

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. 1135
Emergency rules
relating to (Name of rules or description of subject matter)

Adopting remodeled Packaging and Labeling regulation.

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

pursuant to Notice No. 2478 ^① filed with the code reviser
on 11/25/69 ^② were regularly adopted as permanent rules of this
(date)
agency at Olympia, Washington on 12/29/69 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 2/1/70 ^③

(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 29th day of December 1969.

STATE OF WASHINGTON
FILED
DEC 29 1969
CODE REVISER'S OFFICE
KET 2731 FILE # 27

Department of Agriculture
(AGENCY)
Donald W. Moos
By DONALD W. MOOS
DIRECTOR
Title

① NOTICE NUMBER AS APPEARS ON THE COPY OF NOTICE RETURNED TO YOU BY REVISER'S OFFICE
② STAMPED DATE AS APPEARS ON THE COPY OF NOTICE RETURNED TO YOU BY REVISER'S OFFICE
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.

CHAPTER 16-666

WEIGHTS AND MEASURES--
PACKAGING AND LABELING REGULATION

STATE OF WASHINGTON
DEPARTMENT OF AGRICULTURE
OLYMPIA

ORDER NO. 1135

NEW WAC 16-666-003 PROMULGATION. (This promulgation relates only to WAC 16-666-030 through WAC 16-666-130) PACKAGING AND LABELING REGULATION.

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 December 18, 1969, do hereby promulgate the following regulation relating to Packaging and Labeling:

NEW WAC 16-666-030 APPLICATION. This regulation shall apply to packages and to commodities in package form, but shall not apply to:

(a) inner wrappings not intended to be individually sold to the customer,

(b) auxiliary containers or outer wrappings used to deliver packages of such commodities to retail customers if such containers or wrappings bear no printed matter pertaining to any particular commodity,

(c) containers used for retail tray pack displays when the container itself is not intended to be sold (e.g., the tray that is used to display individual envelopes of seasonings, gravies, etc. and the tray itself is not intended to be sold),

(d) commodities put up in variable weights and sizes for sale intact and intended to be either weighed or measured at the time of sale, where no package quantities are represented, and where the method of sale is clearly indicated in close proximity to the quantity being sold, or

(e) open carriers and transparent wrappers or carriers for containers when the wrappers or carriers do not bear any written, printed, or graphic matter obscuring the label information required by this regulation.

WAC 16-666-040 DEFINITIONS. (1) COMMODITY IN PACKAGE FORM. The term "commodity in package form" shall be construed to mean a commodity put up or packaged in any manner in advance of sale in units suitable for either wholesale or retail sale. An individual item or lot of any commodity not in package form as defined in this section, but on which there is marked a selling price based on an established price per unit of weight or of measure, shall be construed to be a commodity in package form. Where the term "package" is used in this regulation, it shall be construed to mean "commodity in package form" as here defined.

(2) CONSUMER PACKAGE: PACKAGE OF CONSUMER COMMODITY. A "consumer package" or "package of consumer commodity" shall be construed to mean a commodity in package form that is customarily produced or distributed for sale through retail sales agencies or instrumentalities for consumption by individuals, or use by individuals for the purposes of personal care or in the performance of services ordinarily rendered in or about the household or in connection with personal possessions.

(3) NONCONSUMER PACKAGE: PACKAGE OF NONCONSUMER COMMODITY. A "nonconsumer package" or "package of nonconsumer commodity" shall be construed to mean any commodity in package form other than a consumer package, and particularly a package intended solely for industrial or institutional use or for wholesale distribution.

(4) RANDOM PACKAGE. The term "random package" shall be construed to mean a package that is one of a lot, shipment, or delivery of packages of the same consumer commodity with varying weights; that is, packages of the same consumer commodity with no fixed pattern of weight.

(5) LABEL. The term "label" shall be construed to mean any written, printed, or graphic matter affixed to, applied to, attached to, blown into, formed, molded into, embossed on, or appearing upon or adjacent to a consumer commodity or a package containing any consumer commodity, for purposes of branding, identifying, or giving any information with respect to the commodity or to the contents of the package, except an inspector's tag or other nonpromotional matter affixed to or appearing upon a consumer commodity shall not be deemed to be a label requiring the repetition of label information required by this regulation.

(6) PERSON. The term "person" shall be construed to mean both singular and plural, and shall include any individual, partnership, company, corporation, association and society.

(7) PRINCIPAL DISPLAY PANEL OR PANELS. The term "principal display panel or panels" shall be construed to mean that part, or those parts, of a label that is, or are, so designed as to most likely be displayed, presented, shown, or examined under normal and customary conditions of display and purchase. Wherever a principal display panel appears more than once on a package, all requirements pertaining to the "principal display panel" shall pertain to all such "principal display panels."

(8) MULTI-UNIT PACKAGE. The term "multi-unit package" shall be construed to mean a package containing two or more individual packages of the same commodity, in the same quantity, with the individual packages intended to be sold as part of the multi-unit package but capable of being individually sold in full compliance with all requirements of this regulation.

NEW WAC 16-666-050 IDENTITY. (1) DECLARATION OF IDENTITY: CONSUMER PACKAGE. A declaration of identity on a consumer package shall appear on the principal display panel, and shall positively identify the commodity in the package by its common or usual name, description, generic term, or the like.

(2) PARALLEL IDENTITY DECLARATION: CONSUMER PACKAGE. A declaration of identity on a consumer package shall appear generally parallel to the base on which the package rests as it is designed to be displayed.

(3) DECLARATION OF IDENTITY: NONCONSUMER PACKAGE. A declaration of identity on a nonconsumer package shall appear on the outside of a package and shall positively identify the commodity in the package by its common or usual name, description, generic term, or the like.

NEW

WAC 16-666-060 DECLARATION OF RESPONSIBILITY: CONSUMER AND NONCONSUMER PACKAGES. Any package kept, offered, or exposed for sale, or sold, at any place other than on the premises where packed shall specify conspicuously on the label of the package 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 the business is conducted. The address shall include street address, city, State, and ZIP Code; however, the street address may be omitted if this is shown in a current city directory or telephone directory. The requirement for inclusion of the ZIP Code shall apply only to labels that have been developed or revised after July 1, 1968.

If 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 the commodity was manufactured or packed or is to be distributed, unless such statement would be misleading. Where the commodity is not manufactured by the person whose name appears on the label, the name shall be qualified by a phrase that reveals the connection such person has with such commodity, such as "Manufactured for and packed by _____", "Distributed by _____", or any other wording of similar import that expressed the facts.

NEW

WAC 16-666-070 DECLARATION OF QUANTITY: CONSUMER PACKAGES. (1) LARGEST WHOLE UNIT. Where this regulation requires that the quantity declaration be in terms of the largest whole unit, the declaration shall, with respect to a particular package, be in terms of the largest whole unit of weight or measure, with any remainder expressed in

(a) common or decimal fractions of such largest whole unit, or in

(b) the next smaller whole unit, or units, with any further remainder in terms of common or decimal fractions of the smallest unit present in the quantity declaration.

(2) NET QUANTITY. A declaration of net quantity of the commodity in the package, exclusive of wrappers and any other material packed with such commodity, shall appear on the principal display panel of a consumer package and, unless otherwise specified in this regulation (see Section 16-666-070 Subsections (7) through (9)) shall be in terms of the largest whole unit.

(a) USE OF "NET WEIGHT." The term "net weight" shall be used in conjunction with the declaration of quantity in terms of weight; the term may either precede or follow the declaration of weight.

(b) LINES OF PRINT OR TYPE. A declaration of quantity may appear on one or more lines of print or type.

(3) TERMS: WEIGHT, LIQUID MEASURE, OR COUNT. The declaration of the quantity of a particular commodity shall be expressed in terms of liquid measure if the commodity is liquid, or in terms of weight if the commodity is solid, semi-solid, viscous, or a mixture of solid and liquid, or in terms of numerical count. However, if there exists a firmly established general consumer usage and trade custom with respect

to the terms used in expressing a declaration of quantity of a particular commodity, such declaration of quantity may be expressed in its traditional terms, if such traditional declaration gives accurate and adequate information as to the quantity of the commodity.

(a) COMBINATION DECLARATION: WEIGHT OR MEASURE. A declaration of quantity in terms of weight or measure shall be accompanied by a declaration of the count or size of the individual units of the commodity, unless a declaration of weight or measure alone is fully informative to the consumer. Such declaration shall appear on the principal display panel.

(b) COMBINATION DECLARATION: COUNT. A declaration of quantity in terms of count shall be accompanied by a declaration of the weight, measure, or size of the individual units of the commodity, or of the total weight or measure of the commodity, unless a declaration of count alone is fully informative to the consumer. Such declaration shall appear on the principal display panel.

(4) UNITS: WEIGHT, MEASURE. A declaration of quantity

(a) in units of weight shall be in terms of the avoirdupois pound or ounce;

(b) in units of liquid measure shall be in terms of the United States gallon of 231 cubic inches or liquid-quart, liquid-pint, or fluid-ounce subdivisions of the gallon, and shall express the volume at 68°F (20°C), except in the case of petroleum products, for which the declaration shall express the volume at 60°F (15.6°C), and except also in the case of a commodity that is normally sold and consumed while frozen, for which the declaration shall express the volume at the frozen temperature, and except also in the case of a commodity that is normally sold in the refrigerated state, for which the declaration shall express the volume at 40°F (4°C);

(c) in units of linear measure shall be in terms of the yard, foot, or inch;

(d) in units of area measure, shall be in terms of the square yard, square foot, or square inch;

(e) in units of dry measure shall be in terms of the United States bushel of 2,150.42 cubic inches, or peck, dry-quart, and dry-pint subdivisions of the bushel;

(f) in units of cubic measure shall be in terms of the cubic yard, cubic foot, or cubic inch:

Provided, That in the case of prescription or insulin containing drugs, or in the case of a commodity packed for export shipment, the declaration of quantity may be in terms of the Metric System of weight or measure.

(5) ABBREVIATIONS. Any of the following abbreviations, and none other, may be employed in the quantity statement on a package of commodity:

avoirdupois	avdp
cubic	cu
feet or foot	ft
fluid	fl
gallon	gal
inch	in
liquid	liq
ounce	oz
pint	pt

pound	lb
quart	qt
square	sq
weight	wt
yard	yd
cubic centimeter	cc
gram	g
kilogram	kg
microgram	mcg
milligram	mg
milliliter	ml

(There normally are no periods following, nor plural forms of, these abbreviations. For example, "oz" is the abbreviation for both "ounce" and "ounces.")

(6) UNITS WITH TWO OR MORE MEANINGS. When the term "ounce" is employed in a declaration of liquid quantity, the declaration shall identify the particular meaning of the term by the use of the term "fluid"; however, such distinction may be omitted when, by association of terms (for example, as in "1 pint 4 ounces"), the proper meaning is obvious. Whenever the declaration of quantity is in terms of the dry pint or dry quart, the declaration shall include the word "dry."

(7) PRESCRIBED UNITS. (a) LESS THAN ONE FOOT, ONE SQUARE FOOT, ONE POUND, OR ONE PINT. The declaration of quantity shall be expressed in terms of

- (i) in the case of length measure of less than one foot, inches and fractions of inches;
- (ii) in the case of area measure of less than one square foot, square inches and fractions of square inches;
- (iii) in the case of weight of less than one pound, ounces and fractions of ounces;
- (iv) in the case of fluid measure of less than one pint, ounces and fractions of ounces;

Provided, That the quantity declaration appearing on a random package may be expressed in terms of decimal fractions of the largest appropriate unit, the fraction being carried out to not more than two decimal places.

(b) FOUR FEET, FOUR SQUARE FEET, FOUR POUNDS, ONE GALLON, OR MORE. In the case of

- (i) length measure of four feet or more

the declaration of quantity shall be expressed in terms of feet, followed in parentheses by a declaration of yards and common or decimal fractions of the yard, or in terms of feet followed in parentheses by a declaration of yards with any remainder in terms of feet and inches. In the case of

- (i) area measure of four square feet or more;
- (ii) weight of four pounds or more;
- (iii) fluid measure of one gallon or more

the declaration of quantity shall be expressed in terms of the largest whole unit.

(c) WEIGHT: DUAL QUANTITY DECLARATION. On packages containing one pound or more but less than four pounds, the declaration shall be expressed in ounces and, in addition, shall be followed by declaration in parentheses, expressed in

terms of the largest whole unit: Provided, That the quantity declaration appearing on a random package may be expressed in terms of pounds and decimal fractions of the pound carried out to not more than two decimal places.

(d) FLUID MEASURE: DUAL QUANTITY DECLARATION. On packages containing one pint or more but less than one gallon, the declaration shall be expressed in ounces and, in addition, shall be followed by a declaration in parentheses, expressed in terms of the largest whole unit.

(e) LENGTH MEASURE: DUAL QUANTITY DECLARATION. On packages containing one foot but less than four feet, the declaration shall be expressed in inches and, in addition, shall be followed by a declaration in parentheses, expressed in terms of the largest whole unit.

(f) AREA MEASURE: DUAL QUANTITY DECLARATION. On packages containing one square foot but less than four square feet, the declaration shall be expressed in square inches and, in addition, shall be followed by a declaration in parentheses, expressed in terms of the largest whole unit.

(g) BIDIMENSIONAL COMMODITIES. For bidimensional commodities (including roll-type commodities) the quantity declaration shall be expressed,

(i) if less than one square foot, in terms of linear inches and fractions of linear inches;

(ii) if at least one square foot but less than four square feet, in terms of square inches followed in parentheses by a declaration of both the length and width, each being in terms of the largest whole unit: Provided, That

(1) no square inch declaration is required for a bidimensional commodity of four inches width or less, and

(2) a dimension of less than two feet may be stated in inches within the parenthetical, and

(3) commodities consisting of usable individual units (except roll-type commodities with individual usable units created by perforations, for which see Section 16-666-070 Subsection (h). COUNT: PLY) require a declaration of unit area but not a declaration of total area of all such units;

(iii) if four square feet or more, in terms of square feet followed in parentheses by a declaration of the length and width in terms of the largest whole unit: Provided, That

(1) no declaration in square feet is required for a bidimensional commodity with a width of four inches or less,

(2) a dimension of less than two feet may be stated in inches within the parenthetical, and

(3) no declaration in square feet is required for commodities for which the length and width measurements are critical in terms of end use (such as tablecloths or bed-sheets) if such commodities clearly present the length and width measurements on the label.

(h) COUNT: PLY. If the commodity is in individually usable units of one or more components or ply, the quantity declaration shall, in addition to complying with other applicable quantity declaration requirements of this regulation, include the number of ply and the total number of usable units.

Roll-type commodities, when perforated so as to identify individual usable units, shall not be deemed to be made up of usable units; however, such roll-type commodities shall be labeled in terms of

(i) total area measurement and

- (ii) number of ply,
- (iii) count of usable units, and
- (iv) dimensions of a single usable unit.

(8) REDUCTION OF FRACTIONS. Fractions employed in declarations of quantity may be either common fractions or decimal fractions. A common fraction shall be in terms of halves, quarters, eighths, sixteenths, or thirty-seconds, and shall be reduced to its lowest terms. A decimal fraction shall not be carried out to more than two places: Provided, That if there exists, with respect to a particular commodity, a firmly established general consumer usage and trade custom contrary to the requirement pertaining to common fractions, as set forth above, the declaration may be made in accordance with such usage and custom: And provided further, That in the case of prescription or insulin containing drugs, a decimal fraction may be carried out to three places.

(9) SUPPLEMENTARY DECLARATIONS. (a) SUPPLEMENTARY QUANTITY DECLARATIONS. The required quantity declaration may be supplemented by one or more declarations of weight, measure, or count, such declaration appearing other than on a principal display panel. Such supplemental statement of quantity of contents shall not include any terms qualifying a unit of weight, measure, or count that tends to exaggerate the amount of commodity contained in the package (e.g., "giant" quart, "full" gallon, "when packed," "minimum," or words of similar import).

(b) METRIC SYSTEM DECLARATIONS. A separate statement of the net quantity of contents in terms of the metric system is not regarded as a supplemental statement, and a statement of quantity in terms of the metric system of weight or measure may also appear on the principal display panel or on other panels.

(10) QUALIFICATIONS OF DECLARATION PROHIBITED. In no case shall any declaration of quantity be qualified by the addition of the words "when packed," "minimum," or "not less than," or any words of similar import, nor shall any unit of weight, measure, or count be qualified by any term (such as "jumbo," "giant," "full," or the like) that tends to exaggerate the amount of commodity.

NEW WAC 16-666-080 DECLARATION OF QUANTITY: NONCONSUMER PACKAGES (1) LOCATION. A nonconsumer package shall bear on the outside a declaration of the net quantity of contents. Such declaration shall be in terms of the largest whole unit (see Section 16-666-070 Subsection (1) LARGEST WHOLE UNIT).

(2) TERMS: WEIGHT, LIQUID MEASURE, OR COUNT. The declaration of the quantity of a particular commodity shall be expressed 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, or in terms of numerical count. However, if there exists a firmly established general consumer usage and trade custom with respect to the terms used in expressing a declaration of quantity of a particular commodity, such declaration of quantity may be expressed in its traditional terms, if such traditional declaration gives accurate and adequate information as to the quantity of the commodity.

(3) UNITS: WEIGHT, MEASURE. A declaration of quantity

(a) in units of weight shall be in terms of the avoirdupois pound or ounce;

(b) in units of liquid measure shall be in terms of the United States gallon of 231 cubic inches or liquid-quart, liquid-pint, or fluid-ounce subdivisions of the gallon, and shall express the volume at 68°F (20°C), except in the case of petroleum products, for which the declaration shall express the volume at 60°F (15.6°C), and except also in the case of a commodity that is normally sold and consumed while frozen, for which the declaration shall express the volume at the frozen temperature, and except also in the case of a commodity that is normally sold in the refrigerated state, for which the declaration shall express the volume at 40°R (4°C);

(c) in units of linear measure shall be in terms of the yard, foot, or inch;

(d) in units of area measure, shall be in terms of the square yard, square foot, or square inch;

(e) in units of dry measure shall be in terms of the United States bushel of 2,150.42 cubic inches, or peck, dry-quart and dry-pint subdivisions of the bushel;

(f) in units of cubic measure shall be in terms of the cubic yard, cubic foot, or cubic inch:

Provided, That nothing in this Subsection shall prohibit the labeling of nonconsumer packages in terms of units of the Metric System.

(4) ABBREVIATIONS. Any generally accepted abbreviation of a unit name may be employed in the quantity statement on a package of commodity. (For commonly accepted abbreviations, see Section 16-666-070 Subsection (5) ABBREVIATIONS).

(5) CHARACTER OF DECLARATION: AVERAGE. The average quantity of contents in the packages of a particular lot, shipment, or delivery shall at least equal the declared quantity, 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.

NEW WAC 16-666-090 PROMINENCE AND PLACEMENT: CONSUMER PACKAGES. (1) GENERAL. All information required to appear on a consumer package shall appear thereon in the English language and shall be prominent, definite, and plain, and shall be conspicuous as to size and style of letters and numbers and as to color of letters and numbers in contrast to color of background. Any required information that is either in hand lettering or hand script shall be entirely clear and equal to printing in legibility.

(2) LOCATION. The declaration or declarations of quantity of the contents of a package shall appear in the bottom 30 percent of the principal display panel or panels, except as otherwise provided in Section WAC 16-666-110 Subsection (7).
CYLINDRICAL CONTAINERS.

(3) STYLE OF TYPE OR LETTERING. The declaration or declarations of quantity shall be in such a style of type or lettering as to be boldly, clearly, and conspicuously presented with respect to other type, lettering, or graphic material on the package, except that a declaration of net quantity blown, formed, or molded on a glass or plastic surface is permissible when all label information is blown, formed, or molded on the surface.

(4) COLOR CONTRAST. The declaration or declarations of quantity shall be in a color that contrasts conspicuously with its background, except that a declaration of net quantity blown, formed, or molded on a glass or plastic surface shall not be required to be presented in a contrasting color if no required label information is on the surface in a contrasting color.

(5) FREE AREA. The area surrounding the quantity declaration shall be free of printed information.

(a) above and below, by a space equal to at least the height of the lettering in the declaration, and

(b) to the left and right, by a space equal to twice the width of the letter "N" of the style and size of type used in the declaration.

(6) PARALLEL QUANTITY DECLARATION. The quantity declaration shall be presented in such a manner as to be generally parallel to the declaration of identity and to the base on which the package rests as it is designed to be displayed.

(7) CALCULATION OF AREA OF PRINCIPAL DISPLAY PANEL FOR PURPOSES OF TYPE SIZE. The square-inch area of the principal display panel shall be

(a) in the case of a rectangular container, one entire side which properly can be considered to be the principal display panel, the product of the height times the width of that side;

(b) in the case of a cylindrical or nearly cylindrical container, 40 percent of the product of the height of the container times the circumference; or

(c) in the case of any other shaped container, 40 percent of the total surface of the container, unless such container presents an obvious principal display panel (e.g., the top of a triangular or circular package of cheese, or the top of a can of shoe polish), the area shall consist of the entire such surface.

Determination of the principal display panel shall exclude tops, bottoms, flanges at tops and bottoms of cans, and shoulders and necks of bottles or jars.

(8) MINIMUM HEIGHT OF NUMBERS AND LETTERS. The height of any letter or number in the required quantity declaration shall be not less than that shown in Table 1 with respect to the square-inch area of the panel, and the height of each number of a common fraction shall meet one-half the minimum height standards.

(9) NUMBERS AND LETTERS: PROPORTION. No number or letter shall be more than three times as high as it is wide.

TABLE 1. Minimum Height of Numbers and Letters

Square-inch area of principal display panel	Minimum height of numbers and letters	Minimum height: label information blown, formed, or molded on surface of container
5 square inches and less.	1/16 inch	1/8 inch
Greater than 5 square inches and not greater than 25 square inches.	1/8 inch	3/16 inch

Greater than 25 square inches and not greater than 100 square inches.	3/16 inch	1/4 inch
Greater than 100 square inches and not greater than 400 square inches.	1/4 inch	5/16 inch
Greater than 400 square inches.	1/2 inch	9/16 inch

WAC 16-666-100 PROMINENCE AND PLACEMENT: NONCONSUMER PACKAGE. (1) GENERAL. All information required to appear on a nonconsumer package shall be definitely and clearly stated thereon in the English language. Any required information that is either in hand lettering or hand script shall be entirely clear and equal to printing in legibility.

WAC 16-666-110 REQUIREMENTS: SPECIFIC CONSUMER COMMODITIES, PACKAGES, CONTAINERS. (1) DISPLAY CARD PACKAGE. For an individual package affixed to a display card, or for a commodity and display card together comprising a package, the type size of the quantity declaration is governed by the dimensions of the display card.

(2) EGGS. When cartons containing 12 eggs have been designed so as to permit division in half by the retail purchaser, the required quantity declaration shall be so positioned as to have its context destroyed when the carton is divided.

(3) AEROSOLS AND SIMILAR PRESSURIZED CONTAINERS. The declaration of quantity on an aerosol package, and on a similar pressurized package, shall disclose the net quantity of the commodity (including propellant), in terms of weight, that will be expelled when the instructions for use as shown on the container are followed.

(4) MULTI-UNIT PACKAGES. Any package containing more than one individual "commodity in package form" (see Section 16-666-040 Subsection (1)) of the same commodity shall bear on the outside of the package a declaration of

(a) the number of individual units,

(b) the quantity of each individual unit, and

(c) the total quantity of the contents of the multi-

unit package: Provided, That the requirement for a declaration of the total quantity of contents of a multi-unit package shall be effective (1) with respect to those labels revised after the effective date of this regulation, or (2) as of January 1, 1970, whichever occurs first. Any such declaration of total quantity shall not be required to include the parenthetical quantity statement of a dual quantity representation.

Whenever the quantity declaration appearing on individual units of a multi-unit package is located other than in the lower 30 percent of the principal display panel, the individual units of that multi-unit package may not be separately sold.

(5) COMBINATION PACKAGES. Any package containing individual units of dissimilar commodities (such as an antiquing kit, for example) shall bear on the label of the package a quantity declaration for each unit.

(6) VARIETY PACKAGES. Any package containing individual units of reasonably similar commodities (such as, for example, seasonal gift packages, variety packages of cereal) shall bear on the label of the package a declaration of the total quantity of commodity in the package.

(7) CYLINDRICAL CONTAINERS. In the case of cylindrical or nearly cylindrical containers, information required to appear on the principal display panel shall appear within that 40 percent of the circumference which is most likely to be displayed, presented, shown, or examined under customary conditions of display for retail sale.

WAC 16-666-120 EXEMPTIONS. (1) GENERAL. Whenever any consumer commodity or package of consumer commodity is exempted from the requirements for dual quantity declaration, the net quantity declaration required to appear on the package shall be in terms of the largest whole unit (except see Section 16-666-110 Subsections (4) (c)).

(2) RANDOM PACKAGES. A random package bearing a label conspicuously declaring

- (a) the net weight,
- (b) the price per pound, and
- (c) the total price

shall be exempt from the type size, dual declaration, placement, and free area requirements of this regulation. In the case of a random package of food 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.

(3) PENNY CANDY. Individually wrapped pieces of "penny candy" and other confectionery of less than one-half ounce net weight per individual piece shall be exempt from the labeling requirements of this part when the container in which such confectionery is shipped is in conformance with the labeling requirements of this part. Similarly, when such confectionery items are sold in bags or boxes, such items shall be exempt from the labeling requirements of this part, including the required declaration of net quantity of contents specified in this part when the declaration on the bag or box meets the requirements of this part.

(4) INDIVIDUAL SERVINGS. Individual-serving-size packages of foods containing less than 1/2 ounce or less than 1/2 fluid ounce for use in restaurants, institutions, and passenger carriers, and not intended for sale at retail, shall be exempt from the required declaration of net quantity of contents specified in this regulation.

(5) CUTS, PLUGS, AND TWISTS OF TOBACCO AND CIGARS. When individual cuts, plugs, and twists of tobacco and individual cigars are shipped or delivered in containers that conform to the labeling requirements of this regulation, such individual cuts, plugs, and twists of tobacco and cigars shall be exempt from such labeling requirements.

(6) REUSABLE (RETURNABLE) GLASS CONTAINERS. Nothing in this regulation shall be deemed to preclude the continued use of reusable (returnable) glass containers: Provided, That such glass containers ordered after the effective date of this regulation shall conform to all requirements of this regulation.

(7) CIGARETTES AND SMALL CIGARS. Cartons of cigarettes and small cigars, containing ten individual packages of twenty, labeled in accordance with the requirements of this regulation, shall be exempt from the requirements set forth in Section 16-

666-090 Subsection (2). LOCATION, Subsection (8) MINIMUM HEIGHT OF NUMBERS AND LETTERS, and Section 16-666-110 Subsection (4) MULTI-UNIT PACKAGES. Provided, That such cartons bear a declaration of the net quantity of commodity in the package.

(8) PACKAGED COMMODITIES WITH LABELING REQUIREMENTS SPECIFIED IN FEDERAL LAW. Packages of meat and meat products, poultry and poultry products, tobacco and tobacco products, insecticides, fungicides, rodenticides, prescription and insulin-containing drugs, alcoholic beverages, and seeds shall be exempt from the requirements set forth in Section 16-666-070 Subsections (7) (c) WEIGHT: DUAL QUANTITY DECLARATION. FLUID MEASURE: DUAL QUANTITY DECLARATION (7) (d). LENGTH MEASURE: DUAL QUANTITY DECLARATION (7) (e). AREA MEASURE: DUAL QUANTITY DECLARATION Section 16-666-090 Subsection (2). LOCATION, and Subsection (8). MINIMUM HEIGHT OF NUMBERS AND LETTERS: Provided, That quantity labeling requirements for such products are specified in Federal Law, so as to follow reasonably sound principles of providing consumer information.

(9) FLUID DAIRY PRODUCTS, ICE CREAM, AND SIMILAR FROZEN DESSERTS.

(a) When measured by and packaged in 1/2-liquid pint and 1/2-gallon measure containers, as defined in the "Measure Container Code of National Bureau of Standards Handbook 44," are exempt from the requirements for stating net contents of 8 fluid ounces and 64 fluid ounces, which may be expressed as 1/2-pint and 1/2-gallon respectively.

(b) When measured by and packaged in 1-liquid pint, 1-liquid quart, and 1/2 gallon measure containers, as defined in the "Measure Container Code of National Bureau of Standards Handbook 44," are exempt from the dual net contents declaration requirements of Section 16-666-070 Subsections (7) (d).

(c) When measured by and packaged in 1/2 liquid pint, 1-liquid pint, 1-liquid quart, 1/2-gallon, and 1 gallon measure containers as defined in "Measure Container Code of National Bureau of Standards Handbook 44," are exempt from the requirement of Section 16-666-090 Subsection (2) that the declaration of net contents be located within the bottom 30 percent of the principal display panel.

(d) Milk and milk products when measured by and packaged in glass or plastic containers of 1/2-liquid pint, 1-liquid pint, 1-liquid quart, 1/2 gallon, and 1 gallon capacities are exempt from the placement requirement of Section 16-666-090 Subsection (2) that the declaration of net contents be located within the bottom 30 percent of the principal display panel, provided that other required label information is conspicuously displayed on the cap or outside closure, and the required net quantity of contents declaration is conspicuously blown, formed, or molded on, or permanently applied to that part of the glass or plastic container that is at or above the shoulder of the container.

(e) Molded, frozen confections (made up of ice cream or related frozen desserts) shall be exempt from the requirements for a declaration of TOTAL QUANTITY OF CONTENTS on a multi-unit package (see Section 16-666-110 Subsection (4)).

(10) SOFT-DRINK BOTTLES. Bottles of soft drinks shall be exempt from the placement requirements for the declaration of

(a) identity, when such declaration appears on the bottle closure, and

(b) quantity, when such declaration is blown, formed, or molded on or above the shoulder of the container and when all other information required by this regulation appears only on the bottle closure.

(11) MULTI-UNIT SOFT-DRINK PACKAGES. Multi-unit packages of soft drinks are exempt from the requirements for a declaration of

(a) responsibility, when such declaration appears on the individual units and is not obscured by the multi-unit packaging, or when the outside container bears a statement to the effect that such declaration will be found on the individual units inside, and

(b) identity, when such declaration appears on the individual units and is not obscured by the multi-unit packaging.

(12) BUTTER. When packaged in 4-ounce, 8-ounce, and 1-pound units with continuous label copy wrapping, butter is exempt from the requirements that the statement of identity (Section 16-666-050 Subsection (1) and the net quantity declaration (Section 16-666-090 Subsection (6) be generally parallel to the base of the package. When packaged in 8-ounce and 1-pound units, butter is exempt from the requirement for LOCATION (Section 16-666-090 Subsection (2)) of net quantity declaration and, when packaged in 1-pound units, is exempt from the requirement for DUAL QUANTITY DECLARATION (Section 16-666-070 Subsections (7) (c)).

(13) EGGS. Cartons containing 12 eggs shall be exempt from the requirement for LOCATION (Section 16-666-090 Subsection (2) of net quantity declaration. When such cartons are designed to permit division in half, each half shall be exempt from the labeling requirements of this regulation if the undivided carton conforms to all such requirements.

(14) FLOUR. Packages of wheat flour packaged in units of 2, 5, 10, 25, 50, and 100 pounds shall be exempt from the requirement in this regulation for LOCATION (Section 16-666-090 Subsection (2) of the net quantity declaration and, when packaged in units of 2 pounds, shall be exempt also from the requirement for a DUAL QUANTITY DECLARATION (Section 16-666-070 Subsections (7) (c)).

(15) EXEMPTION: LOCATION: SMALL PACKAGE. On a principal display panel of five square inches or less, the declaration of quantity need not appear in the bottom 30 percent of the principal display panel if that declaration satisfies the other requirements of this regulation.

(16) EXEMPTION: MULTI-UNIT PACKAGE: LOCATION. On individual units of a multi-unit retail package, the declaration of quantity need not appear in the bottom 30 percent of the principal display panel if that declaration satisfies the other requirements of this regulation.

(17) EXEMPTION: DECORATIVE CONTAINER. The principal display panel of a cosmetic marketed in a "boudoir-type" container including decorative cosmetic containers of the "cartridge," "pill box," "compact," or "pencil" variety, and those with a capacity of one-fourth ounce or less, may be a tear-away tag or tape affixed to the decorative container and bearing the mandatory label information as required by this regulation.

(18) EXEMPTION: COMBINATION PACKAGES. Combination packages are exempt from the requirements in this regulation for

- (a) LOCATION (see Section 16-666-090 Subsection (2)),
(b) FREE AREA (see Section 16-666-090 Subsection (5)),
(c) MINIMUM HEIGHT OF NUMBERS AND LETTERS (see

and

Section 16-666-090 Subsection (8)).

(19) MARGARINE. Margarine in 1-pound rectangular packages, except for packages containing whipped or soft margarine or packages containing more than four sticks, shall be exempt from the requirement in this regulation for LOCATION (see Section 16-666-090 Subsection (2)) of the net quantity declaration, and shall be exempt from the requirement for a DUAL QUANTITY DECLARATION (see Section 16-666-070 Subsections (7) (c)).

(20) CORN FLOUR. Corn flour packaged in conventional 5, 10, 25, 50, and 100-pound bags shall be exempt from the requirement in this regulation for LOCATION (see Section 16-666-090 Subsection (2)) of the net quantity declaration.

(21) PRESCRIPTION AND INSULIN CONTAINING DRUGS. Packages of prescription and insulin containing drugs shall be exempt from the requirements set forth in Section 16-666-110 Subsection (4) MULTI-UNIT PACKAGES.

WAC 16-666-130 VARIATIONS TO BE ALLOWED. (1) PACKAGING VARIATIONS. (a) VARIATIONS FROM DECLARED NET QUANTITY. Variations from the declared net weight, measure, or count shall be permitted when caused by unavoidable deviations in weighing, measuring, or counting the contents of individual packages that occur in good packaging practice, but such variations shall not be permitted to such extent that the average of the quantities in the packages of a particular 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 declared quantity shall not be unreasonably large.

(b) VARIATIONS RESULTING FROM EXPOSURE. Variations from the declared 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: Provided, That the phrase "introduced into intrastate commerce" as used in this paragraph 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 either

(i) directly to the purchaser or to his agent, or

(ii) to a common carrier for shipment to the purchaser, and this paragraph shall be construed as requiring that, so long as a shipment, delivery, or lot of packages of a particular commodity remains in the possession or under the control of the packager or the person who introduces the package into intrastate commerce, exposure variations shall not be permitted.

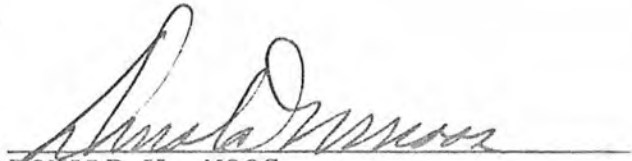
(2) MAGNITUDE OF PERMITTED VARIATIONS. The magnitude of variations permitted under Section 16-666-130 Subsections (1) (a) and (b) of this regulation shall, in the case of any shipment, delivery, or lot, be determined by the facts in the individual case.

REP WAC 16-650-010; WAC 16-658-001 and WAC 16-658-010;
WAC 16-666-001 and WAC 16-666-010 are hereby repealed.

I hereby certify that the foregoing is a true and correct copy of WAC 16-666-030 through WAC 16-666-130, the Packaging and Labeling regulation promulgated by the Department of Agriculture.

Dated at Olympia, Washington

Date: December 29, 1969

A handwritten signature in cursive script, appearing to read "Donald W. Moos", is written over a horizontal line.

DONALD W. MOOS
Director of Agriculture
State of Washington