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**NATIONAL CONFERENCE ON
WEIGHTS AND
MEASURES**

2018 INTERIM MEETING
JANUARY 21 - 24, 2018
ST. PETE BEACH, FLORIDA

Registration, lodging, agenda, and supporting documentation is available online at:

https://www.ncwm.net/sems/event_detail/2018-interim-fl

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AND MEASURES**

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As I began putting together this newsletter edition and thinking of a title to express the sentiments of the season, “Be of Good Cheer” and “Glad Tidings to All” passed through this aging head of mine. What do these phrases really mean? We hear them in traditional holiday songs and see them on greeting cards. So, with a little exploration, here are my findings.

Good Cheer: Cheerful spirits, courage, feasting, merrymaking, and good food and drink (Dictionary.com). Merriam-Webster.com states, “be happy.” Okay, that fits the goal of the holidays, and it’s a nice wish to give someone.

Glad Tidings: Tidings is defined as news, informations, or intelligence (Dictionary.com) and as a piece of news - usually used in plural (Merriam-Webster.com). Good happenings or good news, yes, with the new year approaching, we would like good news or happenings for the next year.

Both phrases, “good cheer” and “glad tidings,” are not commonly used in everyday language in our time, but they project a bit of “special” into the wishes because of the rarity of their use. Often is heard “have a good day” or “be happy,” but for the holidays it is nice to have a special phrase(s) to express this sentiment. Just maybe, it will bring about a little optimism for a better tomorrow. So, with that said, “Be of Good Cheer and Glad Tidings” from us here at the Office of Weights and Measures.

The Editor

The Display of Packages in Retail Stores and the Principal Display Panel Requirement for Packaged Goods

Byline: David Sefcik

This article provides information on two related but distinctly different packaging and labeling issues. The first relates to the retail display of packages. The second explains the Uniform Packaging and Labeling Regulation’s requirements for determining the Principal Display Panel (PDP) of a package, and some possible solutions to a reoccurring problem involving PDP placement on so called “fragile” (e.g., bakery) products are also provided.

PART 1. PACKAGE DISPLAY IN RETAIL STORES

One question that weights and measures inspectors often ask during Office of Weights and Measures (OWM) training classes on packaging and labeling is if 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” www.nist.gov/pml/weights-and-measures/publications/nist-handbooks/handbook-130 requires retailers to display, present, or show packaged goods on retail store shelves so that the Principal Display Panel (PDP) (which must display product identity and net quantity declarations) is always visible to the consumer.

While OWM recommends that retailers display the PDP of packages so that the product identity and net contents are always visible, the UPLR does not include requirements about the display of packages on store shelves. The UPLR only prescribes the requirements on how packages are to be labeled by manufacturers and packers.



Figure 1. Packages displayed in shipping cartons where the full PDP (identity and net content) is not visible.



Figure 2. Packages displayed with the PDP visible to consumers without the need for them to handle the package.

BOTH METHODS OF DISPLAYING PACKAGES ARE PERMISSIBLE

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Although there are no package display requirements in the UPLR, most, but not all (see Figure 1) retailers stock their shelves so the PDPs, which typically includes the brand name and must include the product identity and net quantity of contents, are easily viewed by consumers (see Figure 2). The display pictured in Figure 2 is a common display practice in most retail stores because manufacturers and packers spend millions of dollars to promote their brand names and trademarks through advertising and labels designed to attract consumer attention.

Retailers inherently display packages so consumers will not have to pick up or handle the package to see the brand name, product identity, and the quantity stated on the package. However, for most packages of food, consumers often handle the product to read the ingredient, nutrition, and other useful information placed on the side or back of a package.

There are other situations as well, where the PDP of packages are often not visible when they are displayed. For example, properly labeled packages of cheese or turkeys are often placed in display coolers, shelves, or bins where a consumer cannot view the PDP, which is often a random weight label bearing the product identity, net weight, total price and unit price of the product (See Figure 3). Since consumers habitually pick up packages to read the label, it is not uncommon for them to return the products to the wrong location on the shelf or to place the package back on the shelf with the PDP hidden. This is the reason that the UPLR regulations do not consider a package that is displayed with the PDP out of view to be a violation (see also Figure 4).



Figure 3. Properly labeled packages displayed in a case with several PDPs not visible.



Figure 4. Properly labeled cereal packages displayed on a shelf with several PDPs not visible.

BOTH METHODS OF DISPLAYING PACKAGES ARE PERMISSIBLE

The Food and Drug Administration (FDA) confirmed the Federal Fair Packaging and Labeling Act (FPLA) (originally in 2000 and again in July 2017) that, like the UPLR, neither or the Food Drug and Cosmetic Act (FDCA) include requirements that apply to the display of packages on the shelves of retail stores. The UPLR and federal regulations only define the PDP and specify what information must appear on it. The criteria for deciding which panel(s) the PDP is placed on for display, presentation, or examination of packages at retail is determined by the manufacturer, either by design or through general trade practice. While it is more convenient for consumers to make value comparisons when the PDP of the packages are displayed, regulation does not require it.

In the OWM training classes, we explain that if an inspector encounters packages on shelves where the PDP is “not displayed” to consumers, the package is not in violation of the UPLR provided the inspector verifies the manufacturer or packer has placed the net quantity and identity information on the panel “most likely” to be displayed, presented, shown, or examined under normal and customary conditions of display and purchase.

PART 2. PRINCIPAL DISPLAY PANEL REQUIREMENTS

A separate, but related labeling issue arises when an inspector finds packages that have the Principal Display Panel (PDP) on the back or bottom of a package or container (see Figures 5(a), 5(b), and 6). When this is found, the inspector should

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inspect the package to determine if it is labeled with the identity, quantity, and responsibility information as required by the UPLR in NIST Handbook 130.



Figure 5(a). PDP placed on the bottom of the fruit container.



Figure 5(b). PDP placed on the bottom of a retail package.



Figure 6. This is a retail display of packages of produce where the PDP is placed on the back or bottom of the container. (The inspector displays a package at left that shows the PDF label on the back.)

THE PDPs IN FIGURES 5(a), 5(b), AND 6 ARE NOT ON THE PANEL OF THE PACKAGE “MOST LIKELY” TO BE DISPLAYED. THE PACKAGE LABELING DOES NOT COMPLY WITH THE UPLR.

Brief Overview of the PDP Requirements.

What is a Principal Display Panel (PDP)?

The “PDP” is that part, or those parts of a label that is, or are “most likely” to be displayed, presented, shown, or examined under normal and customary conditions of display for retail sale. The PDP is defined in Section 2.7. of the UPLR in NIST HB 130 (this definition is consistent with the requirements of the Federal Fair Packaging and Labeling Act and the Food Drug and Cosmetic Act.)

The UPLR requires that the identity of the product and the net quantity of contents of the package be shown on the PDP in conspicuous type sizes and styles in colors that contrast with the background to allow consumers to find the information quickly and easily to facilitate value comparison. It is the manufacturer or packager of the product that determines which panel or panels of the package is to be the PDP.

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Training and Events Calendar 2018

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 - <https://www.nist.gov/pml/weights-and-measures/about-owm/calendar-events> and clicking on the name of the course.

January 9 - 12 (4 days)
Balance and Scale Calibration and Uncertainties, plus User Uncertainties
Class No. 5519
NIST/Gaithersburg, MD

January 18 (2 hr)
Webinar - Basic Uncertainty Concepts
2:00 p.m. - 4:00 p.m.
Class No. 5533

January 21 - 24 (4 days)
NCWM Interim Meeting
St. Pete Beach, FL
info@ncwm.net or
https://www.ncwm.net/sems/event_detail/2018-interim-fl

February 1 (2.5 hr)
Webinar - Calibration Certification Evaluation
2:00 p.m. - 4:30 p.m.
Class No. 5522

February 5 - 9 (5 days)
Fundamentals of Metrology
Class No. 5514
NIST/Gaithersburg, MD

February 5 - 8 (4 days)
NIST Handbook 133 - *Checking the Net Contents of Packaged Goods* - Volumetric
Class No. 5511
San Diego, CA

February 9 (1 day)
NIST Handbook 130 - *Uniform Laws and Regulations in the Area of Legal Metrology and Engine Fuel Quality* - Price Verification
Class No. 5521
San Diego, CA

February 12 - 16 (5 days)
Fundamentals of Metrology
Class No. 5515
NIST/Gaithersburg, MD

February 15 (2 hr)
Webinar - Conducting an Effective Management Review
2:00 p.m. - 4:00 p.m.
Class No. 5424

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Can the packer or manufacturer use the bottom or back of a package as the PDP?

No. The UPLR requirements ensure that consumers are informed of what and how much they are going to buy when they purchase packaged goods. When a package complies with the UPLR, it is not necessary for the consumer to search all over the package for the required information to make an informed purchasing decision. Most packages are “designed” to be displayed with the PDP upright and in a forward-facing position under “normal” and “customary” conditions. The back or bottom of the package are not considered “most likely” to be viewable.

For this reason, placing the product identity and net quantity of contents on the bottom or backside of a container does not comply with the requirement that the PDP be that part of the package label “most likely” to normally or customarily be displayed, presented, or shown to consumers on a retail display. However, a manufacturer may design a package that includes multiple PDPs to allow retailers to display the packages in different orientations.

Why do retailers place the PDP and UPC barcode on the bottom of a package?

You will find that retailers sometimes affix a random weight label that includes the UPC barcode and the PDP with the required information (i.e., identity, net quantity) to the bottom of a package. This often occurs on packages containing iced birthday cakes, pies, and other fragile goods packaged in store that may be damaged if turned upside down. The primary reason for the placement of the UPC barcode on the bottom of the package is so a checkout clerk does not have to turn the package over to scan the UPC barcode at checkout. While this approach lessens the chance that an iced birthday cake will be damaged it can be difficult for the consumer to find the product identity, net weight, and price information.

Even in this situation, there is no justification for the PDP to be on the bottom of the package (because, as explained above, the bottom of a package is not the panel “most likely” to be displayed). If this labeling approach is used, retailers should, at a minimum, affix a duplicate label on top of these packages as a customer service to allow easy access to the required net quantity and product identity information. The “dual” label solution addresses the issue of label placement on “fragile” products where the store’s scanner only reads from the bottom. In many stores, retailers have moved beyond the need to use duplicate labels and instead they use “wraparound” labels as shown below (see Figure 7 and 8).

One practical solution is for the retailer to use a single long label that reaches from the top of the package, where the PDP shows the product identity and net quantity, around the side of the package and over the bottom where the UPC scan bars are presented for scanning (see Figures 7 and 8).

Wrap Around Label on “Fragile” Product

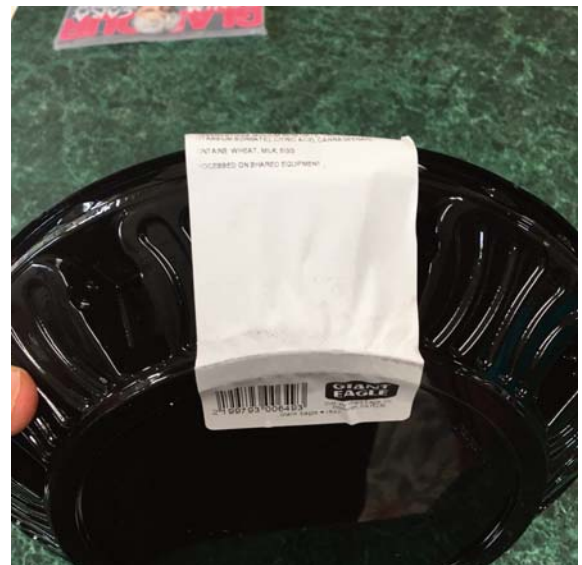


Figure 7. The picture above shows a “fragile” product (i.e., those products that would become damaged if turned over). In this example, the retailer places a “wraparound” label on the product that places the identity, net weight, and price information on the top of the package for easy access and “wraps” the label onto the bottom where the UPC barcode is accessible without turning the package over when scanned.

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Figure 8. An iced cake with a wraparound label showing the PDP on top of the package with identity, price, and net weight and the UPC on the package bottom for scanning. Inspectors can recommend that retailers found placing the PDP label on the bottom or back of packages consider using the wraparound label as a suitable alternative.

In summary, the UPLR does not apply to the display of packages in retail stores but does apply to labeling violations in cases where it is determined that the PDP is not on the panel “most likely” to be displayed.

Please contact David Sefcik at david.sefcik@nist.gov or at (301) 975-4868 or Lisa Warfield at lisa.warfield@nist.gov or at (301) 975-3308 for additional assistance and information.

Publication News

Updated Handbooks for 2018 Released

The three primary weights and measures handbooks produced by the National Institute of Standards and Technology, Office of Weights and Measures, update for 2018, are now available.

- Handbook 44, “Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices,”
- Handbook 130, “Uniform Laws and Regulations in the Areas of Legal Metrology and Engine Fuel Quality,” and
 - Handbook 133, “Checking the Net Contents of Packaged Goods.”

Members of the National Conference on Weights and Measures will receive their copies in the mail shortly. These documents are also available on the OWM website at www.nist.gov/owm.



The NIST Office of Weights and Measures

homepage: www.nist.gov/owm

March 1 (2 hr)
Webinar - Internal Auditing Best Practices
2:00 p.m. - 4:00 p.m.
Class No. 5425

March 12 - 15 (4 days)
NIST Handbook 130, Uniform Packaging
and Labeling Regulation
Class No. 5509
Orange County, CA

March 15 (2 hr)
Webinar - Software Verification and Valida-
tion, Part I
2:00 p.m. - 4:00 p.m.
Class No. 5536

March 26 - 29 (4 days)
NIST Handbook 133 - *Checking the Net
Contents of Packaged Goods - Basic*
Class No. 5513
Lebanon, MO

April 3 - 5 (3 days)
NTEP Lab Meeting
Gatineau, Quebec
info@ncwm.net

April 12 (2 hr)
Webinar - Software Verification and Valida-
tion, Part II
2:00 p.m. - 4:00 p.m.
Class No. 5536

April 16 - 19 (4 days)
NIST Handbook 133 - *Checking the Net
Contents of Packaged Goods - Basic*
Class No. 5520
Montgomery, AL

April 16 - 27 (10 days)
Mass Metrology Seminar
Class No. 5516
NIST/Gaithersburg, MD

April 30 - May 3 (4 days)
Southeast Measurement Assurance Pro-
gram (SEMAP)**
Class No. 5525
Bay St. Louis/Biloxi, Seminar, MS

May 7 - 10 (4 days)
Western Regional Assurance Program
(WRAP)**
Class No. 5526
Salt Lake City, UT

May 7 - 10 (4 days)
Northeastern Weights and Measures As-
sociation (NEWMA)
Saratoga Springs, NY
Contact: jcassidy@cambridgema.gov

May 8 - 9 (2 days)
NTEP MDMD Work Group
Columbus, OH
info@ncwm.net

May 14 - 17 (4 days)
Handbook 133 - *Checking the Net
Contents of Packaged Goods - Basic*
Class No. 5512
Pompano Beach, FL

May 14 - 25 (10 days)
Mass Metrology Seminar
Class No. 5531
NIST/Gaithersburg, MD

May 21 - 24
Central Weights and Measures Association
(CWMA)
Springfield, IL
Contact: sherry.turvey@ks.gov

June 4 - 8 (5 days)
Volume Metrology Seminar
Class No. 5523
NIST/Gaithersburg, MD

June 5 - 7 (3 days)
NIST Handbook 130 - Uniform Packaging
and Labeling Regulation
Class No. 5510
Cleveland, OH

July 15 - 19 (5 days)
NCWM 103rd Annual Meeting
Tulsa, OK
info@ncwm.net
<https://ncwm.net/meetings>

August 9 (2 hr)
Webinar - Contract Review
2:00 p.m. - 4:00 p.m.
Class No. 5426

August 13 - 23 (10 days)
Advanced Mass Seminar
Class No. 5532
NIST/Gaithersburg, MD

August 15 - 16 (2 days)
NTEP Grain Analyzer Meeting
Kansas City, MO
info@ncwm.net

August 21 - 23 (3 days)
NTEP Weighing/Software Meeting
Louisville, KY
info@ncwm.net

August 27 - 30 (4 days)
NCSLI Workshop and Symposium
"Measurements of Tomorrow"
Oregon Convention Center
Portland, OR
<http://www.ncsli.org/aws>

August 30 (2 hr)
Webinar - Document Control and Record-
keeping
2:00 p.m. - 4:00 p.m.
Class No. 5427

September 10 - 13 (4 days)
Northeastern Measurement Assurance
Program (NEMAP)**
Class No. 5527
Montpelier, VT

September 17 - 20 (4 days)
Southwest Assurance Program (SWAP)
Class No. 5528
Oklahoma City, OK

September 25 - 26 (2 days)
NTEP Measuring Meeting
Baltimore, MD
info@ncwm.net

October 1 - 4 (4 days)
MidAmerica Measurement Assurance Pro-
gram (MidMap)**
Class No. 5529
Burnsville, MN

October 18 (2 hr)
Webinar - Internal Auditing Best Practices
2:00 p.m. - 4:00 p.m.
Class No. 5428

2019

January 13 - 16 (4 days)
National Conference on Weights and
Measures (NCWM) Interim Meeting
Charleston, SC
Info@ncwm.net

*State W&M labs only or invitation only.
**Regional Measurement Assurance
Program "MEMBERS" (State and In-
dustry RMAP member laboratories.)

INTERNATIONAL ORGANIZATIONS

**The following international organiza-
tions hold meetings/conferences con-
cerning varied weights and measures
topics.**

Asia-Pacific Legal Metrology Forum
(APLMF)
<http://www.aplmf.org/>

Bureau of International des Poids et
Mesures (BIPM)
Calendar of BIPM Meetings [https://
www.bipm.org/en/about-us/](https://www.bipm.org/en/about-us/)

Inter-American Metrology System
(SIM)
Calendar of SIM Meetings
[http://sim-metrologia.org.br/meet-
ings.php](http://sim-metrologia.org.br/meet-ings.php)

International Organization of Legal
Metrology (OIML)
Calendar of OIML Meetings [https://
www.oiml.org/en/events/calendar](https://www.oiml.org/en/events/calendar)

International Society of Weighing and
Measurement (ISWM)
2019 Conference and Expo (TBD)
<http://www.iswm.org/>