

B. Uniform Regulation for the Method of Sale of Commodities

as adopted by
The National Conference on Weights and Measures*

1. Background

The National Conference on Weights and Measures (NCWM) 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 quantities of the International System of Units (SI), the modernized metric system, as well as continuing to present requirements for inch-pound quantities. It should be stressed that nothing in this Regulation requires changing to the SI system of measurement. SI values are given for the guidance of those wishing to adopt new SI quantities of the commodities governed by this Regulation. SI means the International System of Units as established in 1960 by the General Conference on Weights and Measures and interpreted or modified for the United States by the Secretary of Commerce.

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 at the end of appropriate sections as the need arises. Its adoption as a regulation by individual jurisdictions will eliminate the necessity for legislative consideration of 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 table beginning on page 10 shows the status of adoption of the Uniform Regulation for the Method of Sale of Commodities.

**The National Conference on Weights and Measures is supported 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.”*

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Uniform Regulation for the Method of Sale of Commodities

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^[NOTE 1, page 107]

1.1. Berries and Small Fruits

1.1.1. Definitions. – “Small fruits” includes, but is not limited to, cherries, currants, and cherry tomatoes. “Berries” includes all fruit whose names end in the term “berry.”

(Added 1991)

NOTE 1: Packages subject to this Section and the Federal Fair Packaging and Labeling Act shall be labeled in units of the International System of Units (SI) and inch-pound systems of measure effective February 14, 1994, [except for seed (see Section 10.10.) and camera film and recording tape (see Section 11.22.), and as specified in the Uniform Packaging and Labeling Regulation under Section 11.32. SI Units, Exemptions for Consumer Commodities]. SI units may appear first.

(Added 1982) (Amended 1990 and 1993)

1.1.2. Methods of Sale. – Berries and small fruits shall be offered and exposed for sale and sold by weight^[NOTE 2, page 107] or by volume. If sold by volume, they must:

(Amended 1991)

- (a) be in measure containers that are either open or else covered by uncolored transparent lids or other wrappings that do not obscure the contents, and
- (b) have capacities per Section 1.1.2.(2) (a) or Section 1.1.2.(2) (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.
 - (1) SI Capacities – 250 milliliters, 500 milliliters, or 1 liter.
(Added 1979) (Amended 1985)
 - (2) Inch-pound Capacities – ½ dry pint, 1 dry pint, or 1 dry quart.

NOTE 2: When used in this regulation, the term “weight” means “mass.” (See paragraph I. in Section I., Introduction, of NIST Handbook 130 for an explanation of these terms.)

1.1.3. Marking Requirements for Shipping Containers. – 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, and 1991)

1.2. Bread. – Bread kept, offered, or exposed for sale, whether or not packaged or sliced, shall be sold by weight. The wrappers of bread that is sold and expressly represented at the time of sale as “stale bread” shall not be considered packages for labeling purposes.

(Added 1971) (Amended 1979, 1980, 1985, 1987, 1991, and 1992)

1.3. Butter, Oleomargarine, Margarine, Butter-Like and/or Margarine-Like Spreads. – Shall be offered and exposed for sale and sold by weight. “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 % fat and may contain other safe and suitable ingredients.

(Added 1971) (Amended 1979, 1985, 1986, and 1994)

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 and sold by weight.

(Amended 1994)

1.5. Meat, Poultry, Fish, and Seafood. ^[NOTE 3, page 108] – 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)

NOTE 3: See Section 1.12. for additional requirements for ready-to-eat food.

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 a statement listing the ingredients in order of their predominance by weight must also appear on the label.

(Amended 1989)

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 removed from the shell. – Shall be sold by weight, drained weight, or by fluid volume. For oysters sold by weight or by volume, a maximum of 15 % free liquid by weight is permitted.

(Amended 1991)

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 % free liquid by weight is permitted for canned oysters.

(Added 1986 and 1971) (Amended 1982, 1985, 1986, and 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 sold in terms of fluid volume.

(Amended 1995)

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.

(Amended 1995)

1.7.1. Factory Packaged Ice Cream and Similar Frozen Products. – Ice cream, ice milk, frozen yogurt, and similar products shall be kept, offered, or exposed for sale or sold in terms of fluid volume.

(Amended 1995)

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

1.9.2. Unit Price Advertising. – The price of food commodities sold from bulk by weight shall be advertised or displayed in terms of whole weight units of kilograms or pounds only, not in common or decimal fractions or in ounces. A supplemental declaration is permitted in print no larger than the whole unit price. This supplemental declaration may be expressed in common or decimal fractions or in ounces.

(Added 1976) (Amended 1985, 1987, and 1991)

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.

The following abbreviations may be used:

BAR B Q	Barbecue	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 %, 72.5 kg (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 22.6 kg (50 lb) 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 and 1977) (Amended 1980 and 1985)

1.12. Ready-to-Eat Food.

1.12.1. Definition - Ready-to-Eat Food. – Restaurant style food offered or exposed for sale, whether in restaurants, supermarkets, or similar food service establishments, that is ready for consumption, though not necessarily on the premises where sold. Ready-to-Eat Food does not include sliced luncheon products, such as meat, poultry, or cheese when sold separately.

NOTE: The sale of an individual piece of fresh fruit (like an apple, banana, or orange) is allowed by count.

(Added 2004)

1.12.2. Methods of Sale. – Ready-to-Eat Food sold from bulk or in single servings packed on the premises may be sold by weight, measure, or count (count includes servings).

(Amended 1993)

1.13. Home Food Service Plan Sales

1.13.1. Definitions.

As used in this section, the following words and phrases shall have the following meanings:

- (a) **Home Food Service Plan.** – The offering for sale to a consumer, in the consumers home, any food item, or food item in combination with any nonfood item and/or services, whether or not a membership fee or similar charge is involved.
- (b) **Seller.** – Any person, partnership, corporation, or association, however organized, engaged in the sale of a home food service plan.
- (c) **Buyer.** – Both the actual and prospective purchaser, but does not include persons purchasing for resale.
- (d) **Contract.** – All of the collective written agreements subscribed by a buyer at the time of sale relating to the purchase of a home food service plan, except promissory notes or other financing agreements.
- (e) **Food Item.** – Each edible product sold as part of a home food service plan, including, but not limited to, each constituent part or kind of meat cut from a primal source, each kind of whole poultry or poultry part, seafood products, and other like products.
- (f) **Nonfood Item.** – Each inedible product sold as part of a home food service plan, including, but not limited to, paper products, health and beauty products, detergents, cleaners and disinfectants, rolls of wrapping, and like products. The term does not include food items and durable consumer goods such as appliances.
- (g) **Unit Price.** – The price of a food or nonfood item sold as part of a home food service plan, computed to the nearest tenth of 1 cent when less than 1 dollar, and to the nearest cent when 1 dollar or more. The unit price, exclusive of any service charge(s), shall be expressed in terms of the price per unit of weight, measure, or count set forth in the “Uniform Unit Pricing Regulation” in the current edition of NIST Handbook 130.
- (h) **Service Charge.** – The total price for any additional features, services, and processing associated with the purchase of a home food service plan, whether stated in terms of membership fees or otherwise.
- (i) **Primal Source.** – Refers to the following cuts:
 - (1) for beef, the primal sources are the round, flank, loin, rib, plate, brisket, chuck, and shank;
 - (2) for veal and lamb or mutton, the primal sources are the leg, flank, loin, rack (rib), and shoulder; and
 - (3) for pork, the primal sources are the belly, loin, ham, spareribs, shoulder, and jowl.

1.13.2. Contract and Disclosure Requirements.

1.13.2.1. At the time of sale:

- (a) At the time of sale, the Seller shall provide the Buyer with a single document, referred to in this subsection as the “written agreement,” which shall clearly and conspicuously disclose the following:
 - (1) The name, address, and telephone number of the Seller and the name and address of the Buyer;
 - (2) The date of the contract;

- (3) The price of the food and nonfood items of the home food service plan;
 - (4) The service charge or the price of any service charges associated with the home food service plan;
 - (5) The total price of the home food service plan, including the price of the food and nonfood items, and the price of any service charge; and
 - (6) A statement that the Buyer shall have the right to cancel the home food service plan contract until midnight of the third business day after the date 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, by giving written notice of cancellation to the Seller. Compliance with requirements of federal statutes, rules, or regulations governing form of notice of right of cancellation shall be deemed satisfactory notice of the requirements of this regulation.
- (b) In addition to the above disclosures required in the written agreement, the following disclosures are required to be given to the Buyer at the time of sale:
- (1) A written list of all food and nonfood items to be sold, which shall include:
 - i. The identity of each unit and, where applicable, the United States Department of Agriculture quality grade of the item, if so graded; the primal source; and the brand or trade name;
 - ii. The quantity of each item sold;
 - iii. The estimated serving size by net weight of each piece of meat, poultry, and seafood item offered for sale under the home food service plan, provided, however, that such estimates shall not differ from the actual weight at the time of delivery by more than 5 % and the dollar value of the meat, poultry, and seafood items delivered is equal to or greater than that represented to the Buyer; and
 - iv. The net weight, measure, or count of all other food and nonfood items offered for sale.
 - (2) A current unit price list stating in dollars and cents the price per kilogram or pound or other appropriate unit of measure, and the total sale price of each item to be delivered. This price list shall clearly and conspicuously make reference to the fact of whether there are additional costs disclosed in the written agreement relating to any “service charges” associated with the purchase of the home food service plan.
 - (3) If a membership is sold, a written statement of all terms, conditions, benefits, and privileges applicable to the membership.
 - (4) If a service charge is included, a written statement specifically identifying the service(s) provided and the price(s) charged for them.

1.13.2.2. At the time of delivery:

- (a) At the time of delivery, the Seller shall provide a receipt, for signature by the Buyer, disclosing the following information:
 - (1) The identity of the item and the net quantity of the contents in terms of either weight, measure, or count, as required by applicable law. The net weight of each food item delivered shall be within the limit specified in Section 1.13.2.1b(i)(iii) Contract and Disclosure Requirements; and
 - (2) The unit price and total sales price of each food and nonfood item. The unit price shall be the same as that specified on the unit price list given to the Buyer at the time of sale.

1.13.3. Advertisement of Home Food Service Plans. – Any advertisement of a home food service plan which discloses item pricing information in accordance with the provisions of this section shall set forth, in a clear and conspicuous manner, whether there are any service charges or other additional costs associated with the purchase of the home food service plan.

(Added 1992)

Section 2. Non-food Products [NOTE 1, page 107]

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., grams, kilograms, pounds, ounces, etc.), and not in common or decimal fractions.

(Added 1989)

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 or flavoring.

(Amended 1999)

2.4.1. Definitions.

2.4.1.1. Fireplace and stove wood. – any kindling, logs, boards, timbers, or other wood, natural or processed, split or not split, advertised, offered for sale, or sold for use as fuel.

(Amended 1991)

2.4.1.2. Cord. – the amount of wood that is contained in a space of 128 ft³ 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. – this shall be construed to mean any advertisement, offering, invoice, or the like that pertains to the sale of fireplace or stove wood.

2.4.1.4. Flavoring chips. – any kindling, logs, boards, timbers, or other natural or processed, split or unsplit wood that is advertised, offered for sale, or sold for flavoring smoked or barbequed foods.

(Added 1999)

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

2.4.3. Quantity. – Fireplace and stovewood 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:

- (a) **Packaged natural wood.** – Natural wood offered for sale in packaged form in quantities less than 0.45 m³ (1/8 cord or 16 ft³) shall display the quantity in terms of cubic meters, to include decimal fractions of cubic meters; or cubic feet, to include fractions of cubic feet.
- (b) **Artificial compressed or processed logs.** – A single fireplace log shall be sold by weight, and packages of such individual logs shall be sold by weight plus count.
- (c) **Stove wood pellets or chips.** – Pellets or chips not greater than 15 cm (6 in) in any dimension shall be sold by weight. This requirement does not apply to flavoring chips.
(Amended 1976 and 1991)
- (d) **Flavoring chips.** – Flavoring chips shall be sold by volume.
(Added 1998)

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 non-packaged 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; and
- (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 % 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 kilograms and/or pounds.

2.5.2.2. Cubic measure. – Peat and peat moss sold in terms of cubic measure shall be offered and exposed for sale only in liters and/or cubic feet. If the commodity is labeled in terms of compressed cubic measurement, the quantity declaration shall represent the quantity in the compressed state.

(Added 1971) (Amended 1975, 1979, 1983, and 1997)

2.6. Prefabricated Utility 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 SI units shall be declared to the nearest 0.01 meter; inside dimensions in inch-pound units shall be declared to the nearest inch.

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 by the square meter only if sold in SI units, by the square, or by the square foot only if sold in inch-pound units.

(Amended 1979)

2.7.1. Definitions

2.7.1.1. Square meter. – 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 quantity of roofing or roofing material that, when applied according to directions or instructions of the manufacturer, will cover an area of 100 ft² exclusive of side laps or side joints, provided, 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 quantity of roofing or roofing material that, when applied according to the directions or instructions of the manufacturer, will cover 1 ft² (144 in²) 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.”

Example: “One square covers 100 ft² of roof area.”

2.7.2.1. Common fractions. – The use of the common fraction one-third ($\frac{1}{3}$) 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.

(Added 1971) (Amended 1979)

2.8. Sealants. – Caulking compounds, glazing compounds, and putty shall be sold in terms of liquid measure, except that rope caulk 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. – 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. – the 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. – 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. – a strip or section of live turf that when severed contains sufficient plant material to remain intact.

2.9.2.5. Turf sprig. – 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.

(Added 1976) (Amended 1979)

2.10. Softwood Lumber. – Applies to softwood boards, timbers, and dimension lumber that have been surfaced, but shall not apply to rough lumber, to lumber that has been matched, patterned, or shiplapped; or to lumber remanufactured or joined so as to have changed the form or identity, such as individually assembled or packaged millwork items. “Nominal sizes” for inch-pound dimensions are size designations used for convenience in describing approximate, rather than actual, sizes of lumber. “Nominal sizes” were originally derived from the dimensions of rough lumber before surfacing and are always greater than the actual dimensions; thus a dry “2 x 4” is surfaced to actual dimensions of 1½ in x 3½ in (38 mm x 89 mm). The requirements in this section refer to actual sizes of lumber; for nominal sizes (see Table 1). The nominal sizes used in this section follow Department of Commerce Voluntary Product Standard PS 20 05, “American Softwood Lumber Standard,” or latest edition. SI equivalents are included for actual measurements only.

2.10.1. Definitions.

2.10.1.1. Surfaced (dressed) lumber. – Lumber that has been surfaced by a machine (to attain smoothness of surface and uniformity of size) on one side (S1S), on two sides (S2S), one edge (S1E), two edges (S2E), or a combination of sides and edges (S1S1E, S1S2E, S2S1E, S4S).

2.10.1.2. Boards. – Lumber 38 mm (1½ in) or less in actual thickness and 38 mm (1½ in) or more in actual width. Lumber less than 139 mm (5½ in) in actual width may be classified as strips.

2.10.1.3. Timbers. – Lumber 114 mm (4½ in) or more in smallest dimension. Timbers may be designated as beams, stringers, posts, caps, sills, girders, or purlins.

2.10.1.4. Dimension lumber. – Lumber from 38 mm (1½ in) to, but not including, 114 mm (4½ in) in actual thickness, and 38 mm (1½ in) or more in actual width. Dimension lumber may be designated as framing, joists, planks, rafters, or studs.

2.10.1.5. Rough lumber. – Lumber that has not been surfaced, but that has been sawed, edged, and trimmed at least to the extent of showing saw marks, or other primary manufacturing 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 PS 20 05, “American Softwood Lumber Standard,” or latest edition, and regional grading rules conforming to PS 20 05 or latest edition. (See Table 1. Softwood Lumber Sizes.)

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:

- (a) the number of pieces,
- (b) the minimum surfaced width and thickness, and
- (c) either the length of individual pieces or the lineal footage, except that the use of nominal dimensions shall be allowed as long as a table of minimum surfaced sizes is displayed prominently or the actual dimensions are prominently displayed to the customer and the term “nominal” or “nom” is also used in conjunction with any representation of dimensions.

Table 1. Softwood Lumber Sizes

Minimum standard surfaced sizes at the time of manufacture for both unseasoned (green) and dry lumber as published by the U.S. Department of Commerce in Voluntary Product Standard PS 20-05 or latest edition.

Product Classification (Nominal Size) Inches	Minimum Dressed Sizes**			
	Unseasoned		Dry	
	Inches	Millimeters	Inches	Millimeters
Surfaced Lumber*				
2 x 4	1 ⁹ / ₁₆ x 3 ⁹ / ₁₆	40 x 90	1½ x 3½	38 x 89
2 x 6	1 ⁹ / ₁₆ x 5 ⁵ / ₈	40 x 143	1½ x 5½	38 x 140
2 x 8	1 ⁹ / ₁₆ x 7½	40 x 190	1½ x 7¼	38 x 184
2 x 10	1 ⁹ / ₁₆ x 9½	40 x 241	1½ x 9¼	38 x 235
2 x 12	1 ⁹ / ₁₆ x 11½	40 x 292	1½ x 11¼	38 x 286
Board Lumber				
1 x 4	²⁵ / ₃₂ x 3 ⁹ / ₁₆	20 x 90	³ / ₄ x 3½	19 x 89
1 x 6	²⁵ / ₃₂ x 5 ⁵ / ₈	20 x 143	³ / ₄ x 5½	19 x 140
1 x 8	²⁵ / ₃₂ x 7½	20 x 190	³ / ₄ x 7¼	19 x 184
1 x 10	²⁵ / ₃₂ x 9½	20 x 241	³ / ₄ x 9¼	19 x 235
1 x 12	²⁵ / ₃₂ x 11½	20 x 292	³ / ₄ x 11¼	19 x 286
*The dry thicknesses of nominal 3 in and 4 in lumber are 2½ in (64 mm) and 3½ in (89 mm); unseasoned thicknesses are 2 ⁹ / ₁₆ in (65 mm) and 3 ⁹ / ₁₆ (90 mm). Widths for these thicknesses are the same as shown above.				
**PS 20-05 defines dry lumber as being 19 % or less in moisture content and unseasoned lumber as being over 19 % moisture content. The size of lumber changes approximately 1 % for each 4 % change in moisture content. Lumber stabilizes at approximately 15 % moisture content under normal use conditions. (Added 1971)				

(Added 1971) (Amended 1990 and 1993)

2.11. Carpet. – Anyone who sells carpet 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 meter if sold in SI units, or the price per square foot if sold in inch-pound units, and the total price.

(Added 1977) (Amended 1979 and 1999)

2.12. Hardwood Lumber - Retail Sales. – The requirements of this section apply to retail sales of hardwood lumber, but not to hardwood flooring, molding, or other pre-formed products.

2.12.1. Definitions.

2.12.1.1. Board foot. – The inch-pound unit of volume measurement for hardwood lumber. A board foot is the volume of a board 1 ft long, 1 ft wide, and 1 in thick or its equivalent (144 in³ of wood).

2.12.1.2. Surfaced lumber. – Lumber that has been surfaced for the purpose of attaining smoothness of surface and uniformity of size.

2.12.1.3. Kiln drying. – A specialized process used to minimize dimensional changes in service. Hardwood lumber used for most products must have moisture removed by placing it in a drying kiln with controlled humidity and heat for a period of time determined by the initial and the final moisture content, the species, and the thickness.

2.12.1.4. Surface measure. – A rounded area measurement for hardwood lumber. The surface measure shall be determined by multiplying the full width of the piece in inches and fractions by the standard length (see Section 2.12.1.7. Standard Lengths) in feet, dividing by 12, and rounding up or down to the nearest whole square foot. (Fractions less than or equal to one-half square foot are rounded down and those greater than one-half square foot are rounded up.)

2.12.1.5. Species. – The commercial name assigned to a species of trees.

2.12.1.6. Species group. – The commercial name assigned to two or more individual species having similar characteristics.

2.12.1.7. Standard lengths. – 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, or 16 feet. Fractional lengths are rounded down to the next lower standard length (for example, if a board is 6 ft 8 in long, its length is rounded down to 6 ft).

2.12.1.8. Stock widths. – Special items manufactured to predetermined widths, normally for retail sale.

2.12.2. Identity. – Representations shall include a declaration of identity that specifies the species or species group.

2.12.3. Surfaced (S4S) Lumber Manufactured to Stock Widths. –

2.12.3.1. Quantity. – Representations shall be in terms of one of the following:

- (a) by linear measure when surfaced width and thickness are stated, or
- (b) by count when length and surfaced width and thickness are stated, or
- (c) by surface measure (square feet) when a thickness is stated.

2.12.3.2. Representations. – The use of nominal dimensions shall be allowed if the table of Minimum Surfaced Sizes for Kiln Dried Hardwood Lumber or the actual dimensions are prominently displayed to the customer, and the term “nominal” or “nom” is used in conjunction with any representation of nominal dimensions.

2.12.3.3 Minimum surfaced sizes for kiln dried lumber (width and thickness). – Table 2. Minimum Surfaced Sizes for Kiln Dried Hardwood Lumber, shows the minimum sizes for the stock widths listed. This table includes dimensions for thicknesses of 1 in and 2 in thick stock lumber. Hardwood lumber is also manufactured in thicknesses of 1¼ inch (1 inch surfaced) and 1½ inch (1³/₁₆ inch surfaced). For other thicknesses, use the nominal and minimum widths from the table. For example: a board with the nominal dimensions of 1¼ in x 4 in would have minimum thickness of 1 in and minimum width of 3½ in.

Table 2. Minimum Surfaced Sizes for Kiln Dried Hardwood Lumber		
SI Units for Thickness and Width	Thickness and Width in Inches	
Minimum Sizes in Millimeters	Nominal Sizes	Minimum Sizes
38 x 89	2 x 4	1½ x 3½
38 x 140	2 x 6	1½ x 5½
38 x 184	2 x 8	1½ x 7¼
38 x 235	2 x 10	1½ x 9¼
38 x 286	2 x 12	1½ x 11¼
19 x 19	1 x 1	¾ x ¾
19 x 38	1 x 2	¾ x 1½
19 x 63	1 x 3	¾ x 2½
19 x 89	1 x 4	¾ x 3½
19 x 140	1 x 6	¾ x 5½
19 x 184	1 x 8	¾ x 7¼
19 x 235	1 x 10	¾ x 9¼
19 x 286	1 x 12	¾ x 11¼

The dry thickness of nominal 1½ in lumber is 1³/₁₆ in. The dry thickness of nominal 1¼ in lumber is 1 in. Sizes are shown in inches and millimeters. Minimum sizes in millimeters are calculated by multiplying the size in inches by 25.4 and rounding to the nearest millimeter. The rule for rounding is: round up for numbers greater than 0.50 mm and round down for numbers less than or equal to 0.50 mm. In case of a dispute on size measurements, the inch measurement takes precedence. Nominal and minimum widths for these thicknesses are shown above. The SI equivalents for 1 in and 1³/₁₆ in lumber are 25.4 mm and 30.1 mm, respectively.

2.12.4. Random Width Lumber

2.12.4.1. Sales of random width hardwood lumber. – Sales of random width hardware 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 or surfacing. Sales of hardwood lumber measured and sold prior to kiln drying or surfacing shall be quoted, invoiced, and delivered on the basis of net board footage before kiln drying or surfacing. If the lumber is to be kiln dried or surfaced at the request of the purchaser, the kiln drying or surfacing charge shall be clearly shown and identified on the quotation and invoice.

(Amended 1993)

2.13. Polyethylene Products

2.13.1. Consumer and non-consumer products offered and exposed for sale shall be sold in the terms given in Section 2.13.1.1. Sheeting and film.

2.13.1.1. Sheeting and film.

Consumer products shall include quantity statements in both SI and inch-pound units.

Consumer products:

- (a) length and width (in SI and inch-pound units)
- (b) area (in square meters and square feet)
- (c) thickness (in micrometers and mils ^[NOTE 4, page 121])
- (d) weight (in SI and inch-pound units)

Non-Consumer Products:

- (a) length and width (in SI or inch-pound units)
- (b) area (in square meters or square feet)
- (c) thickness (in micrometers or mils ^[NOTE 4, page 121])
- (d) weight (in SI or inch-pound units)
(Added 1982) (Amended 1979, 1993, and 1998)

NOTE 4: $1 \text{ mil} = 0.001 \text{ in} = 25.4 \text{ micrometers } (\mu\text{m})$. $1 \text{ micrometer} = 0.000 039 \text{ in}$.
(Amended 1993)

2.13.2. Consumer Products at retail shall be sold in the terms given in Section 2.13.2.1. Food wrap, Section 2.13.2.2. Lawn and trash bags, and Section 2.13.2.3. Food and sandwich bags.

2.13.2.1. Food wrap

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

2.13.2.2. Lawn and trash bags

- (a) count
- (b) dimensions
- (c) thickness in micrometers and mils
(Amended 1993)
- (d) capacity ^[NOTE 5, page 122]

2.13.2.3. Food and sandwich bags

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

- (a) count

- (b) dimensions
- (c) capacity ^[NOTE 5, page 122]

NOTE 5: See Section 10.8.2. Capacity of the Uniform Packaging and Labeling Regulation.

2.13.3. Non-consumer products. – Shall be offered and exposed for sale in the terms given in Section 2.13.3.1. Bags. (Package shall be labeled in SI or inch-pound units and may include both units.) (Amended 1998)

2.13.3.1. Bags

- (a) count
- (b) dimensions
- (c) thickness in micrometers or mils
- (d) weight
- (e) capacity ^[NOTE 5, page 122]

2.13.4. Declaration of Weight. – The labeled statement of weight for polyethylene sheeting and film products under Section 2.13.1.1. Sheeting and film, and 2.13.3.1. Bags, shall be equal to or greater than the weight calculated by using the formula below. The final value shall be calculated to four digits, and declared to three digits, dropping the final digit as calculated (for example, if the calculated value is 2.078 lb, then the declared net weight shall be 2.07 lb).

For SI dimensions:

$M = T \times A \times D / 1000$, where:

M = net mass in kilograms

T = nominal thickness in centimeters

A = nominal length in centimeters times nominal width ^[NOTE 6, page 122] in centimeters

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)

For the purpose of this regulation, the minimum density shall be 0.92 g/cm³ (when D is not known).

For inch-pound dimensions:

$W = T \times A \times 0.03613 \times D$, where:

W = net weight in pounds;

T = nominal thickness in inches;

A = nominal length in inches times nominal width ^[NOTE 6, page 122] 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); and 0.03613 is a factor for converting g/cm³ to lb/in³.

For the purpose of this regulation, the minimum density shall be 0.92 g/cm³.

(Added 1977) (Amended 1980, 1982, 1987, 1989, 1990, and 1993)

NOTE 6: The nominal width for bags in this calculation is twice the labeled width.

2.14. Insulation.

2.14.1. Packaged Loose-Fill Insulation Except Cellulose. – The label shall declare:

- (a) the type of insulation and the net weight with no qualifying statement; and
- (b) the minimum thickness, maximum net coverage area, 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.
(Amended 1990)

2.14.2. Packaged Loose-Fill Cellulose Insulation. – The label shall declare:

- (a) the type of insulation and the net weight with no qualifying statement; and
- (b) the minimum thickness, maximum net coverage area, number of bags per 1000 ft², 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.
(Amended 1990)

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 the coverage area, thickness, and R value of the insulation, 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 ft² area. Signed and dated.

(Added 1979) (Amended 1983)

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. Compressed or Liquefied Gases in Refillable Cylinders

2.16.1. Application. – This section does not apply to disposable cylinders of compressed or liquefied gases.

2.16.2. Net Contents. – The net contents shall be expressed in terms of cubic meters or cubic feet, kilograms, or pounds and ounces. See Section 2. 21. Liquefied Petroleum Gas for permitted expressions of net contents for liquefied petroleum gas. A standard cubic foot of gas is defined as a cubic foot at a temperature of 21 °C (70 °F) and a pressure of 101.35 kilopascals (14.696 psia) except for liquefied petroleum gas as stated in Section 2.21.

2.16.3. Cylinder Labeling. – Whenever cylinders are used for the sale of compressed or liquefied gases by weight, or are filled by weight and converted to volume, the following shall apply:

2.16.3.1. Tare weights

- (a) **Stamped or stenciled tare weight.** – For safety purposes, the tare weight shall be legibly and permanently stamped or stenciled on the cylinder. All tare weight values shall be preceded by the letters “TW” or the words “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. The Code of Federal Regulations Title 49, Section 178.50-22 requires the maker of cylinders to retain test reports verifying the cylinder tare weight accuracy to a tolerance of 1 %.
- (b) **Tare weight for purposes of determining the net contents.** – The tare weight used in the determination of the final net contents may be either:
- (1) the stamped or stenciled tare weight or
 - (2) the actual tare determined at the time of filling the cylinder. If the actual tare is determined at the time of filling the cylinder, it must be legibly marked on the cylinder or on a tag attached to the cylinder at the time of filling.
- (c) **Allowable difference.** – If the stamped or stenciled tare is used to determine the net contents of the cylinder, the allowable difference between the actual tare weight and the stamped (or stenciled) tare weight, or the tare weight on a tag attached to the cylinder for a new or used cylinder, shall be:
- (1) ½ % for tare weights of 9 kg (20 lb) or less or
 - (2) ¼ % for tare weights of more than 9 kg (20 lb).
- (d) **Average Requirement.** – When used to determine the net contents of cylinders, the stamped or stenciled 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.

2.16.3.2. Acetylene gas cylinder tare weights. – Acetone in the cylinder shall be included as part of the tare weight.

2.16.3.3. Acetylene gas cylinder volumes. – The volumes of acetylene shall be determined from the product weight using approved tables such as those published in NIST Handbook 133 or those developed using 70 °F (21 °C) and 14.7 ft³ (101.35 kPa) per pound at 1 atmosphere as conversion factors.

2.16.3.4. Compressed gases such as oxygen, argon, nitrogen, helium, and hydrogen. – The volumes of compressed gases such as oxygen, argon, nitrogen, helium, or hydrogen shall be determined using the tables and procedures given in NIST Technical Note 1079, Tables of Industrial Gas Container Contents and Density for Oxygen, Argon, Nitrogen, Helium, and Hydrogen and supplemented by additional procedures and tables in NIST Handbook 133.

(Added 1981) (Amended 1990)

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 SI units. When the measurement or method of sale is expressed in SI units of mass, 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 SI units in terms of the cubic meter or liter or in inch-pound units in terms of the cubic yard or cubic foot.

(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 ASTM International (ASTM) in Specification number D3699 (1982 or latest revision).

Example: 1K Kerosene; Kerosene - 2K.

(Added 1983)

2.20. Gasoline-Oxygenate Blends

2.20.1. Method of Retail Sale. – Type of Oxygenate must be Disclosed. – All automotive gasoline or automotive gasoline-oxygenate blends kept, offered, or exposed for sale, or sold at retail containing at least 1.5 mass percent oxygen shall be identified as “with” or “containing” (or similar wording) the predominant oxygenate in the engine fuel. For example, the label may read “contains ethanol” or “with MTBE.” The oxygenate contributing the largest mass percent oxygen to the blend shall be considered the predominant oxygenate. Where mixtures of only ethers are present, the retailer may post the predominant oxygenate followed by the phrase “or other ethers” or alternatively post the phrase “contains MTBE or other ethers.” In addition, gasoline-methanol blend fuels containing more than 0.15 mass percent oxygen from methanol shall be identified as “with” or “containing” methanol. This information shall be posted on the upper 50 % of the dispenser front panel in a position clear and conspicuous from the driver’s position in a type at least 12.7 mm (½ in) in height, 1.5 mm (1/16 in) stroke (width of type).

(Amended 1996)

2.20.2. Documentation for Dispenser Labeling Purposes. – At the time of delivery of the fuel, the retailer shall be provided, on an invoice, bill of lading, shipping paper, or other documentation a declaration of the predominant oxygenate or combination of oxygenates present in concentrations sufficient to yield an oxygen content of at least 1.5 mass percent in the fuel. Where mixtures of only ethers are present, the fuel supplier may identify either the predominant oxygenate in the fuel (i.e., the oxygenate contributing the largest mass percent oxygen) or, alternatively, use the phrase “contains MTBE or other ethers.” In addition, any gasoline containing more than 0.15 mass percent oxygen from methanol shall be identified as “with” or “containing” methanol. This documentation is only for dispenser labeling purposes; it is the responsibility of any potential blender to determine the total oxygen content of the engine fuel before blending.

(Added 1984) (Amended 1985, 1986, 1991, and 1996)

2.21. Liquefied Petroleum Gas. – All liquefied petroleum gas, 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 ^[NOTE 7, page 126] of

vapor (defined as 1 ft³ at 60 °F), or the gallon (defined as 231 in³ at 60 °F). All metered sales by the gallon, except those using meters with a maximum rated capacity of 20 gal/min or less, shall be accomplished by use of a meter and device that automatically compensates for temperature.

(Added 1986)

NOTE 7: 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 NIST Handbook 44, “Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices.”

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

(Added 1989)

2.23. Animal Bedding. – Packaged animal bedding of all kinds, except for baled straw, shall be sold by volume, that is, by the cubic meter, liter, or milliliter and by the cubic yard, cubic foot, or cubic inch. If the commodity is packaged in a compressed state, the quantity declaration shall include both the quantity in the compressed state and the usable quantity that can be recovered.

Example: 250 mL expands to 500 mL (500 in³ expands to 1000 in³).

(Added 1990)

2.24. Wiping Cloths. – Wiping cloths shall be sold by net weight or by count plus size of wiping cloths. When sold by count plus size, and the wiping cloths are of assorted sizes, the term “irregular dimensions” and the minimum size of such cloths must be declared. The gross weight may not be printed on any package, either consumer or non-consumer.

(Added 1991)

2.25. Baler Twine. – Baler twine shall be sold on the basis of length in meters or feet, and net mass or weight by kilograms or pounds.

(Added 1992)

2.26. Potpourri. – Potpourri shall be sold as follows:

- (a) Potpourri packaged in advance of sale shall be sold by weight, except when sold in a decorative container or sachet, which may be sold by count.
- (b) Potpourri sold from bulk shall be sold by weight or by dry volume.

(Added 1992)

2.27. Retail Sales of Natural Gas Sold as a Vehicle Fuel.

2.27.1. Definitions.

2.27.1.1. Natural gas. – A gaseous fuel composed primarily of methane that is suitable for compression and dispensing into a fuel storage container(s) for use as an engine fuel.

2.27.1.2. Gasoline liter equivalent (GLE). – Gasoline liter equivalent (GLE) means 0.678 kg of natural gas.

2.27.1.3. Gasoline gallon equivalent (GGE). – Gasoline gallon equivalent (GGE) means 2.567 kg (5.660 lb) of natural gas.

2.27.2. Method of Retail Sale and Dispenser Labeling.

2.27.2.1. Method of retail sale. – All natural gas kept, offered, or exposed for sale and sold at retail as a vehicle fuel shall be in terms of the gasoline liter equivalent (GLE) or gasoline gallon equivalent (GGE).

2.27.2.2. Dispenser labeling. – All retail natural gas dispensers shall be labeled with the conversion factor in terms of kilograms or pounds. The label shall be permanently and conspicuously displayed on the face of the dispenser and shall have either the statement “1 Gasoline Liter Equivalent (GLE) is equal to 0.678 kg of Natural Gas” or “1 Gasoline Gallon Equivalent (GGE) is equal to 5.660 lb of Natural Gas” consistent with the method of sale used.

2.28. Communication Paper.

2.28.1. Definitions.

2.28.1.1. Communication paper. – Packaged bond, mimeo, spirit duplicator, xerographic, and other papers, including cut-sized office paper and computer paper.

2.28.1.2. Basis weight. – As used in this regulation for labeling means the grade, category, or identity of the paper determined according to the latest version of American Society for Testing and Materials Standard Method D 646 for “Grammage of Paper and Paperboard.” Basis weight is used as a standard of identity and is not considered a net weight declaration.

2.28.2. Method of Retail Sale and Labeling.

2.28.2.1. Method of retail sale. – All packaged communication paper kept, offered, or exposed for sale and sold at retail shall be sold in terms of sheet length and width and count.

2.28.2.2. Labeling. – Communication paper in package form shall bear a label that includes:

- (a) a declaration of quantity, in terms of sheet length and width and count, in the lower 30 % of the principal display panel.
- (b) a declaration of identity including the basis weight, and may include such other information as grain direction, color, brightness, printed lines, and hole punch information. Due to the variation in basis weight in manufacturing and analysis, the basis weight declared on the label shall correspond to the basis weight declared by the original manufacturer.

(Added 1994)

2.29. Sand, Rock, Gravel, Stone, Paving Stone, and Similar Materials when Sold in Bulk. – All sand, rock, gravel, stone, paving stone, and similar materials kept, offered, or exposed for sale in bulk must be sold as follows:

- (a) Top soil, fill dirt, aggregate or chipped rock, sand (including concrete and mortar sand), decomposed granite, landscape type rock, and cinders must be sold by the cubic meter or cubic yard or by weight.
- (b) Flagstone must be sold by weight.
- (c) Dimensional cut stone must be sold by square meter, square foot, or weight.
- (d) This requirement does not apply to single stones with engraving such as gravestones, natural or manmade artwork, landscape boulders, and pre-cast uniform size blocks.

(Added 2000)

2.30. E85 Fuel Ethanol.

2.30.1. How to Identify Fuel Ethanol. – Fuel ethanol shall be identified as E85.

2.30.2. Labeling Requirements

- (a) Fuel ethanol shall be labeled with its automotive fuel rating in accordance with 16 Code of Federal Regulations Part 306.
- (b) A label shall be posted which states “For Use in Flexible Fuel Vehicles (FFV) Only.” This information shall be clearly and conspicuously posed on the upper 50 % of the dispenser front panel in a type at least 12.7 mm ($\frac{1}{2}$ in) in height, 1.5 mm ($\frac{1}{16}$ in) stroke (width of type). A label shall be posted which states, “Consult Vehicle Manufacturer Fuel Recommendations,” and shall not be less than 6 mm ($\frac{1}{4}$ in) in height by 0.8 mm ($\frac{1}{32}$ in) stroke; block style letters and the color shall be in definite contrast to the background color to which it is applied.

(Added 2007)

2.31. Biodiesel and Biodiesel Blends.

2.31.1. Identification of Product. – Biodiesel shall be identified by the term “Biodiesel” with the designation “B100.” Biodiesel Blends shall be identified by the term “Biodiesel Blend.”

2.31.2. Labeling of Retail Dispensers.

2.31.2.1. Labeling of Grade Required. – Biodiesel shall be identified by the grades S15 or S500. Biodiesel Blends shall be identified by the grades No. 1-D, No. 2-D, or No. 4-D.

2.31.2.2. EPA Labeling Requirements Also Apply. – Retailers and wholesale purchaser-consumers of biodiesel blends shall comply with EPA pump labeling requirements for sulfur under 40 CFR § 80.570.

2.31.2.3. Automotive Fuel Rating. – Biodiesel and Biodiesel Blends shall be labeled with its automotive fuel rating in accordance with 16 CFR Part 306.

2.31.2.4. Biodiesel Blends. – When biodiesel blends greater than 20 % by volume are offered by sale, each side of the dispenser where fuel can be delivered shall have a label conspicuously placed that states “Consult Vehicle Manufacturer Fuel Recommendations.”

The lettering of this legend shall not be less than 6 mm ($\frac{1}{4}$ in) in height by 0.8 mm ($\frac{1}{32}$ in) stroke; block style letters and the color shall be in definite contrast to the background color to which it is applied.

2.31.3. Documentation for Dispenser Labeling Purposes. – The retailer shall be provided, at the time of delivery of the fuel, a declaration of the volume percent biodiesel on an invoice, bill of lading, shipping paper, or other document. This documentation is for dispenser labeling purposes only; it is the responsibility of any potential blender to determine the amount of biodiesel in the diesel fuel prior to blending.

2.31.4. Exemption. – Biodiesel blends that contain less than or equal to 5 % biodiesel by volume are exempt from the requirements of Sections 2.31.1, 2.31.2, and 2.31.3. when it is sold as diesel fuel.

(Added 2008)

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) **SI Units:**

- (1) plus or minus 10 mL for items of 200 mL capacity or less;
 - (2) plus or minus 5 % of the stated capacity for items over 200 mL capacity.
- (Added 1973) (Amended 1974, 1979, and 1980)

(b) **Inch-pound Units:**

- (1) plus or minus $\frac{1}{4}$ fl oz for items of 5 fl oz capacity or less;
- (2) plus or minus 5 % of the stated capacity for items over 5 fl oz capacity.

3.3. Labeling of Machines That Dispense Packaged Commodities. – All vending machines dispensing packaged commodities shall indicate:

- (a) product identity;
- (b) net quantity; and

- (c) the party responsible for the vending machine.

Examples:

“For service or refunds contact: the XYZ Cola Company, Rockville, MD 20800; Telephone: (301) 555-1000,” or “See attendant inside for refunds.”

(Amended 1995)

- (d) 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 re-stenciled tare weights shall be accurately represented to the nearest 50 kg for metric units and to the nearest 100 lb for inch-pound 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 Section 3.4.2.(a) or Section 3.4.2.(b).

(a) **SI allowable difference:**

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

(Added 1979)

(b) **Inch-pound allowable difference:**

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

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 multi-deck racks or special superstructure, mechanical refrigerator cars, and house type cars equipped with special lading protective devices must be reweighed and re-stenciled 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, and 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 _____.

Signed _____

(Added 1971) (Amended 1973)