

Appendix K

NIST Weights and Measures Division

Position Paper on Inkjet and Printer Cartridge Considerations

(February 2005)

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(Position Provided by NIST WMD February 2005)

Due to the discussion of inkjet cartridges, over the NIST W&M list server, WMD has investigated this situation. WMD concludes that inkjet cartridges need a net quantity statement in liquid measure to comply with Handbook 130 requirements. Our analysis is below and further discussion is welcomed.

Inkjet and Printer Cartridge Considerations

The model weights and measures law contains several relevant sections that apply to ink cartridges.

Weights and Measures Law, Section 19. “Information Required on Packages:”

Except as otherwise provided in this Act or by regulations promulgated pursuant thereto, any package, whether a random package or a standard 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:

- the identity of the commodity in the package;
- the quantity of contents in terms of weight, measure, or count;
- 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 other place other than on the premises where packed.

Weights and Measures Law, Section 17. “Method of Sale:”

The method of sale shall provide accurate and adequate quantity information that permits the buyer to make price and quantity comparisons, except as provided by established trade custom and practice. While trade custom and practice is a consideration in some instances... the burden to provide “accurate quantity information” by means of a designated “method of sale” is the responsibility of the manufacturer.

Count alone does not fulfill this requirement.

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 is fully informative.

Packaging and Labeling Regulation, Section 6.4. – “Terms:” 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, provided such traditional declaration gives accurate and adequate information as to the quantity of the commodity. Any net content statement that does not permit price and quantity comparisons is forbidden.

Weights and Measures Law, Section 15. – “Misrepresentation of Quantity:” No person shall represent the quantity in any manner calculated or tending to mislead or in any way deceive another person. If “accurate quantity information” is not provided, consumers are certainly being misled or deceived and cannot possibly make price and quantity comparisons.

The Federal Trade Commission (FTC) has informed us that the following commodities (partial list only - similar products) are excluded from FTC jurisdiction.

- Ink
- Fountain Pens
- Kindred Products (ball point pens, lead pencils, lead refills, etc.)
- School Supplies
- Stationery and Writing Supplies
- Typewriter Ribbon
- Printer Cartridges*

*While printer cartridges are not listed specifically in Handbook 130, FTC has indicated to NIST that commodities

of this nature do not fall under their jurisdiction.

Metric “Only” Labeling:

Since the labeling of printer ink cartridges fall under state labeling regulations, dual unit labeling is not required. Hence, these packages may be labeled in only metric units.

Packaging and Labeling Regulation, Section 11.33. “Inch-Pound Units, Exceptions – Consumer Commodities:”

The requirements for statements of quantity in inch-pound units shall not apply to packages that bear appropriate International System of Units (SI). This exception does not apply to foods, drugs, or cosmetics or to packages subject to regulation by the FTC, meat and poultry products subject to the Federal Meat or Poultry Products Inspection Acts, and tobacco or tobacco products.

NIST Handbook 133, “Checking the Net Content of Packaged Goods,” Fourth Edition, January 2005 – Product Testing:

NIST Handbook 133 has been prepared as a procedural guide for compliance testing of net content statements on packaged goods. The gravimetric test method (outlined in Chapter 2) uses weight measurement to determine the net quantity of contents of packaged goods. The handbook provides general test methods to determine the net quantity of contents of packages labeled in terms of weight and special test methods for packages labeled in terms of fluid measure or count. Gravimetric testing is the preferred method of test for products, such as inkjet and other types of printer cartridges. Therefore, the test method to verify the net contents of ink in printer cartridges exists. However, NIST recognizes the difficulties associated with determining the net content of these cartridges, such as, density determination, product cost, tare verification (cartridge), the cleaning of tare and standards, and finally, inspection lot size. Unless the products are checked at the plant or warehouse, it may be difficult to find a sufficient “retail” lot, adequate in size to obtain an appropriate sample.