

TRANSMITTAL OF RULES ADOPTED

FROM: Department of Agriculture  
(Name of Agency)

TO: CODE REVISER  
LEGISLATIVE BLDG (Southwest Corner, Ground Floor)  
Olympia 98501

The enclosed Permanent rules  , being order No. 1141  
Emergency rules   
relating to (Name of rules or description of subject matter)  
Weights and Measures Regulation establishing units  
of Sale and Standards of Fill for Fluid Dairy Products.

(ALTERNATIVE A. Use only for adoption of permanent rules)

pursuant to Notice No. 2529 <sup>①</sup> filed with the code reviser  
on 1/21/70 <sup>②</sup> were regularly adopted as permanent rules of this  
(date)  
agency at Olympia, Washington on 2/27/ and are herewith  
(place) (date)  
filed in the office of the code reviser pursuant to chapter 34.04  
RCW. The effective date of such rules shall be 4/1/70 <sup>③</sup>

(ALTERNATIVE B. Use only for adoption of emergency rules)

pursuant to its finding that the immediate adoption of  
these rules is necessary for the preservation of the public  
health, safety, or general welfare and that observance of the  
requirements of notice and opportunity to present views on  
the proposed action would be contrary to the public interest,  
were regularly adopted as emergency rules of this agency at  
on and are herewith filed in  
(place) (date)  
the office of the code reviser pursuant to chapter 34.04 RCW.

Dated this 27th. day of February 19 70.

STATE OF WASHINGTON  
FILED  
FEB 27 1970  
CODE REVISER'S OFFICE  
KET #2780 FILE # 22

Department of Agriculture  
(AGENCY)  
By *Donald W. Moos*  
Donald W. Moos  
Director  
Title

- ① NOTICE NUMBER AS APPEARS ON THE COPY OF NOTICE RETURNED TO YOU BY REVISER'S OFFICE (IF PROCEEDINGS WERE CONTINUED, USE NO. OF LAST NOTICE)
- ② STAMPED DATE AS APPEARS ON THE COPY OF NOTICE RETURNED TO YOU BY REVISER'S OFFICE (IF PROCEEDINGS WERE CONTINUED, USE DATE OF LAST NOTICE)
- ③ UNLESS A LATER DATE IS SPECIFIED IN THIS ORDER OR IS PRESCRIBED IN ANOTHER STATUTE, RULES ARE EFFECTIVE 30 DAYS AFTER FILING: RCW 34.04.040. LEAVE THIS SPACE BLANK EXCEPT IN SUCH SPECIAL CASES.

STATE OF WASHINGTON  
DEPARTMENT OF AGRICULTURE  
OLYMPIA

ORDER NO. 1141  
SUPERSEDING ORDER NO. 792  
EFFECTIVE APRIL 1, 1970

AMD            WAC 16-654-002    PROMULGATION. (This promulgation relates only to WAC 16-654-010 and WAC 16-654-020) WEIGHTS AND MEASURES REGULATIONS ESTABLISHING UNITS OF SALE AND STANDARDS OF FILL FOR FLUID DAIRY PRODUCTS.

I, Donald W. Moos, Director of Agriculture of the State of Washington, by virtue of the authority vested in me under Chapter 67, Laws of 1969, and after due notice as provided under Chapters 34.04 and 42.42 RCW, and a public hearing held in Olympia, Washington, on February 17, 1970, do hereby promulgate the following regulations establishing units of sale of sizes under one quart for fluid dairy products and establishing standards of fill and marking of fluid dairy product containers.

AMD            WAC 16-654-010    FLUID DAIRY PRODUCTS--UNITS OF SALE. Fluid dairy products, including but not limited to whole milk, skimmed milk, cultured milk, sweet cream, sour cream, and buttermilk, may be packaged for retail sales in units of either ten liquid ounce or one-third liquid quart containers. Provided, that one-third quart units of such fluid dairy products shall be packaged only in one-third quart containers, ten ounce units of such fluid dairy products shall be packaged only in ten ounce containers.

AMD            WAC 16-654-020    STANDARDS OF FILL AND MARKING OF FLUID DAIRY PRODUCT CONTAINERS. (1) Fluid dairy products packaged in a container in which the fill line of the commodity is not readily visible and the head space or void exceeds the percentages set forth in subsection (2) below, such head space or void shall be shown in a suitable color that is in sharp contrast to the natural color of the container or to other labeling or background and of comparable area to the void on all sides.

(a) The statement of contents in terms of measure of volume must appear on the void area in letters not less than one-half the height of the letters used on any portion of the label setting forth the brand name of the commodity and in no instance shall be less than one-eighth of an inch in height.

(b) Such statement of quantity must appear on all four sides of the container if square or rectangular and on both front and rear if round or oval in shape. The statement of contents shall appear in like size on the top of the container if it is usually or likely to be the principal display panel.

(c) In all instances the quantity statement shall be set forth separate and apart from other printing and design in contrasting and conspicuous type.

(d) A brief statement explaining the need for the void may appear on one or more panels. If needed, a brief statement of instructions for opening may appear on one panel.

(2) If the head space or void, as defined, exceeds the following established percentages for each class of standard measures or volumes, the entire head space or void shall be indicated and marked as set forth in subsection (1) above.

(a) Head space or void shall be defined as the entire space or void that exists within the container above the declared volume of the commodity and up to the closure.

(b) The established percentages shall be as follows for the respective standards of measure:

one-half gallon	- - - - -	8%
one quart	- - - - -	11%
one pint	- - - - -	14%

(c) The computations shall be based on the percentage of the total declared measure or volume and such measure or volume shall be determined at the temperature normally prevailing when the commodity is sold.

(3) Such containers may be submitted for prior approval by the Department of Agriculture.

I hereby certify that the foregoing is a true and correct copy of the regulations promulgated by the Department of Agriculture.

Dated at Olympia, Washington

Date: February 27, 1970



DONALD W. MOOS  
Director of Agriculture  
State of Washington