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DEPARTMENT OF AGRICULTURE
Olympia

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WEIGHTS AND MEASURES REGULATIONS PERTAINING TO
10 OUNCE AND 1/3 QUART CONTAINERS, EXEMPTIONS
FROM SEALING AND TESTING, LIQUID FUEL DELIVERY
TICKETS, PRE-PACKAGE CHECKING PROCEDURE AND
ABSORBENT TISSUES.

I, Joe Dwyer, Director of Agriculture of the State of Washington by virtue of the authority vested in me under Chapter 291, Laws of 1959 (Chapter 19.93 RCW) and Chapter 69.04 RCW after due notice as provided under Chapter 42.32 RCW and a public hearing held in Olympia on October 14, 1959, do promulgate the following regulations relating to Weights and Measures:

Regulation 1. Packages

Section 1. Packages bearing the name of the Manufacturer, Packer or Distributor as provided for in Chapter 19.93 RCW, shall include the following:

1. Address. The statement of the place of business shall include the street address, if any, of such place unless such street address is shown in a current city directory or telephone directory.
2. Principal Place of Business. Where a person manufactures, packs or distributes a commodity at a place other than his principal place of business, the label may state the principal place of business in lieu of the actual place where each package of such commodity was manufactured or packed or is to be distributed, if such statement is not misleading in any particular.

Section 2. Quantity Statement.

1. The statement of the quantity of the contents shall declare the quantity of commodity in the package, exclusive of wrappers and other material packed with such commodity, and neither the qualifying term "when packed" nor words of similar import, nor any term qualifying a unit of weight, measure, or count (for example, "jumbo," "giant," "full," and the like) that tends to exaggerate the amount of commodity in a package, shall be used in connection with such statement of quantity.
2. The statement shall be expressed in terms of weight, measure, numerical count, or a combination of numerical count and weight, or measure, that are generally used by consumers and users to express quantity of such commodity and that give accurate information as to the quantity thereof. But if no general consumer usage in expressing accurate information as to the quantity of such commodity exists, the statement shall be in terms of liquid measure if the commodity is liquid, or in terms of weight if the commodity is solid, semisolid, viscous, or a mixture of solid and liquid; except that such statement may be in terms of dry measure if the commodity is a fresh fruit, fresh vegetable, or other dry commodity. Commodities packed in standard containers may be marked by either dry volume or net weight. Commodities exposed for sale in open containers must bear a net weight statement. The quantity of textile materials shall be stated in terms of linear measure, except that in the case of a commodity in respect to which there exists a definite trade custom otherwise, the statement may be in terms of weight and in accordance with such custom.

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Section 2. Quantity Statement. (Continued)

3. When any term common to two or more systems of weight or measure is employed in the quantity statement, said statement shall include the proper qualification of the term, as, for examples, "avoirdupois ounces" and "fluid ounces;" "liquid pints" and "dry pints;" "liquid quarts" and "dry quarts."

Section 3. Terms of statement; supplementary statements.

1. A statement of weight shall be in terms of the avoirdupois pound and ounce. A statement of linear measure shall be in terms of the standard yard and foot and inch sub-divisions thereof. A statement of liquid measure shall be in terms of the United States gallon of 231 cubic inches, and quart, pint, and fluid ounce sub-division thereof, and, except in the case of frozen commodities that are consumed while frozen and commodities that normally are kept under refrigeration until sold, shall express the volume at 68° Fahrenheit (20° Centigrade). A statement of liquid measure of a frozen or refrigerated commodity shall express the volume at the temperature normally prevailing when the commodity is sold. A statement of dry measure shall be in terms of the United States bushel of 2,150.42 cubic inches and peck, dry quart, and dry pint sub-divisions thereof; or in terms of the United States standard barrel for fruits and vegetable (except cranberries) and its sub-divisions of third, half, and three-quarters barrel; or in terms of the United States standard barrel for cranberries, and sub-divisions thereof. However, in the case of an export shipment, the statement may be in terms of a system of weight or measure in common use in the country to which such shipment is exported. In the case of drugs, the statement may, as an alternative, be in terms of the Metric System.
2. A statement of weight or measure in the terms specified in subdivision (1) of this paragraph may be supplemented by a statement in terms of the metric system of weight or measure.
3. Unless an unqualified statement of numerical count gives accurate information as to the quantity of commodity in the package, it shall be supplemented by such statement of weight, measure or size of the individual units of the commodity as will give such information.
4. Unless an unqualified statement of weight or measure gives accurate information as to the quantity of the contents in the package, it shall be supplemented by such statement of count or size of the individual units of the commodity as will give such information.

Section 4. Fractions. Statements shall contain only such fractions of specified units as are generally used in expressing the quantity of the commodity. A common fraction shall be reduced to its lowest terms; a decimal fraction shall not be carried out to more than two places, except in the case of drugs.

Section 5. Required units.

1. If the quantity of commodity in the package equals or exceeds the smallest unit of weight or measure that is specified in section 3 of this regulation, and that is applicable to such commodity under the provisions of section 2 (2) of this regulation, the statement shall express the number of the largest of such units contained in the package (for example, the statement on the label of a package that

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Section 5. Required units.

1. (Continued)
contains one quart liquid of commodity shall be "1 quart liquid," and not "2 pints liquid" or "32 fluid ounces"), unless the statement is made in accordance with the provisions of sub-division 2 of this section. Where such number is a whole number and a fraction, there may be substituted for the fraction its equivalent in smaller units, if any smaller unit is specified in such section 3 (for examples, $1 \frac{3}{4}$ quarts liquid may be expressed as "1 quart 1 $\frac{1}{2}$ pints liquid" or "1 quart 1 pint 8 fluid ounces;" $1 \frac{1}{4}$ pounds may be expressed as "1 pound 4 ounces"). The stated number of any unit that is smaller than the largest unit (specified in such section 3) contained in the package shall not equal or exceed the number of such smaller units in the next larger unit so specified (for examples, instead of "1 quart 16 fluid ounces" the statement shall be "1 $\frac{1}{2}$ quarts liquid" or "1 quart 1 pint liquid;" instead of "24 ounces avoirdupois" the statement shall be "1 $\frac{1}{2}$ pounds" or "1 pound 8 ounces").
2. In the case of a commodity with respect to which there exists an established consumer usage or trade custom of stating the quantity of the contents as a fraction of a unit, which unit is larger than the quantity contained in the package, or as units smaller than the largest unit contained therein, the statement may be made in accordance with such custom if it is informative to consumers.

Section 6. Minimum or average quantity. The statement shall express the minimum quantity, or the average quantity, of the contents of the package. If the statement is not so qualified as to show definitely that the quantity expressed is the minimum quantity the statement shall be construed as expressing the average quantity of the contents of the package.

Section 7. Variations from declared minimum quantity. Where the statement expresses the minimum quantity, the only variations below the declared minimum weight or measure that shall be permitted are those that are caused by ordinary and customary exposure to conditions that normally occur in good distribution practice and that unavoidably result in decreased weight or measure, and such variations shall be permitted only after the commodity is introduced into intrastate commerce. Variations above stated minimum shall not be unreasonably large.

Section 8. Variations from the declared average quantity. Where the statement does not express the minimum quantity --

1. Variations from the stated weight or measure shall be permitted when caused by ordinary and customary exposure to conditions that normally occur in good distribution practice and that unavoidably result in change of weight or measure, but only after the commodity is introduced into intrastate commerce.
2. Variations from the stated weight, measure, or numerical count shall be permitted when caused by unavoidable deviations in weighing, measuring, or counting the contents of individual packages that occur in good packing practice, but such variations shall not be permitted to such extent that the average of the quantities in the packages of a particular commodity comprising either a shipment or other delivery of the commodity or a lot of the commodity that is kept, offered, or exposed for sale, or sold, is below the quantity stated, and no unreasonable shortage in any package shall be permitted, even though overages in other packages in the same shipment, delivery, or lot compensate for such shortage. Variations above the stated quantity shall not be unreasonably large.

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Section 9. Meaning of phrase "introduced into intrastate commerce." The phrase "introduced into intrastate commerce," as used in sections 7 and 8 of this regulation, shall be construed to define the time and the place at which the first sale and delivery of a package is made within the State, the delivery being made either (a) directly to the purchaser or to his agent, or (b) to a common carrier for shipment to the purchaser.

Section 10. Variations. The extent of variations from the stated quantity of the contents permissible under section 7 and 8 of this regulation in the case of each shipment or other delivery shall be determined by the facts in such case.

Section 11. Exemptions from quantity declarations. A package shall be exempt from the requirement that it be marked with a statement of the quantity of its contents if --

1. The quantity of the contents, as expressed in terms applicable to such commodity, except in the case of a drug or cosmetic, under the provisions of section 2 (2) of this regulation, is less than one-half ounce avoirdupois, or less than one-half fluid ounce, or (in case the units of the commodity can be easily counted without opening the package) less than six units; a drug shall be exempt from compliance with these requirements if the quantity of the contents of the package, as expressed in terms of numerical count in compliance with section 2 (2) of this regulation, is less than six units, and such units can be easily counted without opening the package; a cosmetic shall be exempt from compliance with these requirements if the quantity of the contents of the package, as expressed in terms applicable to such cosmetic under the provisions of section 2 (2) of this regulation, is less than one-fourth ounce avoirdupois, or less than one-eighth fluid ounce, or (in case the units of the cosmetic can be easily counted without opening the package) less than six units; or
2. The statement of the quantity of the contents of the package, together with all other information required by law or regulation to appear on the label, cannot, because of insufficient label space, be so placed on the label as to comply with such requirements.

Section 12. Exemptions from name and address declarations. A package shall be exempt from the requirement that it be marked with a statement of the name and place of business of the manufacturer, packer, or distributor if the package is sold on the premises where packed, direct to the consumer or user, not to be resold.

Section 13. Prominence of declarations. Information required to appear on the label of a package may be considered to lack the requisite definiteness, plainness, and conspicuousness by reason, among other reasons, of --

1. The failure of such information to appear on the part or panel of the label that is presented or displayed under customary conditions of purchase;
2. The failure of the label to extend over the area of the container or package available for such extension, so as to provide sufficient label space for the prominent placing of such information;
3. Smallness or style of type in which such information appears, insufficient background contrast, obscuring designs or vignettes, or crowding with other written, printed, or graphic matter.

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Section 14. Language of declarations. All information required by or under authority of the Act to appear on the label or labeling shall appear thereon in the English language.

Regulation 2. Fluid Dairy Products -- Units of Sale

Section 1. 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 (10) liquid ounce or one-third (1/3) liquid quart containers. Provided, that 1/3 quart units of such fluid dairy products shall be packaged only in 1/3 quart containers, 10 ounce units of such fluid dairy products shall be packaged only in 10 ounce containers.

Regulation 3. Exemptions from sealing or marking and/or annual retesting of Weights and Measures devices.

Section 1. The weights and measures listed below shall be specifically exempted from the sealing or marking requirements of section 12 of Chapter 291 RCW:

1. Measure containers
2. Milk bottles
3. Lubricating-oil bottles
4. Berry baskets and boxes

Section 2. The weights and measures listed below shall be specifically exempted from the annual retesting requirements of sections 7 and 8 of Chapter 291 RCW and shall be retested only as required by the Director:

1. Vehicle tanks used as measures*
2. Farm milk tanks*
3. Liquid measures*
4. Glass graduates
5. Measures containers
6. Milk bottles
7. Lubricating-oil bottles
8. Linear measures*
9. Dry measures*
10. Berry baskets and boxes

*whenever an item of this class is damaged, repaired, or modified in any way that affects the accuracy of measurement, it shall not thereafter be used for measurement until it has been officially inspected and reapproved.

Regulation 4. Liquid Fuel

Section 1. All liquid fuels such as, but not limited to, stove oil, furnace oil, black oil, diesel oil, coal oil and kerosene shall be sold by liquid measure or by net weight in accordance with the provision of section 21, Chapter 19.93 RCW. All such fuel delivered to the ultimate consumer shall be accompanied by legible duplicate delivery tickets on which there shall be clearly stated:

1. The name and address of the vendor
2. The name and address of the purchaser
3. The identity of the type of fuel comprising the delivery
4. Units of measure or weight:
 - a. In the case of sale by liquid measure, the measure of the delivery together with any meter readings from which such liquid measure has been computed, expressed in terms of the gallon and its submultiples or decimal sub-divisions, shall be stated.

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Regulation 4, section 1, subsection 4 (continued)

- b. In the case of sale by weight, the net weight of the delivery together with any weighing scale readings from which such net weight has been computed, expressed in terms of tons or pounds avoirdupois, shall be stated, unless in package form.

Section 2. One of these tickets shall be retained by the vendor and the other shall be delivered to the purchaser at the time of delivery of the fuel or mailed to the purchaser not later than the next following business day. Provided, that if the purchaser carries away his purchase, the vendor shall be required only to give to the purchaser at the time of sale a delivery ticket stating the liquid measure or net weight of the product.

Section 3. Nothing in this regulation shall pertain to liquid fuels dispensed at the vendor's place of business through permanently installed metered computing pumps.

Regulation 5. Pre-package Checking Procedure

The National Bureau of Standards Handbook 67 entitled "Checking Pre-packaged Commodities," a manual for Weights and Measures Officials, as issued March 20, 1959, is hereby adopted.

Regulation 6. Absorbent Tissues

Section 1. Box facial tissue

1. The declaration of content shall include a statement of the single sheet count and of the "tissue" count expressed in terms of the number of "plys" or single sheets comprising a tissue, and the sheet size shall be specified. Statements of sheet count and tissue count shall be equally prominent and of the same size lettering, and all three statements shall be in immediate juxtaposition, thus comprising a complete declaration. Wherever, on a carton or label, a statement of sheet count is made, this shall be accompanied by the corresponding "tissue" count and the sheet size.
2. The term "sheet," and the term "tissue," as used above, mean respectively, the separate individual sheet of tissue, and whatever combination of individual sheets may comprise a "pull out," "useable unit," or combination dispensed from a container or removable from a roll or package in a single operation.
3. An example of declaration conforming to this regulation as set forth above is as follows:

500 SINGLE SHEETS
250 TWO-PLY TISSUES
SIZE: 9" X 10"
4. Standards of fill
 - a. The inner size of cartons shall not exceed by more than 3/8 inch in either length or width, the length or width respectively of the sheets as folded for packaging.
 - b. The inner height of boxes or cartons shall not exceed the height of the contents by more than 0.5 inch at 70° to 75° Fahrenheit temperature and 50% humidity up to and including 200 count, with 0.25 inch added for each 100 additional single sheets.

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Regulation 6, section 1 (continued)

5. Tolerances

- a. Tolerance 0.25 inch in either or both dimensions or a single sheet.
- b. 3% tolerance in number of sheets but each case must average full count.

Section 2. Toilet Tissues Facial Type, 2 ply

1. The same Content Labeling Procedure shall apply as described in section 1 of Regulation 7 for Box Facial Tissue.

Section 3. Toilet Tissues Single Ply Type

1. These shall be sold by numerical count. The size and dimension of each sheet must be indicated on the wrapper and the minimum size of each sheet shall be 4 1/2" X 4 1/2". Permissible tolerance shall not be in excess of 3% on numerical count. Each shipping case shall average full count.

Section 4. Roll paper towels - household type

1. Resale packages must be clearly and conspicuously marked with numerical count and sheet size, EXCEPT continuous roll type not perforated into sheets shall be marked with the width and length of the roll. There shall be 3% tolerance on sheet count. Each shipping case shall average full count. There shall be no tolerance on sheet size.

JOE DWYER
Director

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