



Ohio Administrative Code

Rule 901:6-3-12 Variations to be allowed.

Effective: July 15, 2016

(A) Packaging 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 current good manufacturing practice. However, 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) Packaging 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 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:

(1) Directly to the purchaser or to his/her agent, or

(2) 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.

(C) Magnitude of permitted variations.



The magnitude of variations permitted under paragraphs (A) and (B) of this rule shall be those expressly set forth in this rule and variations such as those contained in the procedures and tables of National Institute of Standards and Technology Handbook 133 (2016), Checking the Net Contents of Packaged Goods.