be construed to mean a model or models of a particular measurement system, instrument, element, or a field standard that positively identifies the design. A specific type may vary in its measurement ranges, size, performance, and operating characteristics as specified in the Certificate of Conformance.
- 2.4. Participating Laboratory.** -- The term "participating laboratory" shall be construed to mean any State Measurement Laboratory that has been certified by the National Institute of Standards and Technology, in accordance with its program for the Certification of Capability of State Measurement Laboratories, to conduct a type evaluation under the National Type Evaluation Program.
- 2.5. Certificate of Conformance.** -- The term "certificate of conformance" shall be construed to mean a document issued by the National Institute of Standards and Technology based on testing in participating laboratories, said document constituting evidence of conformance of a type with the requirements of National Institute of Standards and Technology Handbooks 44, 105-1, 105-2, or 105-3.



**2.6. Director.** -- The term "director" means the \_\_\_\_\_ of the department of \_\_\_\_\_.

### **Section 3. Certificate of Conformance**

The Director may require any weight or measure, or any weighing or measuring instrument or device to be issued a Certificate of Conformance prior to use for commercial or law enforcement purposes.<sup>1</sup>

### **Section 4. Participating Laboratory**

The Director is authorized to operate a Participating Laboratory as part of the National Type Evaluation Program. In this regard, the Director is authorized to charge and collect fees for type evaluation services.

### **Section 5. 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.

### **Section 6. 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 \_\_\_\_\_, 19\_\_.

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<sup>1</sup>See G-A.1., Section 1.10, General Code, National Institute of Standards and Technology Handbook 44 for definition of "commercial" and "law enforcement equipment."



# Uniform Regulation for Motor Fuel

1987

as adopted by  
The National Conference on Weights and Measures<sup>1</sup>

## 1. Background

In 1984, the National Conference on Weights and Measures adopted a section (2.19.) in the Uniform Regulation for the Method of Sale of Commodities requiring that motor fuels containing alcohol be labeled to disclose to the retail purchaser that the fuel contains alcohol. The delegates deemed this action necessary since motor vehicle manufacturers were qualifying their warranties with respect to some gasoline-alcohol blends, motor fuel users were complaining to weights and measures officials about fuel quality and vehicle performance, and the American Society for Testing and Materials (ASTM) had not yet finalized quality standards for oxygenated (which includes alcohol-containing) fuels. While many argued that weights and measures officials should not cross the line from quantity assurance programs to programs regulating quality, the delegates were persuaded that the issue needed immediate attention.

A Motor Fuels Task Force was appointed in 1984 and the Nation's governors were contacted, both with the expressed purpose of achieving uniformity in the evaluation and regulation of motor fuels.

The Task Force developed the Uniform Motor Fuel Inspection Law and the Uniform Motor Fuel Regulation to accompany the Law. The Law begins on page III-31, and the Regulation on the following pages.

The recommended Law requires registration and certification of the motor fuel as meeting ASTM standards. It establishes a motor fuel quality testing capability by the State. Funding for the installation and support of the testing facility is established by a fee per gallon on all fuel marketed within the State. Section 3 of the Uniform Regulation for Motor Fuel is identical to Section 2.19. of the Uniform Regulation for the Method of Sale of Commodities.

## 2. Status of Promulgation

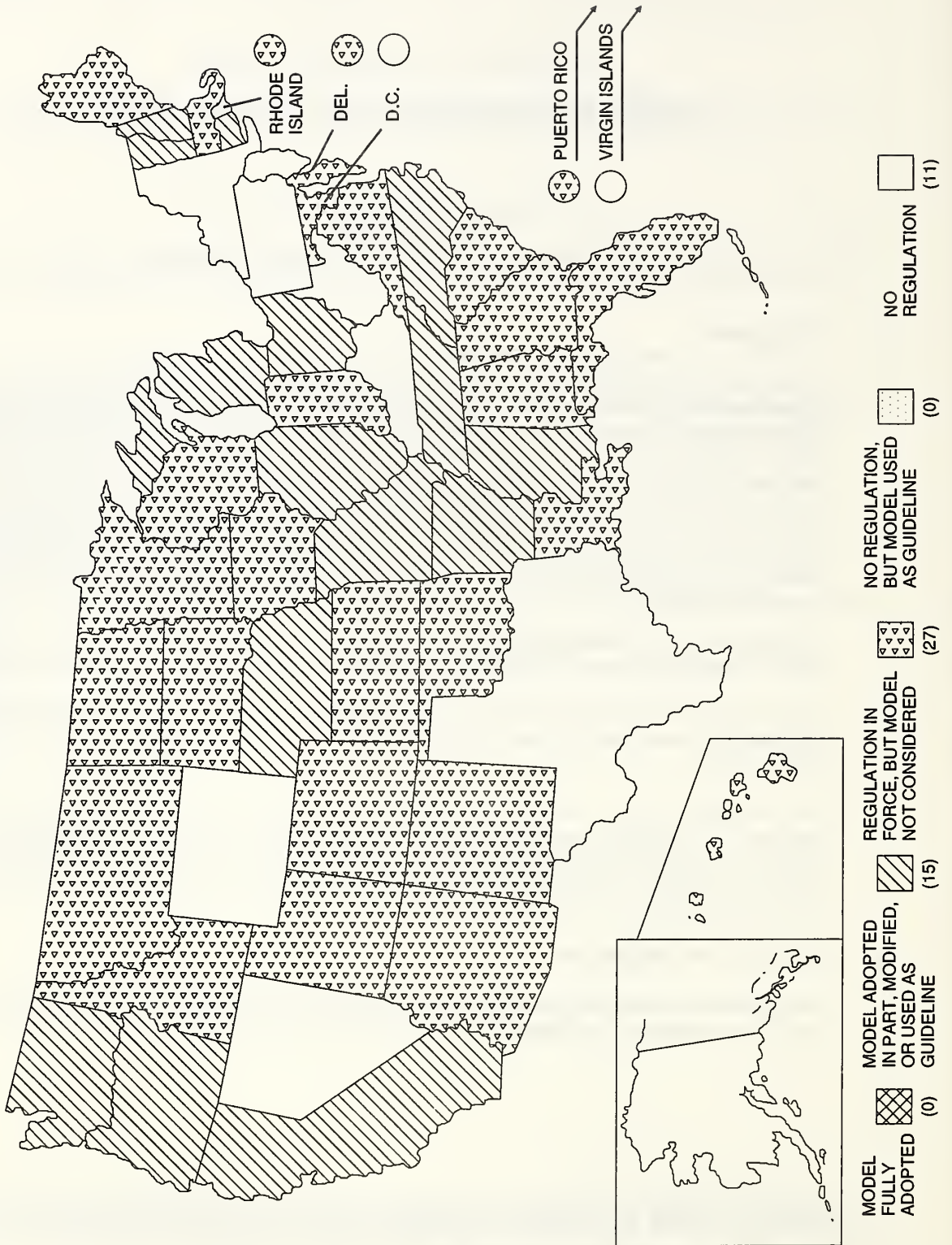
The Uniform Regulation for Motor Fuel was adopted by the Conference in 1987. The status of State actions with respect to this Regulation is shown on the following page.

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<sup>1</sup>The National Conference on Weights and Measures is sponsored by the National Institute of Standards and Technology in partial implementation of its statutory responsibility for "cooperation with the States in securing uniformity in weights and measures laws and methods of inspection."



# STATUS OF STATE ADOPTION OF MOTOR FUEL REGULATION (as of July, 1989)





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# Uniform Regulation for Motor Fuel

1987

## Section 1. Definitions

- 1.1. **Spark-Ignition Motor Fuel.** -- The term "spark-ignition motor fuel" means gasoline and its blends with oxygenates such as alcohols and ethers.
- 1.2. **Gasoline-Alcohol Blend.** -- For labeling purposes, the term "gasoline-alcohol blend" means any spark-ignition motor fuel containing one percent or more, by volume, of ethanol, methanol, or any combination of ethanol and/or methanol.
- 1.3. **Diesel Fuel.** -- The term "diesel fuel" means any petroleum liquid suitable for the generation of power by combustion in compression ignition (diesel) engines.

## Section 2. Fuel Specifications

- 2.1. **Spark-Ignition Motor Fuel** (as defined in this regulation) shall meet ASTM D4814 Standard Specification for Spark-Ignition Engine Fuel, except that volatility standards for unleaded gasoline blends containing up to 10 percent ethanol shall not be more restrictive than those adopted under the rules, regulations, and Clean Air Act waivers of the U.S. Environmental Protection Agency, and further provided that the gasoline used in the blend meets the volatility specifications of ASTM for the area and season in which the blend is sold.
- 2.2. **Diesel Fuel** shall meet current ASTM D975, "Standard Specification for Diesel Fuel Oils."

## Section 3. Gasoline-Alcohol Blends

- 3.1. **Method of Retail Sale.** -- All motor fuel kept, offered, or exposed for sale, or sold, at retail containing at least one percent by volume of ethanol, methanol, or a combination shall be identified as "with" or "containing" (or similar wording) "ethanol," "methanol," or "ethanol/methanol" on the upper 50 percent of the dispenser front panel in a position clear and conspicuous from the driver's position, in a type at least 1/2 inch in height, 1/16 inch stroke (width of type).
- 3.2. **Documentation for Dispenser Labeling Purposes.** -- The retailer must be provided, at the time of delivery of the fuel on an invoice, bill of lading, shipping paper, or other documentation, the presence and maximum amount of ethanol, methanol, or any combination of ethanol/methanol (in terms of percent by volume) contained in the fuel. This documentation is only for dispenser labeling purposes; it is the responsibility of any potential blender to determine the total oxygen content of the motor fuel before blending.







## Index to Handbook

### Key to abbreviations of Laws and Regulations:

UWML	Uniform Weights and Measures Law
UWL	Uniform Weighmaster Law
UMFIL	Uniform Motor Fuel Inspection Law
UPLR	Uniform Packaging and Labeling Regulation
UMSCR	Uniform Regulation for Method of Sale of Commodities
UODR	Uniform Open Dating Regulation
UUPR	Uniform Unit Pricing Regulation
URVRS	Uniform Regulation for the Voluntary Registration
URNTE	Uniform Regulation for National Type Evaluation
URMF	Uniform Regulation for Motor Fuel

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