

# Introduction

The basic activities of the Quantity Control Program include:

- Checking packages for accuracy of net content statements.
- Verifying that businesses request only the correct amount of payment when customers make purchases.
- Enforcement of “Fair Packaging and Labeling Act” requirements, including laws against misleading and deceptive packages or advertisements.

In California, an estimated \$136 billion is spent annually on commodities sold by weight, measure, or count. Accurate quantity and price representations are essential in enabling purchasers to compare values and in promoting fair competition for industry.

# Information for Business and Industry

California requirements are consistent with federal agencies as well as those enforced by most other weights and measures programs in the United States.

The following resources can assist in helping your business provide customers with information they need to make informed choices and will ensure your products and representations comply with uniform requirements enforced throughout the country.

- [Regulations concerning package fill requirements](#)
- [Laws and Regulations for labeling packages](#)
- [Bulk Firewood regulations](#)
- [Price advertising and accuracy requirements](#)
- [Deceptive package definitions and requirements](#)

# Questions and Answers for Industry



**I am starting a business and need to know what, if any, weights and measures regulations will affect me.**

Most businesses are affected by weights and measures laws based on the type of business. If you:

- Use any type of weighing and measuring device (scale, gas pump, or meter), you will be directly affected.
- Package commodities or weigh or measure items before sale, you will need to know the requirements for [packaging and labeling](#), [deceptive package definitions](#), and [net quantity](#).
- Determine the weight, measure, or count of bulk commodities and issue a statement or memorandum to be used by one or more persons as a basis for payment, you may need to be a licensed [Weighmaster](#).
- Sell or distribute automotive fuels, lubricants, and coolants.

Weights and Measures laws are found in the [California Business and Professions Code](#). Sections of special interest may be found in Division 5 from sections 12001 to 13741 or you may search for laws containing key words at <http://leginfo.legislature.ca.gov/faces/codes.xhtml>.

## **What are the requirements for package fill in California?**

I am just starting a business and I will be packaging commodities for sale in California. What requirements must I comply with and are there any tolerances?

The law requires commodities in a lot may be packed to an “average quantity”. Some packages can contain more than the labeled quantity and some may have slightly less.

- The average quantity of any group of packages must equal or exceed the labeled quantity (i.e., average error must be zero or plus); and
- Individual packages may not be under-filled by more than the maximum allowable variation specified for the labeled quantity.

Most scientific quality assurance programs used by packagers set packaging apparatus to slightly overfill.



## Questions Regarding Correct Pricing

### What is the correct price of an item in a store?

[California Business and Professions Code § 12024.2](#) states that the correct price of any item is the **lowest** posted, quoted, or advertised price. The store is responsible for removing expired shelf tags and sales signs and, when posting prices, providing clear unambiguous representations. If a price sticker on an item is **lower** than the shelf price or other advertised prices, the sticker or price tag is what the store must charge to avoid violation of the statutes.

### Are stores required to post prices on the shelf or on items?

Only food stores with automated checkout systems (computerized scanner or price look-up) are required to put a price on **most** items. ([California Civil Code § 7100-7106](#)). Other types of stores are not legally required to post a price or mark an item with the price.



## Giving Your Customer What They Pay For

### Weights and Measures protects the consumer, but do they do anything for businesses?

A local weights and measures official's work can protect businesses and manufacturers from unfair competition and from short measure on purchased products and supplies. Highly accurate equipment is used to inspect scales, meters, scanning equipment and packaged products at all retail establishments and wholesale locations. Officials also inspect weighing and measuring equipment and packages at packing plants, feed mills, shipping companies, lumber yards, and gasoline stations. Effective steps are taken when violations are found. The level of compliance with requirements is very good in California.

### When I sell a product over a scale, can I include the weight of the wrapper or container?

Whatever you sell over a scale should only include the product weight, excluding any tare, such as wrapping paper, tray, container or pallet.

***Remember to deduct the weight of any tare!***



## Labeling Questions

### What information is required to be on a package and who requires it?

The Division of Measurement Standards has jurisdiction or concurrent jurisdiction over some of the required package labeling.

Those requirements are:

- Identity: The usual or common name of the commodity in the package.
- Responsibility: The name and address of the company or individual responsible for the package and its contents.
- Quantity: The amount of the commodity in the package.

There are [requirements for how and where this information must be printed and located on the package](#).

Other agencies having jurisdiction over packages are:

- [Federal Food and Drug Administration \(FDA\)](#), packages containing food, drugs, or cosmetics for man or animal. Ingredients and ingredient labeling, nutritional labeling, quality standards or problems.
- [United States Department of Food and Agriculture \(USDA\)](#), Food Safety & Inspection Service (FSIS). Packages of food made entirely from or predominately from meat or poultry. Ingredients and ingredient labeling, nutritional labeling, quality standards or problems.
- [Department of Treasury, Bureau of Alcohol, Tobacco, and Firearms \(ATF\)](#), for package labeling information for these types of commodities.
- [Environmental Protection Agency \(EPA\)](#), describes package labeling and ingredients and ingredient labeling for insecticides, fungicides and rodenticides.
- [Federal Trade Commission \(FTC\)](#), package labeling for consumer commodities not regulated by other Federal Agencies.

### What are the basic requirements of the Fair Packaging and Labeling Law and what does I.R.Q. mean?

The three basic requirements for packaged commodities are:

1. A declaration of **identity** that is the common or usual name of the commodity.

2. A declaration of **responsibility** that includes the name, address, and zip code of the manufacturer, packer, or distributor. A street address is required if the name is not listed in a current directory. The connection of a distributor must be shown (e.g., "packed for", "distributed by"). This statement is not required to be on the principal display panel.
3. A declaration of the **quantity** of the commodity in the lower 30% of the principal display panel area, in a size depending upon the area of the principal display panel.

**I.R.Q.** refers to the identity, responsibility and quantity.

### **I have a small business; how can I get a UPC code for my packages?**

Bar coding on packages is not regulated by any government agency. It is a private industry program. Contact [GS1 US](http://GS1 US) (formerly the Uniform Code Council) for more information at <https://www.gs1us.org/>.

### **I want to sell cookies individually. Do I need to label them with identity, responsibility, or quantity (I.R.Q.)?**

Food items that are usually sold from a display case and are not packaged do not require a label. All packaged products must meet the requirements of the Federal Fair Packaging and Labeling Act

### **Where can I get more information on proper labeling?**

More information can be found by going to the following website:

- <https://www.nist.gov/pml/weights-and-measures/publications/nist-handbooks> and reading NIST Handbook 130's section on "Uniform Packaging and Labeling Regulation."

## **Questions About Firewood**

### **Are there requirements or standards for selling firewood?**

California [regulations require that wood for fuel purposes](#) be sold by cord measure (128 cubic feet).

