

June 18, 2014

Principal Display Panels on Random Packages

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NIST Office of Weights and Measures (OWM) has received inquiries from several states as to whether a Principal Display Panel (PDP) on random weight packages must always be displayed so that the PDP faces consumers. In NIST Handbook 130, "Uniform Laws and Regulations in the Areas of Legal Metrology and Engine Fuel Quality," Packaging and Labeling Regulations are identical to the Fair Packaging and Labeling Act (FPLA). They define what a principal display panel is but do not address any requirements as to how the PDP is to be displayed to the consumer.

NIST Handbook 130, Uniform Packaging and Labeling Regulation, Section 2.7. Principal Display Panel or Panels defines the PDP as:

"That part, or those parts, of a label that is, or are, so designed as to most likely be displayed, presented, shown, or examined under normal and customary conditions of display and purchase. Wherever a principal display panel appears more than once on a package, all requirements pertaining to the "principal display panel" shall pertain to all such "principal display panels."

If the label on a random weight package meets the following criteria in Section 11.1. Random Packages, it would be considered the "label" that a consumer would use in part of the decision to make a purchase.

Handbook 130, Section 11. Exemptions and Section 11.1. Random Packages states the following:

"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."

There are many occasions when random weight labels are placed on the bottom of packages, so when a product is run across the scanner at checkout it does not need to be turned over, which would destroy the packaged product (e.g., cakes, cupcakes). On cheese blocks, labels are placed on the bottom to avoid covering up additional information on the primary label that would also assist the consumer (i.e., type of cheese or properties of cheese).

Overall, the PDP is needed to provide the consumer with information as to what they are purchasing, the quantity being purchased, and the total price. This information should be clear and conspicuous to consumers, but they may need to pick up the product to examine the label for this information. There is no requirement in the UPLR that a store must have this information physically placed in a manner where the label is in direct view of a consumer at all times.

For more information on the subject contact: The OWM, Laws and Metric Program, (301) 975-4004.