



Ohio Administrative Code Rule 901:6-3-11 Exemptions.

Effective: July 15, 2016

(A) Random packages.

A random package bearing a label conspicuously declaring:

- (1) The net weight,
- (2) The unit price, and
- (3) The total price

shall be exempt from the SI units, type size, location, and free area requirements of this chapter. In the case of a random package 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.

This exemption shall also apply to uniform weight packages of fresh fruit or vegetables labeled by count, in the same manner and by the same type of equipment as random packages exempted by this rule, and cheese and cheese products labeled in the same manner and by the same type of equipment as random packages exempted by this rule.

(4) Exemptions include several requirements that refer only to the historic use of United States customary units or are direct restatements of exemptions contained in federal laws or regulations which do not include SI units. SI equivalents are omitted in most of these requirements because the SI units would not be meaningful or useful.

(B) Small confections.

Individually wrapped pieces of "penny candy" and other confectionery of less than fifteen grams or



one-half ounce net weight per individual piece shall be exempt from the labeling requirements of this chapter when the container in which such confectionery is shipped is in conformance with the labeling requirements of this chapter. Similarly, when such confectionery items are sold in bags or boxes, such items shall be exempt from the labeling requirements of this chapter, including the required declaration of net quantity of contents, when the declaration of the bag or box meets the requirements of this chapter.

(C) Small packages of meat or meat products.

Individually wrapped and labeled packages of meat or meat products of less than fifteen grams or one-half ounce net weight, which are in a shipping container, need not bear a statement of the net quantity of contents when the statement of the net quantity of contents on the shipping container is in conformance with the labeling requirements of this chapter.

(D) Individual servings.

Individual-serving-size packages of foods containing less than fifteen grams or one-half ounce or less than fifteen milliliters or one-half 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 chapter.

(E) 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 chapter, such individual cuts, plugs, and twists of tobacco and cigars shall be exempt from such labeling requirements.

(F) Reusable (returnable) glass containers.

Nothing in this chapter shall be deemed to preclude the continued use of reusable (returnable) glass containers, provided such glass containers ordered after the effective date of this rule shall conform to all requirements of this chapter.



(G) Cigarettes and small cigars.

Cartons of cigarettes and small cigars, containing ten individual packages of twenty, labeled in accordance with the requirements of this chapter shall be exempt from the requirements set forth in rules 901:6-3-08 and 901:6-3-10 of the Administrative Code, "Location" and "Minimum height of numbers and letters," and paragraph (D) of rule 901:6-3-10 of the Administrative Code, provided such cartons bear a declaration of the net quantity of commodity in the package.

(H) Packaged commodities with labeling requirements specified in federal law.

Packages of meat and meat products, poultry products, tobacco and tobacco products, pesticides, and alcoholic beverages shall be exempt from those requirements of this chapter specifying location and minimum type size of the net quantity declaration, provided quantity labeling requirements for such products are specified in federal law, so as to follow reasonably sound principles of providing consumer information. See also paragraph (FF) of this rule, "SI units, exemptions: consumer commodities."

(I) Fluid dairy products, ice cream, and similar frozen desserts.

(1) When packaged in one-half liquid pint and one-half gallon containers, are exempt from the requirements for stating net contents of eight fluid ounces and sixty-four fluid ounces, which may be expressed as one-half pint and one-half gallon, respectively.

(2) When measured by and packaged in measure containers as defined in "Measure Container Code of National Institute of Standards and Technology Handbook 44," are exempt from the requirements of rule 901:6-3-08 of the Administrative Code, that the declaration of net contents be located within the bottom thirty per cent of the principal display panel.

(3) Milk and milk products when measured by and packaged in glass or plastic containers of one-half pint, one pint, one quart, one-half gallon, and one gallon capacities are exempt from the placement requirement rule 901:6-3-08 of the Administrative Code, that the declaration of net contents be located within the bottom thirty per cent of the principal display panel, provided 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.

(J) Single strength and less than single strength fruit juice beverages, imitations thereof, and drinking water.

(1) When packaged in glass, plastic, or fluid milk type paper containers of eight fluid ounce and sixty-four fluid ounce capacity, are exempt from the requirements of rule 901:6-3-06 of the Administrative Code, "Largest whole unit," to the extent that net contents of eight fluid ounces and sixty-four fluid ounces (or two quarts) may be expressed as one-half pint (or half pint) and one-half gallon (or half gallon), respectively.

(2) When packaged in glass or plastic containers of one-half pint, one pint, one quart, one-half gallon, and one gallon capacities, are exempt from the placement requirement of rule 901:6-3-08 of the Administrative Code, that the declaration of net contents be located within the bottom thirty per cent of the principal display panel, provided other 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 into or permanently applied to that part of the glass or plastic container that is at or above the shoulder of the container.

(K) Soft-drink bottles.

Bottles of soft drinks shall be exempt from the placement requirements for the declaration of:

(1) Identity, when such declaration appears on the bottle closure, and

(2) 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 chapter appears only on the bottle closure.

(L) Multi-unit soft-drink packages.

Multi-unit packages of soft drinks are exempt from the requirement for a declaration of:



(1) 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

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

(M) Butter.

When packaged in four ounce, eight ounce, and one pound packages with continuous label copy wrapping, butter is exempt from the requirements that the statement of identity and the net quantity declaration be generally parallel to the base of the package (see rules 901:6-3-03 and 901:6-3-08 of the Administrative Code). When packaged in eight ounce and one pound units, butter is exempt from the requirement for location of net quantity declaration (see rule 901:6-3-08 of the Administrative Code).

(N) Eggs.

Cartons containing twelve eggs shall be exempt from the requirement for location of net quantity declaration (see rule 901:6-3-08 of the Administrative Code). When such cartons are designed to permit division in half, each half shall be exempt from the labeling requirements of this chapter if the undivided carton conforms to all such requirements.

(O) Flour.

Packages of wheat flour in conventional two pound, five pound, ten pound, twenty-five pound, fifty pound, and one hundred pound packages shall be exempt from the requirement in this chapter for location of the net quantity declaration (see 901:6-3-08 of the Administrative Code).

(P) Small packages.

On a principal display panel of thirty-two square centimeters (five square inches) or less, the declaration of quantity need not appear in the bottom thirty per cent of the principal display panel if



that declaration satisfies the other requirements of this chapter.

(Q) Decorative containers.

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 7.4 milliliters (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 chapter.

(R) Combination and variety packages.

Combination and variety packages are exempt from the requirements in this chapter for:

- (1) Location (see rule 901:6-3-08 of the Administrative Code),
- (2) Free area (see rule 901:6-3-08 of the Administrative Code), and
- (3) Minimum height of numbers and letters (see rule 901:6-3-08 of the Administrative Code).

(S) Margarine.

Margarine in one 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 chapter for location of the net quantity declaration (see rule 901:6-3-08 of the Administrative Code).

(T) Corn flour and corn meal.

Corn flour and corn meal packaged in conventional five pound, ten pound, twenty-five pound, fifty pound, and one hundred pound bags shall be exempt from the requirements in this chapter for location of the net quantity declaration (see rule 901:6-3-08 of the Administrative Code).



(U) Prescription and insulin-containing drugs.

Prescription and insulin-containing drugs subject to the provisions of section 503(b)(1) or section 506 of the federal Food, Drug, and Cosmetic Act shall be exempt from the provisions of this chapter.

(V) Camera film, video recording tape, audio recording tape and other image and audio recording media intended for retail sale and consumer use.

Image and audio media packaged and labeled for retail sale are exempt from the net quantity statement requirements of this chapter that specify how measurement of commodities should be expressed, provided:

(1) Unexposed or unrecorded media.

The net quantity of contents of unexposed or unrecorded image and audio media is expressed:

(a) For still film tape or other still image media, in terms of the useable or guaranteed number of available still image exposures. The length and width measurements of the individual exposures, expressed in millimeters or inches, are authorized as an optional statement (Example: "36 exposures, 36 mm x 24 mm" or "12 exposures, 2-1/4 in x 2-1/4 in").

(b) For bulk or movie film, in terms of length (in meters or feet) of film available for exposure.

(c) For all other image and/or audio media, in terms of length of time of electronic media available for recording, together with recording and/or playing speed or other machine settings as necessary. Supplemental information concerning the length of the media may be provided.

(d) Supplemental information may be provided on other than the principal display panel.

[Note: Size, length of media, and format details to ensure interchangeability and other characteristics of audio and imaging media are available in the applicable "American National Standards."]



(2) Exposed, recorded, or processed media.

(a) The net quantity of contents of exposed or processed film or prerecorded electronic media shall be expressed in terms of the length of time that it is of entertainment value.

(b) "Entertainment value" is defined as that portion of a film, tape, or other media that commences with the first frame of sound or picture, whichever comes first after the countdown sequence (if any), and ends with either:

(i) The last frame of credits,

(ii) The last frame of the phrase, "The End," or

(iii) The end of the sound, whichever is last.

(W) Tint base paint.

(1) Tint base paint may be labeled on the principal display panel in terms of a liter, a quart or a gallon including the addition of colorant selected by the purchaser, provided that the system employed ensures that the purchaser always obtains a liter, a quart or a gallon; and further provided that in conjunction with the required quantity statement on the principal display panel, a statement indicating that the tint base paint is not to be sold without the addition of colorant is presented; and further provided that the contents of the container, before the addition of colorant, is stated in fluid ounces elsewhere on the label.

(2) Wherever the above conditions cannot be met, containers of tint base paint must be labeled with a statement of the actual net contents prior to the addition of colorant in full accord with all the requirements of this chapter.

(X) Motor oil in cans.

Motor oils, when packed in cans bearing the principal display panel on the body of the container, are exempt from the requirements of identity in rule 901:6-3-03 of the Administrative Code,



"Declaration of identity," to the extent that the "Society of Automotive Engineers" (SAE) viscosity number is required to appear on the principal display panel, provided the SAE viscosity number appears on the can lid and is expressed in letters and numerals in type size of at least six millimeters or one-fourth inch.

(Y) Pillows, cushions, comforters, mattress pads, sleeping bags, and similar products.

Those products, including pillows, cushions, comforters, mattress pads, and sleeping bags that bear a permanent label as designated by the Association of "Bedding and Furniture Law Officials," or by the "California bureau of home furnishings," shall be exempt from the requirements for location, size of letters or numbers, free area (see rule 901:6-3-08 of the Administrative Code), declaration of identity (see rule 901:6-3-03 of the Administrative Code), and declaration of responsibility (see rule 901:6-3-05 of the Administrative Code), provided declarations of identity, quantity, and responsibility are presented on a permanently attached label and satisfy the other requirements of this chapter, and further, provided the information on such permanently attached label be fully observable to the purchaser.

(Z) Commodities' variable weights and sizes.

Individual packaged commodities put up in variable weights and sizes for sale intact, and intended to be weighed and marked with the correct quantity statement prior to or at the point of retail sale, are exempt from the requirements of rule 901:6-3-06 of the Administrative Code, "Declaration of quantity: consumer packages," while moving in commerce and while held for sale prior to weighing and marking, provided the outside container bears a label declaration of the total net weight.

(AA) Packaged commodities sold by count.

When a packaged consumer commodity is properly measured in terms of count only, or in terms of count and some other appropriate unit, and the individual units are fully visible to the purchaser, such packages shall be labeled in full accord with this chapter except that those containing six or less items need not include a statement of count.

[Note: When the net contents declaration of a package that may enter interstate commerce includes



count, federal regulations under the federal Fair Packaging and Labeling Act provide no exemption from declaring the count unless the count is one.]

(BB) Textile packages.

Packages of textiles that are required by rule 901:6-3-06 of the Administrative Code to provide a combination declaration stating the quantity of each individual unit and the count shall be exempt from the requirements in this chapter for:

(1) Location,

(2) Free area,

(3) Minimum height of numbers and letters (see rule 901:6-3-08 of the Administrative Code).

(CC) Spot label.

The declaration of quantity of the contents of a package is exempt from rule 901:6-3-08 of the Administrative Code, requiring the quantity declaration to appear in the bottom thirty per cent of the principal display panel, as long as the declaration of quantity appears in the lower thirty per cent of the spot label. In no case may the size of the spot label be used to determine the minimum type size. (See rule 901:6-3-08 of the Administrative Code for this determination).

(DD) Header strip.

The declaration of quantity of the contents of a package is exempt from rule 901:6-3-08 of the Administrative Code, requiring the quantity declaration to appear in the bottom thirty per cent of the principal display panel, as long as the declaration of quantity appears in the lower thirty per cent of the header strip or header label. In no case may the size of the header strip be used to determine the minimum size. (See rule 901:6-3-08 of the Administrative Code).

(EE) Decorative wallcovering borders.



Decorative wallcovering borders, when packaged and labeled for retail sale, shall be exempt from the requirements of rule 901:6-3-06 of the Administrative Code, "Largest whole unit;" "Prescribed units, inch-pound system - one foot, one square foot, one pound, one pound, one gallon or more;" and "Bidimensional commodities," provided the length and width of the border are presented in terms of the largest whole unit in full accord with the other requirements of this chapter.

(FF) SI units, exemptions: consumer commodities.

The requirements in this chapter for statements of quantity in SI units (except for those in rule 901:6-3-10 of the Administrative Code, "Packaged seed," and also for those in this rule, "Camera film, video recording tape, audio recording tape and other image and audio recording media intended for retail sale and consumer use") shall not apply to:

- (1) Foods packaged at the retail store level;
- (2) Random weight packages (see rule 901:6-3-2 of the Administrative Code);
- (3) Package labels printed before February 14, 1994;
- (4) Meat and poultry products subject to the federal Meat or Poultry Products Inspection Acts;
- (5) Tobacco or tobacco products;
- (6) Any beverage subject to the federal Alcohol Administration Act;
- (7) Any product subject to the federal Insecticide, Fungicide, and Rodenticide Act;
- (8) Drugs and cosmetics subject to the federal Food, Drug and Cosmetic Act; and
- (9) Nutrition labeling information.