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Planting Season is Here!

How Can Consumers Identify the Best Value?

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Spring finally arrived and consumers headed outside to perform seasonal planting and landscaping. However, as they shopped from store to store to purchase flowers, plants and shrubs, were they able to determine what was the best value and were they getting what they paid for? In today's marketplace there is a wide selection of plant containers in various shapes and sizes. This makes it extremely difficult for a consumer to take similar items and compare them based just on the size and shape. Consumers can make better buying decisions when the proper labeling is affixed to each product.

In 2005, a complaint to a weights and measures official from a grower in Pennsylvania ultimately led the U.S. horticultural industry to acknowledge a need to provide consumers with the required information and what is needed to prevent unfair trade practices. As a result of a collaborative effort, which included growers, garden centers, several state weights and measures programs and the NIST Office of Weights and Measures, a voluntary set of guidelines were published in an effort to improve container measurements and labeling regulations.

The Uniform Packaging and Labeling Regulations (UPLR) require that package labels include a declaration of identity, net contents, and a responsibility statement.

The Declaration of Identity – The principal display panel must declare the product identity. The identity requires the specific or common name of the product, the generic name or appropriate description, such as “rose bush” or a more specific description, for example, “sunshine rose bush.”

The Declaration of Responsibility – The purpose of this requirement is to identify the responsible party, which would be needed if the package does not comply with the law. This requirement applies when you have a package that is kept, offered or exposed for sale, or sold at any place other than where it is packed. The declaration of responsibility does not apply if the product is offered for sale on the premises where it is packaged. The label of the package will have the name and address of the manufacturer, packer, or distributor. The name shall be the actual corporate name, or when not incorporated, the name under which business is conducted. The address shall include the street address, city, state (or country if outside the United States), and zip code. You may only omit the street address if it is shown in the current city, regional, or telephone directory. This information is not required to be displayed on the principal display panel, but it must be conspicuous on the package to enable the consumer to contact the manufacturer directly.

The Declaration of Net Contents – The declaration of net contents must appear on the principal display panel. This declaration must describe the contents in terms of weight, measure, or count. There are several methods that might be used by the industry for this declaration. Historically the method of sale

for the container is volume (e.g., pint, quart, and gallon.) Any net quantity statement that does not permit price and quantity comparison is forbidden. The declaration must be in both customary and SI units.

For market packs (multi units/cell packs) that are sometimes combined into a larger package (e.g., a “flat” that contains four packs) where units can be separated and sold separately, the net contents declaration on labeling or signage requires the count and volume of units in each pack, not the flat. Each pack would require a label/tag. Signage would need to refer to the individual market packs and pack count per flat with pricing by the flat.

Additional information regarding the above mentioned requirements can be found in the NIST Handbook 130 – Uniform Laws and Regulations in the Areas of Legal Metrology and Engine Fuel Quality, Uniform Packaging and Labeling Regulations (www.nist.gov/pml/owm).

For additional information please contact the Laws and Metric staff at (301) 975-4004.