

ALABAMA DEPARTMENT OF AGRICULTURE AND INDUSTRIES
WEIGHTS AND MEASURES
ADMINISTRATIVE CODE

CHAPTER 80-13-1
RULES GOVERNING WEIGHTS, MEASURES, LABELING & PACKAGING

TABLE OF CONTENTS

80-13-1-.01	Purpose
80-13-1-.02	Previous Regulations Withdrawn And Amended
80-13-1-.03	Application
80-13-1-.04	Definitions And Terms
80-13-1-.05	Adoption Of Federal Standards
80-13-1-.06	Method Of Sale
80-13-1-.07	Information Required On Packages
80-13-1-.08	Declaration Of Quantity
80-13-1-.09	Weight And Measure Requirements
80-13-1-.10	Prominence And Placement Of Packages
80-13-1-.11	Requirements For Specific Commodities, Packages Or Containers
80-13-1-.12	Exemptions Allowed For Specific Commodities And Packages
80-13-1-.13	Allowed Variations

80-13-1-.01 Purpose.

The purpose of this chapter is to prescribe standards to be used in weighing, measuring, labeling and packaging various commodities sold in Alabama.

Author:

Statutory Authority:

History:

80-13-1-.02 Previous Regulations Withdrawn And Amended.

That regulation entitled, Specifications, Tolerances, Technical Requirements and Regulations of the State Board of Agriculture and Industries for Commercial Weighing and Measuring Devices, dated February 15, 1980 and effective January 15, 1979, and paragraph no. 14 only of that regulation entitled, Rules and Regulations Adopted by the State Board of Agriculture and Industries for the Enforcement of Article 18, Relating to Foods, Drugs, of Chapter 1, Title 2, Code of Alabama of 1940, said paragraph No. 14 entitled, "Statement of Weight, Measure, or Count", are hereby repealed.

Author: Charles H. Barnes

Statutory Authority:

History: Filed: April 19, 1982.

80-13-1-.03 Application.

This chapter shall apply to all packages and commodities in package form, with the exception of the following:

- (a) Inner wrappings not intended to be individually sold to the customer.
- (b) Shipping containers or wrappings 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.
- (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.

Author: Charles H. Barnes

Statutory Authority: Code of Ala. 1975, §8-16-15.

History: Filed: April 19, 1982.

80-13-1-.04 Definitions And Terms.

As applied to this chapter, the following terms or words shall have the meanings defined below:

- (a) "Weight" shall mean the net weight, as provided in Code of Ala. 1975, §8-16-91. If the commodity is sold by drained weight, then the term shall mean net drained weight.
- (b) "Sale from bulk" means the sale of commodities when the quantity is determined at the time of sale.

(c) "Package" means any commodity put up or packaged in any manner in advance of sale in units suitable for either wholesale or retail sale.

(d) "Consumer package" or "package of consumer commodity" means a commodity in package form that is customarily produced or distributed for sale through retail sales agencies or instrumentalities for consumption 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 possession.

(e) "Nonconsumer package" ordinarily means packages intended solely for industrial or institutional use or wholesale distribution.

(f) "Principal display panel or panels" means that part or parts of a label that is or are so designated 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."

(g) "Multi-unit package" means a package containing two or more individual packages of the same commodity, in the same quantity, with the individual packages intended to be sold as part of the multi-unit package, but capable of being individually sold.

(h) "Random package" means a package which is one of a lot, shipment, or delivery of packages of the same commodity with varying weights.

Author: Charles H. Barnes

Statutory Authority: Code of Ala. 1975, §8-16-15.

History: Filed: April 19, 1982.

80-13-1-.05 Adoption Of Federal Standards.

Under the provisions of Code of Ala. 1975, §8-16-17, the National Institute Of Standards And Technology No. 44 and No. 130 all amendments and supplements thereto are adopted as the official standards for Alabama. Any portion of said Handbooks No. 44 and No. 130 the supplements and amendments thereto in conflict with Alabama statutes or regulations shall be disregarded and not made a part of this regulation.

In addition to Handbook No. 44 Section 2.20 UR.2.6.1 (a), (b), and (c), scales installed in any one location shall have not less than 3 meters (10 feet) of any approach adjacent to the platform constructed of concrete to ensure that this portion remains smooth

and level and in the same plane as the platform; however, steel grating of sufficient strength to withstand all loads equal to the concentrated load capacity of the scale may be installed in this portion. Any slope in the remaining portion of the approach referred to in (c) above shall be no more than $\frac{1}{2}$ inch per foot and be constructed of concrete.

Author: Charles H. Barnes, Patrick B. Moody

Statutory Authority: Code of Ala. 1975, §8-16-15.

History: Filed: April 19, 1982. **Amended:** Filed August 17, 2012, effective September 21, 2012.

80-13-1-.06 Method Of Sale.

Commodities in liquid form shall be sold by liquid measure, and commodities not in liquid form shall be sold by weight, or by measure, or by count, so long as the method of sale provides accurate quantity information. The quantity of viscous or semi-solid foods or of mixtures of solids and liquids may be stated either by weight or measure but the statement shall be definite and shall indicate whether the quantity is expressed in terms of weight or measure, as for example, "weight 12 oz." or "12 oz. avoirdupois", "Volume 12 oz." or "12 fluid ounces." 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.

Author: Charles H. Barnes

Statutory Authority: Code of Ala. 1975, §8-16-15.

History: Filed: April 19, 1982.

80-13-1-.07 Information Required On Packages.

(1) Any package kept for the purpose of sale shall bear on the outside of the package a plain, definite and conspicuous declaration of the following:

(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.

(2) In addition to the above requirements, any package being one of a lot containing random weights of the same commodity and bearing the total selling price of the package shall bear on the outside of the package a plain and conspicuous declaration of quantity as is required 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.

(3) A declaration of identity on a consumer package shall appear on the principal display panel and shall positively identify the commodity in the package by its common or usual name, description, generic term or the like. This declaration shall appear generally parallel to the base on which the package rests as it is designed to be displayed.

(4) Declarations of identity on nonconsumer packages shall positively identify the commodity in the package by its common or usual name description, generic name or the like.

(5) All packages offered or exposed for sale at any place other than on the premises where packed shall also, on the label, specify the name and address of the manufacturer, packer or distributor. This address must be full and complete.

(a) 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.

Author: Charles H. Barnes

Statutory Authority: Code of Ala. 1975, §8-16-15.

History: Filed: April 19, 1982.

80-13-1-.08 Declaration Of Quantity.

(1) The declaration of quantity as required for consumer packages under Rule No. 80-13-1-.07(1)(b) shall be expressed in terms of the largest whole unit of weight or measure. If there is any remainder it shall be expressed as common or decimal fractions of such largest whole unit or the next smaller whole unit with any further remainder as common or decimal fractions.

(a) As required under Code of Ala. 1975, §8-16-91 the declaration of quantity shall be net weight. The word "net" shall be used in conjunction with the declaration of quantity.

(2) The declaration of the quantity of a particular commodity shall be expressed in terms of liquid measure if the commodity is liquid, or in terms of weight if the commodity is solid, semisolid, viscous, or a mixture of solid and liquid, or in terms of numerical count or measure.

(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.

Author: Charles H. Barnes

Statutory Authority: Code of Ala. 1975, §8-16-15.

History: Filed: April 19, 1982.

80-13-1-.09 Weight And Measure Requirements.

(1) Weight and measurement shall be as follows:

(a) Units of weight shall be in terms of the avoirdupois pound or ounce.

(b) 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 degrees F except in the case of petroleum products, for which the declaration shall express the volume at 60 degrees 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 degrees F.

(c) Units of linear measure shall be in terms of the yard, foot, or inch.

(d) Units of area measure shall be in terms of the square yard, square foot, or square inch.

(e) Units of volume measure shall be in terms of the cubic yard, cubic foot or cubic inch.

(f) 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.

(g) 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	ft	pound	lb
fluid	fl	quart	qt
gallong	gal	square	sq
inch	in	weight	wt
liquid	liq	yard	yd

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

(2) Weight and measure may also be expressed by metric system so long as the weight and measurements set out in Rule No. 80-13-1-.08(1) above are displayed in equal prominence. Expression in the metric system shall be as follows:

(a) Units of weight shall be in terms of the kilogram, gram, or milligram.

(b) Units of liquid measure shall be in terms of the liter or milliliter, and shall express the volume at 20 degrees C, except in the case of petroleum products, for which the declaration shall express the volume at 15 degrees C, and except also in the case of a commodity that is normally sold and consumed while frozen, for which the declaration shall express the volume at the frozen temperature, and except also in the case of a commodity that is normally sold in the refrigerated state, for which the declaration shall express the volume at 4 degrees C.

(c) Units of linear measure shall be in terms of the meter, centimeter, or millimeter.

(d) Units of area measure shall be in terms of the square meter or square centimeter.

(e) 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.

(f) 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	centimeter	cm
gram	g	millimeter	mm
milligram	mg	square meter	m ²
liter	L or l	square centimeter	cm ²
milliliter	mL or ml	cubic meter	m ³
meter	m	cubic centimeter	cm ³

(3) Weight or measure of less than 1 foot, 1 square foot, 1 pound, or 1 pint shall be expressed in the following terms:

(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.

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

(4) 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 two decimal places.

(5) 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.

(6) 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.

(7) 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.

(8) In case of a length measure of more than 4 feet, 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 area measure of more than 4 square feet or more than 4 pounds or liquid measure of 1 gallon or more, the declaration of quantity shall be expressed in terms of the largest whole unit.

(9) For bidimensional commodities (including roll-type commodities) the quantity declaration shall be expressed as follows:

(a) If less than 1 square foot, in terms of 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, 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 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)],

3. a dimension of less than 2 feet may be stated in inches within the parenthetical declaration.

(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.

(10) Weight and measure of less than 1 meter, 1 square meter, 1 kilogram or 1 liter shall be expressed in terms of the following:

(a) In the case of length measure of less than 1 meter, centimeters or millimeters.

(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.

(e) 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 decimal places.

(11) Weight and measure of more than 1 meter, 1 square meter, 1 liter shall be expressed as follows:

(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.

(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.

(12) Bidimensional commodities (including roll-type commodities) shall be expressed as follows:

(a) If less than 1 square meter in terms of length and width.

(b) If one 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 milliliters 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) 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.

4. If the commodity is in individually usable units of one or more components or ply, the quantity declaration shall, in addition to complying with other applicable quantity declaration requirements of this regulation, include the number of ply and total number of usable units. Roll-type commodities, when perforated so as to identify individual usable units; however, such roll-type commodities shall be labeled in terms of total area measurement, number of ply, count of usable units, and dimensions of a single usable unit.

(13) Fractions shall be expressed as follows:

(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: 2/4 becomes 1/2).

(d) Decimal fractions: A decimal fraction shall not be carried out to more than two places.

(14) 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).

(15) 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 Rule no. 80-13-1-.09(1) & (2).

(16) In all conversions for the purpose of showing an equivalent metric or inch-pound quantity to a rounded customary 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.)

(17) 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.

Author: Charles H. Barnes

Statutory Authority: Code of Ala. 1975, §8-16-15.

History: Filed: April 19, 1982.

80-13-1-.10 Prominence And Placement Of Packages.

(1) 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.

(2) The declaration or declarations of quantity of the contents of a package shall appear in the bottom 30 per cent of the principal display panel or panels. For cylindrical containers, see also Rule no. 80-13-1-.11(7) for additional requirements.

(3) 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.

(4) The declaration or declarations of quantity shall be in a color that contrasts conspicuously with its background, except that 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.

(5) The area surrounding the quantity declaration shall be free of printed information above and below, by a space equal to at least the height of the lettering in the declaration and 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.

(6) 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.

(7) The square inch area of the principal display panel shall be as follows:

(a) In the case of a rectangular container, one entire side which properly can be considered to be the principal display panel, the product of the height times the width of that side.

(b) In the case of a cylindrical or nearly cylindrical container, 40 per cent of the product of the height of the container times the circumference; or

(c) In the case of any other shaped container, 40 per cent of the total surface of the container, unless such container presents an obvious principal display panel (e.g. the top of a triangular or circular package of cheese, or the top of a can of shoe polish), the area shall consist of the entire surface.

(d) 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) The height of any letter or number in the required quantity declaration shall be not less than that shown in paragraph no. (9) below with respect to the square inch area of the panel, and the height of each number of a common fraction shall meet one-half the minimum height standards. No number or letter shall be more than three times as high as it is wide.

(9) Minimum height of numbers and letters shall be as follows:

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

(10) All information required to appear on a non- consumer 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.

Author:

Statutory Authority:

History: Filed:

80-13-1-.11 Requirements For Specific Commodities, Packages Or Containers.

(1) 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.

(2) 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.

(3) 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.

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

(a) The number of individual units.

(b) The quantity of each individual unit, and

(c) The total quantity of the contents of the multi-unit package, provided that the requirement for a declaration of the total quantity of contents of a multi-unit package shall be effective with respect to those labels revised after the effective date of this regulation. Any such declaration of total quantity shall not be required to include the parenthetical quantity statement of a dual quantity representation.

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

(6) Any package containing individual units or 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.

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

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

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

1. When the unit bag is characterized by two dimensions because of the absence of a gusset, the width and length will be expressed in inches except that a dimension of 2

feet or more will be expressed in feet with any remainder in terms of inches or common or decimal fractions of the foot. (Example: "25 bags, 17 in. x 20 in." or "100 bags, 20 in. x 2 ft. 6 in." or "50 bags, 20 in. x 2 1/2 ft.")

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

(b) For other square, oblong, rectangular, or similarly shaped containers, in terms of count followed by length, width, and depth, except depth need not be listed when less than 2 inches. (Example: "2 cake pans, 8 in. x 8 in." or "roasting pan, 12 in. x 8 in. x 2 in.")

(c) For circular or other generally round-shaped containers, except cups, and the like, in terms of count followed by diameter and depth, except depth need not be listed when less than 2 inches. (Example: "4 pie pans, 8 in. diameter x 4 in.")

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

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

(b) Dry measure for containers which are intended to be used for solids. The expressed capacity will be stated in terms of the largest whole unit (bushel, peck), with any remainder in terms of the common or decimal fraction of that unit. (Example: Leaf bags - "8 bags, 6 bushel capacity, 3 ft. x 5 ft.")

(c) Where containers are used as liners for other more permanent containers, in the same terms as are normally used to express the capacity of the more permanent container. (Example: Garbage can liners - "10 liners, 2 ft. 6 in. x 3 ft. 9 in., fits up to 30-gallon cans.")

1. Notwithstanding the above requirements, the net quantity statement for containers such as cups will be

listed in terms of count and liquid capacity per unit. (Example: "24 cups, 6 fl. oz. capacity.") For purposes of this section, the use of the terms "capacity", "diameter", and "fluid" is optional.

(10) Wearing apparel (including non-textile apparel and accessories such as leather goods and footwear) sold as single-unit items, or if normally sold in pairs (such as hosiery, gloves, and shoes) sold as single-unit pairs, shall be exempt from the requirements for a net quantity statement by count, as required by Rule no. 80-13-1-.08(2) of this chapter.

(11) Bedsheets, blankets, pillowcases, comforters, quilts, bedspreads, mattress covers and pads, afghans, throws, dresser and other furniture scarfs, tablecloths and napkins, flags, curtains, drapes, dish towels, dish cloths, towels, face cloths, bath mats, carpets and rugs, pot holders, fixture and appliance covers, nonrectangular diapers, slip covers, etc., shall be exempt from the requirements of Rule no. 80-13-1-.09(9) provided that

(a) The quantity statement for fitted sheets and mattress covers shall state, in inches, the length and width of the mattress for which the item is designed, such as "twin", "double", "king", etc. (Example: "Twin fitted sheet for 39 x 75 in. mattress.")

(b) The quantity statement for flat sheets shall state the size designation of the mattress for which the sheet is designed, such as "twin", "double", "king" etc. The quantity statement also shall state, in inches, the length and width of the mattress for which the sheet is designed, followed in parentheses by a statement, in inches, or the length and width of the sheet before hemming. (Example: "Double flat sheet for 54 x 75 in. mattress (81 x 104 in. before hemming).")

(c) The quantity statement for pillowcases shall state the size designation of the pillow for which the pillowcase is designed, such as "youth", "standard", and "queen", etc. The quantity statement also shall state, in inches, the length and width of the pillow for which the pillowcase is designed, followed in parentheses by a statement, in inches, of the length and width of the pillowcase before hemming. Example: "Standard pillowcase for 20 x 26 in. pillow (42 x 36 in. before hemming)."

(d) The quantity statement for blankets, comforters, quilts, bedspreads, mattress pads, afghans, and throws shall state, in inches, the length and width of the finished item. The quantity statement also may state the length of any ornamentation and the size designation of the mattress for which the item is designed, such as "twin", "double", "king", etc.

(e) The quantity statement for tablecloths and napkins shall state, in inches, the length and width of the finished item. The quantity statement also may state parenthetically, in 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 the length and width of the finished item. The quantity statement also may state parenthetically, in inches, the length of any ornamentation.

(g) The quantity statement for carpets and rugs shall state, in feet, with any remainder in common or decimal fractions of the foot or in inches, the length and width of the item. The quantity statement also may state parenthetically, in inches, 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, 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 set out above shall state the geometric shape of the product and the dimensions which are customarily used in describing such geometric shape. Example: "Oval tablecloth 54 x 42 in." representing the maximum length and width in this case.

(k) The quantity statement for packages of remnants of textile products of assorted sizes, when by count, shall be accompanied by the term "irregular dimensions" and the minimum size of such remnants.

(12) Textiles shall be allowed the following deviations from declared dimensions:

(a) For an item with no declared dimensions less than 24 inches, a minus variation greater than 2 per cent of a declared dimension and a plus variation greater than 6 per cent of a declared dimension should be considered unreasonable.

(b) For an item with a declared dimension less than 24 inches, a minus variation greater than 6 per cent of a declared

dimension and a plus variation greater than 6 per cent of a declared dimension should be considered unreasonable.

(13) Variety packages of textiles which are required by reason of Rule no. 80-13-1-.08(2)(b) to provide a combination declaration stating the quantity of each individual unit, shall be exempt from the requirements in this regulation for:

(a) Location (see Rule no. 80-13-1-.10(2))

(b) Free area (see Rule no. 80-13-1-.10(5))

(c) Minimum height of numbers and letters (see Rule No. 80-13-1-.10(8)).

(14) Sewing and handicraft threads shall be exempt from the requirements of Rule No. 80-13-1-.09(8) provided that:

(a) The net quantity statement for sewing and handicraft threads shall be expressed in terms of yards.

(b) The net quantity statement for yarns shall be expressed in terms of weight.

(c) Thread products may, in lieu of name and address, bear a trademark, symbols, brand or other mark that positively identified the manufacturer, packer, or distributor, provided that such marks, employed to identify the vendor, shall be filed with the director.

(d) Each unit of industrial thread shall be marked to show its net measure in terms of yards or its net weight in terms of avoirdupois pounds or ounces, except that ready-wound bobbins which are not sold separately shall not be required to be individually marked, but the package containing such bobbins shall be marked to show the number of bobbins contained therein and the net yards of thread on each bobbin.

(15) Packages of seed intended for planting along with complying with all applicable seed regulations, shall also comply with packaging as required in this regulation, except as follows:

(a) The quantity statement shall appear in the upper 30 per cent of the principal display panel.

(b) The quantity statement shall be in terms of the largest whole unit of the metric system for all weights up to one-fourth ounce, and in the avoirdupois system for all other weights up to eight ounces; packaged seeds eight ounces or more shall not be subject to this requirement.

(c) The quantity statement for coated seed, encapsulated seed, pelletized seed, pre-planters, seed tapes, etc., shall be in terms of count.

Author:

Statutory Authority:

History: Filed:

80-13-1-.12 Exemptions Allowed For Specific Commodities And Packages.

(1) Whenever any consumer commodity or package of consumer commodity is exempted from the requirements for dual quantity declaration, the net quantity declaration required to appear on the package shall be in terms of the largest whole unit.

(2) A random package bearing a label conspicuously declaring net weight, price per pound and the total price shall be exempt from the type size, dual declaration, placement, and free area requirements. 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.

(3) Individually wrapped pieces of "penny candy" and other confectionery of less than one-half ounce net weight per individual piece shall be exempt from labeling requirements 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 labeling requirements, including the required declaration of net quantity of contents, when the declaration of the bag or box meets the requirements of this regulation.

(4) Individual serving-size packages of foods containing less than one-half ounce or less than one-half 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.

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

(6) 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.

(7) Cartons of cigarettes and small cigars, containing ten individual packages of twenty, labeled in accordance with the requirements of this chapter, shall be exempt from the requirements set forth in Rule no. 80-13-1-.10(2) - location; Rule No. 80-13-1-.10(8) minimum height of numbers and letters; and Rule no. 80-13-1-.11(4) multi-unit packages, provided that such cartons bear a declaration of the net quantity of commodity in the package.

(8) Packages of meat and meat products, poultry, and poultry products, tobacco products, insecticides, fungicides, rodenticides, and alcoholic beverages shall be exempt from the requirements set forth in Rule No. 80-13-1-.09(4) - weight: dual declaration; 80-13-1-.09(5) fluid measure: dual quantity declaration; 80-13-1-.09(7) - area measure: dual- quantity declaration; 80-13-1-.10(2) - location; and 80-13-1-.10(8) - minimum height of numbers and letters, provided that quantity labeling requirements for such products are specified in federal law, so as to follow reasonably sound principles of providing consumer information.

(9) Fluid dairy products, ice cream, and similar frozen desserts may be packaged as follows:

(a) When packaged in one-half-liquid-pint and one-half-gallon containers, are exempt from the requirements for stating net contents of 8 fluid ounces and 64 fluid ounces, which may be expressed as one-half pint and one-half gallon, respectively.

(b) When packaged in 1-liquid-pint, 1-liquid-quart, and one-half-gallon containers, are exempt from the dual net contents declaration requirements of Rule no. 80-13-1-.09(5).

(c) When measured by and packaged in one-half-liquid- pint, 1-liquid-pint, 1-liquid-quart, one-half-gallon, and 1-gallon measure containers as defined in "Measure-Container Code of National Bureau of Standards Handbook 44", are exempt from the requirements of Rule no. 80-13-1-.10(2), that the declaration of net contents be located within the bottom 30 per cent of the principal display panel.

(d) Milk and milk products, when measured by and packaged in glass or plastic containers of one-half-liquid-pint, 1-liquid-quart, one-half-gallon, and one-gallon capacities, are exempt from the placement requirement of Rule No. 80-13-1-.10(2), that the declaration of net contents be located within the bottom 30 per cent 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 is at or above the shoulder of the container.

(10) Single strength and less than single strength fruit juice beverages, imitations thereof, and drinking water may be packaged as follows:

(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 Rule no. 80-13-1-.09(1)(b) to the extent that net contents of 8 fluid ounces (or half pint) and one-half gallon respectively.

(b) When packaged in glass, plastic, or fluid milk type paper containers of 1-pint, 1-quart, and one-half gallon capacities, are exempt from the dual net contents declaration requirements of Rule No. 80-13-1-.09(5).

(c) When packaged in glass or plastic containers of one-half-pint, 1-pint, 1-quart, one-half gallon, 1-gallon capacities, are exempt from the placement requirements of Rule No. 80-13-1-.10(2), that the declaration of net contents be located within the bottom 30 per cent of the principal display panel, provided that other required label information is conspicuously displayed on the cap or outside closure and the required net quantity of contents declaration is conspicuously blown, formed, or molded into or permanently applied to that part of the glass or plastic container that is at or above the shoulder of the container.

(11) Bottles of soft drinks shall be exempt from the placement requirements for declarations as follows:

(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 ordinance appears only on the bottle closure.

(12) Multi-unit packages of soft drinks are exempt from the requirements for declarations as follows:

(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 declarations 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.

(13) When, packaged in 4-ounce, 8-ounce, and 1-pound units with continuous label copy wrapping, butter is exempt from the requirements that the statement of identity (Rule No. 80-13-1-.10(9)) and the net quantity declaration (Rule no. 80-13-1-.10(6)) 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 (Rule No. 80-13-1-.10(2)) of net quantity declaration and, when packaged in 1-pound units, is exempt from the requirement for dual quantity declaration (Rule No. 80-13-1-.09(4)).

(14) Cartons containing 12 eggs shall be exempt from the requirement for location (Rule No. 80-13-1-.10(2)) of net quantity declaration. When such cartons are designed to permit diversion in half, each half shall be exempt from the labeling requirements of this ordinance if the undivided carton conforms to all such requirements.

(15) Packages of wheat flour packaged in units of 2, 5, 10, 25, 50, and 100 pounds shall be exempt from the requirement in this chapter for location (Rule No. 80-13-1-.10(2)) 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 (Rule No. 80-13-1-.09(4)).

(16) On a principal display panel of five square inches or less, the declaration of quantity need not appear in the bottom 30 per cent of the principal display panel if that declaration satisfies the other requirements of this ordinance.

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

(18) Combination packages are exempt from the requirements in this chapter for:

(a) Location (see Rule No. 80-13-1-.10(2)).

(b) Free area (see Rule No. 80-13-1-.10(5)).

(c) Minimum height of numbers and letters (see Rule No. 80-13-1-.10(8)).

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 Rule No. 80-13-1-.10(2)) of the net quantity declaration, and shall be exempt from the

requirement for a dual quantity declaration (see Rule No. 80-13-1-.09(4)).

(20) Corn flour packaged in conventional 5, 10, 25, 50, and 100-pound bags shall be exempt from the requirement in this regulation for location (see Rule No. 80-13-1 -.10(2)) of the net quantity declaration.

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

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

(a) The net quantity of contents on packages of movie film and bulk still film is expressed in terms of the number of lineal feet of usable film contained therein.

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

(23) Paints, varnishes, lacquers, thinners, removers, oils, resins, and solvents, when packaged in 1-liquid-pint and 1-liquid-quart units shall be exempt from the dual quantity declaration requirements of Rule no. 80-13-1-.09(4).

Tint base paint may be labeled on the principal display panel, as required by this chapter, 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.

Whenever 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.

(24) Antifreeze, when packed in 1-liquid-quart units, in metal or plastic containers, shall be exempt from the dual quantity declaration requirements of Rule no. 80-13-1-.09(4).

(25) Motor oils, when packed in 1-liquid-quart units, shall be exempt from the dual quantity declaration requirements of Rule No. 80-13-1-.09(4). Additionally, motor oil in 1-liquid-quart, 1-gallon, 1 1/4-gallon, 2-gallon and 2 1/2-gallon units, bearing the principal display panel on the body of the container, is exempt from the requirements of Rule No. 80-13-1-.07(3), to the extent that the 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 one-fourth inch.

(26) 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 placement (Rule No. 80-13-1-.07(3)(5)), location (Rule No. 80-13-1-.10(2)), size of letters or numbers (Rule No. 80-13-1-.10(8)) and free area (Rule No. 80-13-1-.10(5)) and the declarations of identity and responsibility are presented on a permanently attached label and satisfy the other requirements of this chapter; and further provided that the information on such permanently attached label is fully observable to the purchaser.

(27) 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 Rule No. 80-13-1-.08, Declaration of Quantity, 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.

(28) 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 chapter, except that those containing 6 or less items need not include a statement of count.

(29) Packaged fishing lines and reels are exempt from the dual quantity declaration requirements of Rule No. 80-13-1-.09(4), provided that the quantity or capacity, as appropriate, is presented in terms of yards in full accord with all other requirements of this regulation.

Author:

Statutory Authority:

History: Filed:

80-13-1-.13 Allowed Variations.

(1) 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.

(2) 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 above shall be construed to define the time and the place at which the first sale and delivery of a package is made within this jurisdiction the delivery being either,

(a) Directly to the purchaser or to his agent,

(b) To a common carrier for shipment to the purchaser, and that 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.

(3) The magnitude of variations allowed in this Section, shall, in the case of any shipment, delivery, or lot, be determined by the facts in each individual case.

Author:

Statutory Authority: Code of Ala. 1975, §8-16-15.

History: Filed: April 19, 1982.