

WEIGHTS & MEASURES CONNECTION

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NATIONAL CONFERENCE ON WEIGHTS AND MEASURES

101TH ANNUAL MEETING

JULY 24 - 28, 2016

DENVER, COLORADO

Registration and lodging information for the July meeting is available online at:
https://www.ncwm.net/sems/event_detail/2016-annual-co.

The meeting schedule, and supporting documents are also available at this website location.

OFFICE OF WEIGHTS AND MEASURES

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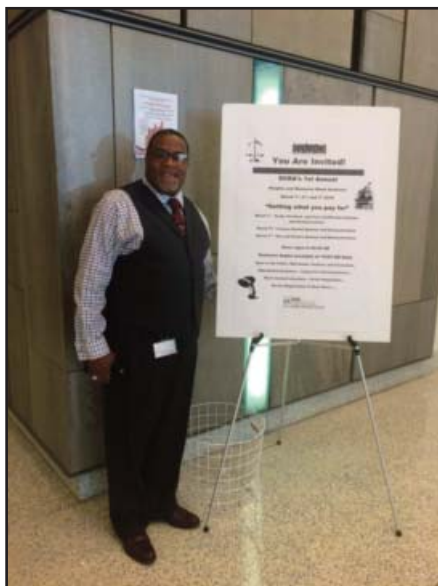
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Department of Consumer Regulatory Affairs Washington, D.C.

Launches a Week of Seminars to Celebrate Weights and Measures Week

Mr. Ronald Johnson, Director of D.C. Weights and Measures, is pictured presenting a welcome and an outline of the planned events for Weights and Measures Week. Ms. Carol Hockert of the Office of Weights and Measures (OWM) was also present and addressed a few remarks. Several other OWM staff members also attended.



The Department of Consumer and Regulatory Affairs (DCRA) offered weights and measures demonstrations, free resources and various educational seminars daily. The events were held March 1 through March 3, 2016.

Educational seminars were open to the public. Scale inspections were being offered daily beginning at 11:00 a.m. Each day a featured seminar and demonstration was held targeting various weights and issues such as scales, price verification, and gas.

Labeling Requirements for Packages Labeled Using In-Store Scales

By David Sefcik

In the early 1950s, it became popular for supermarkets to offer random weight packaged meats and produce using in-store scales. The Uniform Packaging and Labeling Regulation (UPLR) in NIST Handbook 130, "Uniform Laws and Regulations in the Areas of Legal Metrology and Engine Fuel Quality," requires that a random weight label include a Declaration of Identity, Responsibility and Quantity. Due to the technology limitations in the printers of that era, specific exemptions (SI units, type size, location, and free area requirements) were added to the UPLR. The exemptions also apply to standard weight packages labeled using the same equipment, as long as they are labeled in the same manner as random packages. These exemptions are still in place today.

The Exemptions

The exemptions can be found in the NIST Handbook 130, UPLR under Section 11.1. Random Packages, which applies to Random Weight and Uniform Weight packages.

11.1. Random Packages. – A random package bearing a label conspicuously declaring:

- (a) the net weight;
- (b) unit price; and
- (c) the total price

shall be exempt from the SI units, type size, location, and free area requirements of this regulation. 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 section 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 section, and cheese and cheese products labeled in the same manner and by the same type of equipment as random packages exempted by this section.

The Confusion

For packages weighed directly on a scale, the regulation is clear. As long as the net weight, unit price, and total price are printed on the scale label, the exemptions allow:

- U.S. customary units only,
- the type size for the net quantity statement does not have to meet the minimum height of numbers and letters as found in the UPLR Table 1,

Training and Events Calendar 2016

Registration for training in the NIST Office of Weights and Measures is handled by Yvonne Branden at yvonne.branden@nist.gov.

Course descriptions can be viewed on the Office of Weights and Measures website at <http://www.nist.gov/pml/wmd/calendar.cfm> and clicking on the name of the course.

March 7 - 18 (10 days)
Mass Metrology Seminar
Class No. 5379
NIST/Gaithersburg, MD

March 31 (2 hr)
Webinar - Conducting an Effective Management Review
2:00 p.m. - 4:00 p.m.
Class No. 5418

April 4 - 8 (5 days)
Fundamentals of Metrology
Class No. 5380
NIST/Gaithersburg, MD

April 7 (2 hr)
Webinar - Software Verification and Validation
2:00 p.m. - 4:00 p.m.
Class No. 5399

April 4 - 7 (4 days)
Handbook 133, Checking the Net Contents of Packaged Goods - Basic
Class No. 5411
Sparks, NV

April 8 (1 day)
Handbook 130, Uniform Packaging and Labeling Regulations
Class No. 5412
Sparks, NV

April 11 - 14 (4 days)
SEMAP**
Class No. 5405
Richmond, VA

April 18 - 21 (4 days)
CaMAP**
Class No. 5406
Puerto Rico

April 26 - 27 (2 days)
NTEP MDMD Work Group Meeting
Reynoldsburg, OH
www.ncwm.net

April 27 (2hr)
Webinar - Calibration Method Validation
2:00 p.m. - 4 p.m.
Class No. 5430

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- the net quantity statement does not have to appear in the lower 30 % of the label, and
- the free area restriction around the net quantity statement does not apply.

Recently, several states have reported that some retailers are not complying with the UPLR in their labeling practices. The problem arises when the scale label is used to label items sold by uniform or fixed weight (standard pack). **If the label does not include the unit price, the exemptions do not apply.** Often, products are being labeled in store using scale labels that display the net weight and total price, but the label does not display the unit price. If this occurs, and the scale label is used, it must meet the full requirements of the UPLR, meaning it must have U.S. customary and SI units, the type size must be based on the Principal Display Panel (PDP), the net quantity statement must be in the lower 30 % of the label, and the proper free area must be present around the net quantity statement.

Fruit Cup		
Net Wt. 64 oz (4 lb)		
Quantity	Unit Price	Total Price
1		\$14.99

Ribeye Steak 8 oz			
Ct	Net Wt	Unit Price	Total Price
2	16 oz		\$17.98

16 oz Pineapple Cored		
Net Wt/Ct	Unit Price	Total Price
		\$4.99

The above examples of scale labels are in violation of the UPLR. Exemptions do not apply. (If the unit price is not displayed, it must meet the full requirements of the UPLR, including displaying SI units, the font size of the quantity statement must be based on the size of the PDP, and the quantity must be in the lower 30 % of the label.)

Sliced Apple Bowl		
Net Wt/Ct	Unit Price	Total Price
1	\$4.99	\$4.99
NET WT. 14 oz		

Pecan Twirls		
Net Wt/Ct	Unit Price	Total Price
4 oz	\$5.40/lb	\$1.35

Tortilla Chips 16 oz		
Quantity	Unit Price	Total Price
1	\$2.99	\$2.99

The above examples of scale labels are in compliance with the UPLR. Exemptions apply.

Mislabeled has increased recently due to a trend of stores using a labeling practice (misuse of the exemptions) that is different than what was originally intended. This can primarily be attributed to change in retail marketing practices and a misunderstanding by retailers over the exemptions in Section 11.1. Random Packages. Retailers should be educated on the proper use of labeling using in store scales and provided an opportunity for corrective action.

April 28 (2 hr)
Webinar - Calibration Method Validation
2:00 p.m. - 4:00 p.m.
Class No. 5400

May 2 - 5 (4 days)
WRAP**
Class No. 5407
Los Angeles, CA

May 16 - 19 (4 days)
NEWMA Annual Meeting
Portland, ME
www.ncwm.net

May 16 - 27 (10 days)
Mass Metrology Seminar
Class No. 5381
NIST/Gaithersburg, MD

May 23 - 26 (4 days)
CWMA Annual Meeting
Rapid City, SD
www.ncwm.net

May 23 - 26 (4 days)
Retail Motor-Fuel Dispensers and Consoles
Class No. 5404
Rapid City, SD

June 6 - 10 (5 days)
Laboratory Administration Seminar
Class No. 5382
NIST/Gaithersburg, MD

June 13 - 17 (5 days)
Volume Metrology Seminar
Class No. 5398
NIST/Gaithersburg, MD

June 13 - 17 (5 days)
Liquefied Petroleum Gas (LPG)
Liquid-Measuring Systems
Class No. 5419
Raleigh, NC

July 24 - 28 (5 days)
National Conference on Weights and Measures
101st Annual Meeting
Denver, CO
info@ncwm.net

August 8 - 12 (5 days)
Fundamentals of Metrology
Class No. 5417
NIST/Gaithersburg, MD

August 11 (2 hr)
Webinar - Contract Review
2:00 p.m. - 4:00 p.m.
Class No. 5383

August 22 - 26 (5 days)
Handbook 133 - Chapter 4, Dimensional Measurement
Class No. 5401
NIST/Gaithersburg, MD

August 23 - 24 (2 days)
NTEP Weighing Sector Meeting
Denver, CO
www.ncwm.net

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For more information, please feel free to contact David Sefcik at david.sefcik@nist.gov, (301) 975-4868. You may also contact Lisa Warfield at lisa.warfield@nist.gov, (301) 975-3308.

Notes in passing . . .

Adoption of the SI in State Law

As many of you know, the SI units are set to be updated in 2018, which will include the redefinition of the kilogram. You may want to think about making sure that your state laws will remain current after these changes take effect. The best way to do so would be to mirror the language in NIST Handbook 130, Uniform Weights and Measures Law, Section 2, Note 2:

“SI or SI Unit. – means the International System of Units as established in 1960 by the General Conference on Weights and Measures and interpreted or modified for the United States by the Secretary of Commerce.... See also NIST Special Publication 330, ‘The International System of Units (SI)’”

or in 15 U.S.C. 205, which was adopted in 2007:

"The metric system of measurement shall be defined as the International System of Units as established in 1960, and subsequently maintained, by the General Conference on Weights and Measures, and as interpreted or modified for the United States by the Secretary of Commerce."

<https://www.gpo.gov/fdsys/pkg/PLAW-110publ69/pdf/PLAW-110publ69.pdf> (See Sec. 3570. Metric System Defined.)

The advantage to either of these definitions is that they aren't dependent on any particular publication, which would change over time. NIST, under delegated authority from the Secretary of Commerce, periodically announces in the Federal Register what the official interpretation of the International System of Units ("SI") might be. The latest information is here <http://www.nist.gov/pml/wmd/metric/metric-pubs.cfm>, but because of proposed changes to SI being considered by the international community, we expect these documents to be updated in a few years.

The Office of Weights and Measures

will gladly include your weights and measures related events in our calendar.

Contact the Editor: Linda.Crown@nist.gov

August 25 (2 hr)
Webinar - Document Control and Recordkeeping
2:00 p.m. - 4:00 p.m.
Class No. 5384

September 11 - 15 (5 days)
WWMA Annual Meeting
Honolulu, HI
www.ncwm.net

September 19 - 22 (4 days)
NEMAP**
Class No. 5408
Concord, NH

October 3 - 6 (4 days)
SWAP**
Class No. 5409
Austin, TX

October 17 - 20 (4 days)
MidMAP**
Class No. 5410
Columbus, OH

October 20 (2 hr)
Webinar - Internal Auditing Best Practices
2:00 p.m. - 4:00 p.m.
Class No. 5385

October 24 - November 4 (10 days)
Mass Metrology Seminar
Class No. 5386
NIST/Gaithersburg, MD

2017

February 16 (2 hr)
Webinar - Conducting an Effective Management Review
2:00 p.m. - 4:00 p.m.
Class No. 5416

March 2 (2 hr)
Webinar - Internal Auditing Best Practices
2:00 p.m. - 4:00 p.m.
Class No. 5420

August 17 (2 hr)
Webinar - Contract Review
2:00 p.m. - 4:00 p.m.
Class No. 5421

August 31 (2 hr)
Webinar - Document Control and Record Keeping
2:00 p.m. - 4:00 p.m.
Class No. 5422

October 19
Webinar - Internal Auditing Best Practices
2:00 p.m. - 4 p.m.
Class No. 5423

*Invitation Only

**Limited to State Laboratory Program Participants

Employee Highlight

Bon Voyage Michele

With a heavy heart, the Office of Weights and Measures (OWM) said goodbye to the office's long-time secretary, Michele Krebs. On January 7, 2016, Michele joined the ranks of the retired and free. She was honored with an in-house reception on January 6 of light refreshments to give the National Institute of Standards and Technology employees from other departments an opportunity to say farewell. On January 21, her OWM co-workers treated Michele and husband, Rob, to a dinner at a local Italian restaurant.

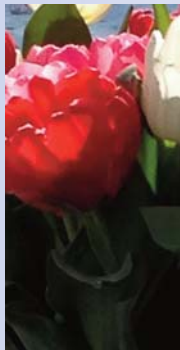
We all had a wonderful time talking about shared events and the Krebs' plans for the future. Both Michele and Rob enjoy traveling and have spent many enjoyable vacations in France, Italy, Great Brittan, Africa, Egypt, and many other exciting places abroad. To celebrate their most loved country, France, the office provided them with a tour of France via a selection of wines from the various regions of France – along with a color coded map! As the Krebs' drink their way through the French countryside via fine French wine, it is hoped they will remember us.

Michele's contributions to the office and tales of adventures in faraway places will be missed, but she promises to keep us all informed. We wish you, Michele and Rob, good luck, good health, and many exciting adventures ahead.

Welcome Barbara

While change can often be both difficult and challenging for everyone, we said goodbye to Michele and hello to Barbara. We are happy to announce the hiring of Barbara Turner. Barbara recently joined the Office of Weights and Measures (OWM) to take over as the Office Manager with the retirement of Michele Krebs. She comes to OWM with a diverse background. Barbara is a former National Institute of Standards and Technology (NIST) employee who worked in the Physical Measurement Laboratory (PML) for 10 years and left to take a position with the State Department, Foreign Service Institute (FSI) in Arlington, Virginia. At FSI, she was a Program Assistant and an Office Manager for three years. While Barbara states the work was interesting and she learned a lot, the commute was a killer. She also realized that she missed NIST. So, after a three-year absence, Barbara has returned "home" to NIST. Welcome home Barbara!

**SPRINGTIME IS AROUND THE CORNER
CHECK OUT THE NEW CLASSES ADDED
TO THE
TRAINING AND EVENTS
CALENDAR FOR 2016.**



In the Field

Is there a W&M topic that you would like to have appear in the Weights and Measures Connection?

How can we better serve our W&M community?

Do you have a safety tidbit to share?

Do you have a W&M event that you wish to post in the *Connection's* calendar?

Submissions can be sent to the Editor, Linda Crown at Linda.Crown@nist.gov

WEIGHTS AND MEASURES IN THE NEWS

ABC 12

Protecting Yourself at the Pump

<http://www.abc12.com/home/headlines/Protecting-yourself-at-the-Pump-369362301.html>

Koenigsegg

Applies, Oranges, Weights and Measures

<http://koenigsegg.com/apples-oranges-weights-and-measures/>

prweb

NCWM Releases the 1st in a Series of Videos on Weights and Measures Inspectors

<http://www.prweb.com/releases/2016/02/prweb13222903.htm>

North Jersey.com

Bloomfield, Verona stores accused of unlawful pricing practices

<http://www.northjersey.com/news/business/shopping/bloomfield-verona-stores-accused-of-unlawful-pricing-practices-1.1491753>