

PART II. PACKAGING AND LABELING

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CHAPTER 21. GENERAL PROVISIONS

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Authority

The provisions of this Chapter 21 issued under sections 8 and 21 of the Weights and Measures Act of 1965 (76 P. S. §§ 100-8 and 100-21) (Transferred to 73 P. S. §§ 1658 and 1671 in 1978), unless otherwise noted.

Source

The provisions of this Chapter 21 adopted December 1, 1965; amended through July 17, 1970, unless otherwise noted.

PRELIMINARY PROVISIONS

§ 21.1. Definitions.

The following words and terms, when used in this part, have the following meanings, unless the context clearly indicates otherwise:

Commodity in package form or package—A commodity put up or packaged in any manner in advance of sale in units suitable for either wholesale or retail sale, exclusive of any auxiliary shipping container containing packages that individually conform to the requirements of the act. An individual item or lot of a commodity not in package form, or which does not meet this definition, but on which there is marked a selling price based on an established price per unit of weight or of measure, shall be a commodity in package form.

Consumer package or package of consumer commodity—A commodity in package form that is customarily produced or distributed for sale through retail sales agencies or instrumentalities for consumption by individuals, or use by

individuals for the purposes of personal care or in the performance of services ordinarily rendered in or about the household in connection with personal possessions and which is usually consumed or expended in the course of the consumption or use.

Label—

(i) A written, printed or graphic matter affixed to, applied to, attached to, blown into, formed, molded into, embossed on or appearing upon or adjacent to a consumer commodity or a package containing a consumer commodity, for purposes of branding, identifying or giving information with respect to a commodity or to the contents of a package.

(ii) The term does not include a tag of an inspector or other nonpromotional matter affixed to or appearing upon a consumer commodity.

Multiunit package—A package containing two or more individual packages of the same commodity, in the same quantity, with the individual packages intended to be sold as part of the multiunit package but capable of being individually sold in full compliance with this part.

Nonconsumer package or package of nonconsumer commodity—A commodity in package form other than a consumer package, and particularly a package intended solely for industrial or institutional use or for wholesale distribution only.

Person—A corporation, partnership and association as well as a natural person.

Polyethylene sheeting—Rolls, sheets, tarps, drop cloths and other items made from polyethylene, such as an ethylene copolymer consisting of a major proportion of ethylene in combination with a minor proportion of some other monomer or a mixture of polyethylene with a lesser amount of polymers. The sheeting may contain additives or modifiers such as pigments and stabilizers.

Principal display panel—The part of a label designed 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, the requirements pertaining to the principal display panel pertain to all the panels.

Random package—A package that is one of a lot, shipment or delivery of packages of the same consumer commodity with varying weights; that is, packages of the same consumer commodity with no fixed pattern of weight.

Authority

The provisions of this § 21.1 amended under the Weights and Measures Act of 1965 (73 P. S. §§ 1651—1692) (Transferred from 76 P. S. §§ 100-1—100-42 in 1978); amended under the Consolidated Weights and Measures Act, 3 Pa.C.S. §§ 4104—4194.

Source

The provisions of this § 21.1 adopted December 1, 1965; amended through July 17, 1970; amended May 26, 1989, effective May 27, 1989, 19 Pa.B. 2254; amended May 7, 1999, effective May 8, 1999, 29 Pa.B. 2460. Immediately preceding text appears at serial pages (136553) to (136555).

§ 21.2. Applicability.

This part applies to packages and to commodities in package form, but does not apply to the following:

- (1) Inner wrappings not intended to be individually sold to the customer.
- (2) Auxiliary containers or outer wrappings used to deliver packages of commodities to retail customers if the containers or wrappings bear no printed matter pertaining to a particular commodity.
- (3) Containers used for retail tray pack displays if the container itself is not intended to be sold as if, for example, which is used to display individual envelopes of seasonings, gravies and the like, and the tray itself is not intended to be sold.
- (4) Commodities put up in variable weights and sizes for sale intact and intended to be either weighed or measured at the time of sale, if no package quantities are represented, and if the method of sale is clearly indicated in close proximity to the quantity being sold.
- (5) Open carriers and transparent wrappers or carriers for containers if the wrappers or carriers do not bear a written, printed or graphic matter obscuring the label information required by this part.

Authority

The provisions of this § 21.2 amended under the Weights and Measures Act of 1965 (73 P.S. §§ 1651—1692) (Transferred from 76 P. S. §§ 100-1—100-42 in 1978).

Source

The provisions of this § 21.2 adopted December 1, 1965; amended through July 17, 1970; amended May 26, 1989, effective May 27, 1989, 19 Pa.B. 2254. Immediately preceding text appears at serial page (50104).

§ 21.3. Adoption of “Uniform Regulation for the Method of Sale of Commodities.”

(a) *General.* The Department adopts the “Uniform Regulation for the Method of Sale of Commodities,” as adopted by NIST in its Handbook 130, and supplements thereto and revisions thereof, as the method of sale of commodities in this Commonwealth.

(b) *Exception.* If any provision of the “Uniform Regulation for the Method of Sale of Commodities” contradicts any provision of the act or this title, the provision of the “Uniform Regulation for the Method of Sale of Commodities” may not be applied, and the relevant provision of the act or this title shall be applied.

Authority

The provisions of this § 21.3 issued under the Consolidated Weights and Measures Act, 3 Pa.C.S. §§ 4104—4194.

Source

The provisions of this § 21.3 adopted May 7, 1999, effective May 8, 1999, 29 Pa.B. 2460.

DECLARATION OF RESPONSIBILITY**§ 21.11. Consumer and nonconsumer packages.**

(a) A consumer or nonconsumer package kept, offered or exposed for sale, or sold, at a place other than on the premises where packed shall specify conspicuously on the label of the package the name and address of the manufacturer, packer or distributor. The name shall be the actual corporate name, or, when not incorporated, the name under which the business is conducted. The address shall include street address, city, state and zip code; however, the street address may be omitted if this is shown in a current city directory or telephone directory. The requirement for inclusion of the zip code shall apply only to labels that have been developed or revised after July 1, 1968.

(b) If a person manufactures, packs or distributes a commodity at a place other than his principal place of business, the label may state the principal place of business in lieu of the actual place where the commodity was manufactured or packed or is to be distributed, unless the statement would be misleading. If the commodity is not manufactured by the person whose name appears on the label, the name shall be qualified by a phrase that reveals the connection such person has with such commodity, such as “Manufactured for and packed by ___”, “Distributed by ___”, or other wording of similar import that expresses the facts.

Cross References

This section cited in 70 Pa. Code § 27.26 (relating to motor oils).

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