

March 7, 2016

Labeling Requirements for Packages Labeled Using In-Store Scales

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In the early 1950s, it became popular for supermarkets to offer random weight packaged meats and produce using in-store scales. The Uniform Packaging and Labeling Regulation (UPLR) in NIST Handbook 130, "Uniform Laws and Regulations in the Areas of Legal Metrology and Engine Fuel Quality," requires that a random weight label include a Declaration of Identity, Responsibility and Quantity. Due to the technology limitations in the printers of that era, specific exemptions (SI units, type size, location, and free area requirements) were added to the UPLR. The exemptions also apply to standard weight packages labeled using the same equipment, as long as they are labeled in the same manner as random packages. These exemptions are still in place today.

The Exemptions

The exemptions can be found in the NIST Handbook 130, UPLR under Section 11.1. Random Packages, which applies to Random Weight and Uniform Weight packages.

11.1. Random Packages. – A random package bearing a label conspicuously declaring:

- (a) the net weight;
- (b) unit price; and
- (c) the total price

shall be exempt from the SI units, type size, location, and free area requirements of this regulation. In the case of a random package packed at one place for subsequent sale at another, neither the price per unit of weight nor the total selling price need appear on the package, provided the package label includes both such prices at the time it is offered or exposed for sale at retail.

This section shall also apply to uniform weight packages of fresh fruit or vegetables labeled by count, in the same manner and by the same type of equipment as random packages exempted by this section, and cheese and cheese products labeled in the same manner and by the same type of equipment as random packages exempted by this section.

The Confusion

For packages weighed directly on a scale, the regulation is clear. As long as the net weight, unit price, and total price are printed on the scale label, the exemptions allow:

- U.S. customary units only,
- the type size for the net quantity statement does not have to meet the minimum height of numbers and letters as found in the UPLR Table 1,
- the net quantity statement does not have to appear in the lower 30 % of the label, and
- the free area restriction around the net quantity statement does not apply.

Recently, several states have reported that some retailers are not complying with the UPLR in their labeling practices. The problem arises when the scale label is used to label items sold by uniform or fixed weight (standard pack). **If the label does not include the unit price, the exemptions do not apply.** Often, products are being labeled in store using scale labels that display the net weight and total price, but the label does not display the unit price. If this occurs, and the scale label is used, it must meet the full requirements of the UPLR, meaning it must have U.S. customary and SI units, the type size must be based on the Principal Display Panel (PDP), the net quantity statement must be in the lower 30 % of the label, and the proper free area must be present around the net quantity statement.

| | | |
|----------------------|-------------------|-----------------------|
| Fruit Cup | Ribeye Steak 8 oz | 16 oz Pineapple Cored |
| Net Wt. 64 oz (4 lb) | | |
| Quantity | Unit Price | Total Price |
| 1 | | \$14.99 |

| Ribeye Steak 8 oz | | | |
|-------------------|--------|------------|-------------|
| Ct | Net Wt | Unit Price | Total Price |
| 2 | 16 oz | | \$17.98 |

| | | | |
|-----------------------|-----------|------------|-------------|
| 16 oz Pineapple Cored | Net Wt/Ct | Unit Price | Total Price |
| | | | \$4.99 |

The above examples of scale labels are in violation of the UPLR. Exemptions do not apply. (If the unit price is not displayed, it must meet the full requirements of the UPLR, including displaying SI units, the font size of the quantity statement must be based on the size of the PDP, and the quantity must be in the lower 30 % of the label.)

| | | |
|-------------------|--------------|----------------------|
| Sliced Apple Bowl | Pecan Twirls | Tortilla Chips 16 oz |
| Net Wt/Ct | Unit Price | Total Price |
| 1 | \$4.99 | \$4.99 |
| NET WT. 14 oz | | |

| Pecan Twirls | | |
|--------------|------------|-------------|
| Net Wt/Ct | Unit Price | Total Price |
| 4 oz | \$5.40/lb | \$1.35 |

| | | | |
|----------------------|----------|------------|-------------|
| Tortilla Chips 16 oz | Quantity | Unit Price | Total Price |
| | 1 | \$2.99 | \$2.99 |

The above examples of scale labels are in compliance with the UPLR. Exemptions apply.

Mislabeling has increased recently due to a trend of stores using a labeling practice (misuse of the exemptions) that is different than what was originally intended. This can primarily be attributed to

change in retail marketing practices and a misunderstanding by retailers over the exemptions in Section 11.1. Random Packages. Retailers should be educated on the proper use of labeling using in store scales and provided an opportunity for corrective action.

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