



Ohio Administrative Code

Rule 901:6-3-10 Requirements: specific consumer commodities, packages, containers.

Effective: July 15, 2016

(A) 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.

(B) Eggs.

When cartons containing twelve 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.

(C) 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. Beginning January 1, 2018, this rule is enforceable on packages using bag-on-valve (BOV) technology.

(D) Multi-unit packages.

Any package containing more than one individual "commodity in package form" [See rule 901:6-3-02 of the Administrative Code] of the same commodity shall bear on the outside of the package a declaration of:

(1) The number of individual units;

(2) The quantity of each individual unit; and



(3) The total quantity of the contents of the multi-unit package [example: soap bars, "6 Bars, Net Wt 100 g (3.53 oz) each; Total Net Wt 600 g (1.32 lb)"]. The term "total" or the phrase "total contents" may precede the quantity declaration.

(4) A multi-unit package containing unlabeled individual packages which are not intended for retail sale separate from the multi-unit package may contain, in lieu of the requirements of paragraph (D)(1) of this rule, a declaration of quantity of contents expressing the total quantity of the multi-unit package without regard for inner packaging. For such multi-unit packages it shall be optional to include a statement of the number of individual packages when such a statement is not otherwise required by this chapter.

For example:

(a) Deodorant cakes: "5 Cakes, Net Wt 113 g (4 oz) each, Total Net Wt 566 g (1.25 lb)" or "5 Cakes, Total Net Wt 566 g (1 lb 4 oz);" and

(b) Soap packets: "10 Packets, Net Wt 56.6 g (2 oz) each, Total Net Wt 566 g (1.25 lb)" or "Net Wt 566 g (1 lb 4 oz)" or "10 Packets, Total Net Wt 566 g (1 lb 4 oz)."

[Note: For foods, a "multi-unit" package shall be construed to mean a package containing two or more individually packaged units of the identical commodity in the same quantity, intended to be sold as part of the multi-unit package but labeled to be individually sold in full compliance with this chapter. Open multi-unit retail food packages under the authority of the United States food and drug administration or the United States department of agriculture that do not obscure the number of units or prevent examination of the labeling on each of the individual units are not required to declare the number of individual units or the total quantity of contents of the multi-unit package, if the labeling of each individual unit complies with requirements so that it is capable of being sold individually. See rule 901:6-3-11 of the Administrative Code, "Soft-drink bottles" and "Multi-unit soft-drink packages."]

(E) Combination packages.



A "combination package" is a package intended for retail sale, containing two or more individual packages or units of dissimilar commodities. The declaration of net quantity for a combination package shall contain an expression of weight, volume, measure, or count or a combination thereof, as appropriate, for each individual package or unit, provided the quantity statements for identical packages or units shall be combined. This section does not apply to food or other commodities subject to the federal Food, Drug, and Cosmetic Act. See table 1 for examples.

(F) Variety packages.

A "variety package" shall be construed to mean a package intended for retail sale, containing two or more individual packages or units of similar but not identical commodities. Commodities that are generally the same but that differ in weight, measure, volume, appearance, or quality are considered similar but not identical. This rule does not apply to foods or other commodities subject to the federal Food, Drug, and Cosmetic Act.

The declaration of net quantity for a variety package will be expressed as follows (see table 2 for examples):

(1) The number of units for each identical commodity followed by the weight, volume, or other measure of that commodity;

(2) The total quantity by weight, volume, measure, and count, as appropriate, of the variety package. The statement of total quantity shall appear as the last item in the declaration of net quantity and shall not be of greater prominence than the other terms used.

(G) Cylindrical containers.

In the case of cylindrical or nearly cylindrical containers, information required to appear on the principal display panel shall appear within that forty per cent of the circumference which is most likely to be displayed, presented, shown, or examined under customary conditions of display for retail sale.

| Table 1. Examples of declaration of net quantity for combination packages | Commodities in the package |
|---|----------------------------|
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| | |
|--|--------------------------|
| Declaration of net quantity | Lighter fluid and flints |
| 2 cans - lighter fluid - each 236 ml (8 fl oz) | |
| 1 package - 8 flints | Sponges and cleaner |
| 2 sponges - each 10 cm x 15 cm x 2.5 cm (4 in x 6 in x 1 in) | |
| 1 box cleaner - net mass 170 g (6 oz) | Picnic pack |
| 20 spoons, 10 knives, and 10 forks | |
| 10 2-ply napkins 25 cm x 25 cm (10 in x 10 in) | |

| | |
|---|------------------------|
| Table 2. Declaration of net quantity for variety packages | Commodities in package |
| Declaration of net quantity | Sponges |
| 11 sponges - 11 cm x 20.3 cm x 1.9 cm (4 in x 8 in x 3/4 in) | |
| 14 sponges - 5.7 cm x 10 cm x 1.2 cm (2 1/4 in x 4 in x 1/2 in) | |
| Total: 25 sponges | Soap bars |
| 2 soap bars - 85 g (3 oz) ea | |
| 1 soap bar - 142 g (5 oz) ea | |
| Total: 3 soap bars - 312 g (11 oz) | Shoe polish |
| Liquid shoe polish - 1 brown 89 ml (3 fl oz) | |
| 1 black 89 ml (3 fl oz) | |
| 1 white 148 ml (5 fl oz) | |
| Total: 326 ml (11 fl oz) | Picnic ware |
| Picnic ware - 34 spoons | |
| 33 forks | |
| 33 knives | |

(H) Measurement of container-type commodities, how expressed.

(1) General.

Commodities designed and sold at retail to be used as containers for other materials or objects, such as bags, cups, boxes, and pans, shall be labeled with the declaration of net quantity as follows:



(a) For bag-type commodities, in terms of count followed by linear dimensions of the bag (whether packaged in a perforated roll or otherwise). The linear dimensions shall be expressed:

(i) In SI units: in millimeters or centimeters, except that a dimension of one meter or more will be expressed in meters with the remainder in terms of decimal fractions of the meter; and

(ii) In inch-pound units: in inches, except that a dimension of two feet or more will be expressed in feet with any remainder in terms of inches or common or decimal fractions of the foot.

(b) When the unit bag is characterized by two dimensions because of the absence of a gusset, the width and length will be stated [examples: "25 bags, 12.7 cm x 10 cm (5 in x 4 in)" or "50 bags, 75 cm x 1.2 m (2.5 ft x 3.9 ft)"].

(c) When the unit bag is gusseted, the dimensions will be expressed as width, depth, and length [examples: "25 bags, 43 cm x 10 cm x 50 cm (17 in x 4 in x 20 in)" or "100 bags, 50.8 cm x 30.4 cm x 76.2 cm (20 in x 12 in x 2 1/2 ft)"].

(d) For other square, oblong, rectangular, or similarly shaped containers, in terms of count followed by length, width, and depth, except depth need not be listed when less than five centimeters or two inches. The linear dimensions shall be expressed as specified in paragraph (H)(1)(a) of this rule [example: "2 cake pans, 20 cm x 20 cm (8 in x 8 in)"].

(e) For circular or other generally round-shaped containers, except cups and the like, in terms of count followed by diameter and depth, except depth need not be listed when less than five centimeters or two inches [example: "4 pans, 20 cm (8 in) diameter x 10 cm (4 in)"].

(f) Cups. Notwithstanding the above requirements, the net quantity statement for containers such as cups will be listed in terms of count and liquid capacity per unit [example: "24 Cups, 177 mL (6 fl oz) capacity"].

(2) Capacity.



When the functional use of the container is related by label references in standard terms of measure to the capability of holding a specific quantity of substance or class of substances such references shall be a part of the net quantity statement and shall specify capacity as follows:

(a) In SI units:

In terms of volume for all containers and liners. The expressed capacity will be stated in terms of milliliters, except that a quantity of one liter or more shall be expressed in liters with the remainder in terms of decimal fractions of the liter; and

(b) In inch-pound units:

(i) In terms of liquid measure for containers that are intended to be used for liquids, semisolids, viscous materials, or mixtures of solids and liquids. The expressed capacity will be stated in terms of the largest whole unit (gallon, quart, pint, fluid ounce), with any remainder in terms of common or decimal fractions of that unit [example: freezer boxes - "4 boxes, 946 mL capacity, 15 cm x 15 cm x 10 cm (1 qt capacity, 6 in x 6 in x 4 in)"].

(ii) In terms of dry measure for containers that are intended to be used for solids. The expressed capacity will be stated in terms of the largest whole unit (bushel, peck), with any remainder in terms of common or decimal fractions of that unit [example: leaf bags-"8 bags, 211 L capacity, 1.21 m x 1.52 m x 1.52 m (6 bu capacity, 4 ft x 5 ft)"].

(iii) Where containers are used as liners for other more permanent containers, in the same terms as are normally used to express the capacity of the more permanent containers [example: garbage can liners - "10 liners, 76.2 cm x 93.9 cm, fits up to 113 L cans (2 ft 6 in x 3 ft 1 in, fits up to 30-gallon cans)"].

(3) For purposes of this rule, the use of the terms "capacity," "diameter," and "fluid" is optional.

(I) Textile products, threads, and yarns.

(1) Wearing apparel.



Wearing apparel (including non-textile apparel and accessories such as leather goods and footwear) sold as single-unit items, or if normally sold in pairs (such as hosiery, gloves, and shoes) sold as single-unit pairs, shall be exempt from the requirements for a net quantity statement by count, as required by rule 901:6-3-06 of the Administrative Code.

(2) Textiles.

Bedsheets, blankets, pillowcases, comforters, quilts, bedspreads, mattress covers and pads, afghans, throws, dresser and other furniture scarfs, tablecloths and napkins, flags, curtains, drapes, dish towels, dish cloths, towels, face cloths, utility cloths, bath mats, carpets and rugs, pot holders, fixture and appliance covers, non-rectangular diapers, slip covers, etcetera, shall be exempt from requirements of rule 901:6-3-06 of the Administrative Code, "Bidimensional commodities," provided:

(a) The quantity statement for fitted sheets and mattress covers shall state, in centimeters and inches, the length and width of the mattress for which the item is designed, and the size designation of the mattress, if the item is intended to fit a mattress identified as "twin," "double," "king," "California king," etcetera [example: "Double sheet for 137 cm x 190 cm (54 in x 75 in) mattress"].

(b) The quantity statement for flat sheets shall state the size designation of the mattress for which the sheet is designed, such as "twin," "double," "king," "california king," etcetera, if the item is intended to fit such a mattress. The quantity statement also shall state, in centimeters and inches, the length and width of the mattress for which the sheet is designed, followed in parentheses by a statement, in centimeters and inches, of the length and width of the finished sheet [example: "twin flat sheet for 99 cm x 190 cm (39 in x 75 in) mattress, 167 cm x 244 cm (66 in x 96 in) finished size"].

(c) The quantity statement for pillowcases shall state the size designation of the pillow for which the pillowcase is designed, such as "youth," "standard," and "queen," etcetera, if the item is intended to fit such pillows. The quantity statement shall also state, in centimeters and inches, the length and width of the pillow for which the pillowcase is designed, followed in parentheses by a statement, in centimeters and inches, of the length and width of the finished pillowcase [example: "standard pillowcase for 51 cm x 66 cm (20 in x 26 in) pillow, 51 cm x 76 cm (20 in x 30 in) finished size"].



- (d) The quantity statement for blankets, comforters, quilts, bedspreads, mattress pads, afghans, and throws shall state, in centimeters and inches, the length and width of the finished item. The quantity statement also may state the length of any ornamentation and the size designation of the mattress for which the item is designed, such as "twin," "double," "king," "California king," etcetera, if it is intended to fit such a mattress.
- (e) The quantity statement for tablecloths and napkins shall state, in centimeters and inches, the length and width of the finished item. The quantity statement also may state parenthetically, in centimeters and inches, the length and width of the item before hemming and properly identified as such.
- (f) The quantity statement for curtains, drapes, flags, furniture scarfs, etcetera, shall state, in centimeters and inches, the length and width of the finished item. The quantity statement also may state parenthetically, in centimeters and inches, the length of any ornamentation.
- (g) The quantity statement for carpets and rugs shall state, in meters and feet, with any remainder in decimal fractions of the meter for SI sizes or in common or decimal fractions of the foot or in inches for inch-pound sizes, the length and width of the item. The quantity statement also may state parenthetically, in centimeters and inches, the length of any ornamentation.
- (h) The quantity statement for woven dish towels, dish cloths, towels, face cloths, utility cloths, bath mats, etcetera, shall state, in centimeters and inches, the length and width of the item. The quantity statement for such items, when knitted, need not state the dimensions.
- (i) The quantity statement for textile products such as pot holders, fixture and appliance covers, nonrectangular diapers, slip covers, etcetera, shall be stated in terms of count and may include size designation and dimensions.
- (j) The quantity statement for other than rectangular textile products identified in paragraphs (I)(2)(a) to (I)(2)(h) of this rule shall state the geometric shape of the product and the dimensions which are customarily used in describing such geometric shape [examples: "round scarf - 190 cm (74 in) in diameter;" "oval tablecloth 177 cm x 254 cm (70 in x 100 in)," representing the maximum length and



width in this case].

(k) The quantity statement for packages of remnants of textile products of assorted sizes, when sold by count, shall be accompanied by the term "irregular dimensions" and the minimum size of such remnants.

(3) Sewing threads, handicraft threads, and yarns.

Sewing and handicraft threads shall be labeled as follows:

(a) The net quantity statement for sewing and handicraft threads shall be expressed in terms of meters and yards.

(b) The net quantity statement for yarns shall be expressed in terms of mass or weight.

(c) Thread products may, in lieu of name and address, bear a trademark, symbol, brand, or other mark that positively identifies the manufacturer, packer, or distributor, provided that such marks are filed with the director.

(d) Each unit of industrial thread shall be marked to show its net length in terms of meters and yards or its net weight in terms of kilograms or grams and avoirdupois pounds, or ounces, except that ready-wound bobbins that are not sold separately, shall not be required to be individually marked to show the number of bobbins contained therein and the net meters and yards of thread on each bobbin.

(J) Packaged seed.

Packages of seeds intended for planting with net contents of less than two hundred twenty-five grams or eight ounces shall be labeled in full accord with this chapter except as follows:

(1) The quantity statement shall appear in the upper thirty per cent of the principal display panel.

(2) The quantity statements shall be in terms of:



- (a) The largest whole SI unit of packages with weights up to seven grams, and
- (b) In grams and ounces for all other packages with weights less than two hundred twenty-five grams or eight ounces.
- (3) The quantity statement for coated seed, encapsulated seed, pelletized seed, seed tapes, pre-planters, etcetera, shall be in terms of count.
- (K) Statements of cubic measure in compressed form.

When the content declaration on a commodity sold in compressed form is stated in terms of cubic measure, an additional statement may indicate the amount of material from which the final product was compressed. The amount in such statement shall not exceed the actual amount of material that can be recovered.

(L) Indirect sale of random packages. Indirect sales are sales where the customer makes a selection and places an order, but cannot be present when the determination of the net quantity is made. Examples of such indirect methods include but not limited to, Internet or online sales, sales conducted by telephone or facsimile, and catalog sales.

A random package manufactured or produced and offered for indirect sale, such as e-commerce, online, phone, fax, and similar methods, shall be exempt from the labeling requirements of:

- (1) Unit price; and
- (2) Total price when the following requirements are met:
 - (a) The unit price is set forth and established in the initial product offering;
 - (b) The maximum possible net weight, unit price, and maximum possible price are provided to the customer by order confirmation when the product is ordered; and



(c) When the product is delivered, the customer receives a receipt bearing the following information:

- (i) Identity;
- (ii) Declared net weight;
- (iii) Unit price; and
- (iv) Total price.