

**CHAPTER 25. NONCONSUMER ITEMS**

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**Subchapter A. DECLARATIONS OF QUANTITY AND IDENTITY**

**DECLARATION OF IDENTITY**

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**DECLARATION OF QUANTITY**

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**Authority**

The provisions of this Chapter 25 issued under sections 8 and 21 of the Weights and Measures Act of 1965 (76 P. S. §§ 100-8 and 100-21) (Transferred in 1978 to 73 P. S. §§ 1658 and 1671), unless otherwise noted.

**Source**

The provisions of this Chapter 25 adopted October 21, 1970, effective October 22, 1970, 1 Pa.B. 441, unless otherwise noted.

**DECLARATION OF IDENTITY**

**§ 25.1. General.**

A declaration of identity on a nonconsumer package shall appear on the outside of a package and shall positively identify the commodity in the package by its common or usual name, description, generic term or the like.

**Cross References**

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

**DECLARATION OF QUANTITY****§ 25.11. Location.**

A nonconsumer package shall bear on the outside a declaration of the net quantity of contents. The declaration shall be in terms of the largest whole unit as provided in § 23.11 (relating to largest whole unit).

**§ 25.12. Weight, liquid measure or count terminology.**

(a) *General.* The declaration of the quantity of a particular commodity shall be expressed in terms of liquid measure if the commodity is liquid, in terms of weight if the commodity is solid, semisolid, viscous or a mixture of solid and liquid, or in terms of numerical count. However, if there exists a firmly established general consumer usage and trade custom with respect to the terms used in expressing a declaration of quantity of a particular commodity, the declaration of quantity may be expressed in its traditional terms, if the traditional declaration gives accurate and adequate information as to the quantity of the commodity.

(b) *Weight and measure terms.* A declaration of quantity shall be as follows, except that nothing in this subsection shall prohibit the labeling of nonconsumer packages in terms of units of the metric system:

(1) If in units of weight, the declaration shall be in terms of the avoirdupois pound or ounce.

(2) If in units of liquid measure, the declaration shall be in terms of the United States gallon of 231 cubic inches or liquid quart, liquid pint or fluid ounce subdivisions of the gallon and shall express the volume at 68°F (20°C), except in the case of petroleum products, for which the declaration shall express the volume at 60°F (15.6°C), and except also in the case of a commodity that is normally sold and consumed while frozen, for which the declaration shall express the volume at the frozen temperature, and except also in the case of a commodity that is normally sold in the refrigerated state, for which the declaration shall express the volume at 40°F (4°C).

(3) If in units of linear measure, the declaration shall be in terms of the yard, foot or inch.

(4) If in units of area measure, the declaration shall be in terms of the square yard, square foot or square inch.

(5) If in units of dry measure, the declaration shall be in terms of the United States bushel of 2,150.42 cubic inches or peck, dry quart and dry pint subdivisions of the bushel.

(6) If in units of cubic measure, the declaration shall be in terms of the cubic yard, cubic foot or cubic inch.

(c) *Abbreviations.* A generally accepted abbreviation of a unit name may be employed in the quantity statement on a package of the commodity; commonly accepted abbreviations are contained in § 23.13(c) (relating to weight, liquid measure or count terminology).

**§ 25.13. Character of declaration in averages.**

The average quantity of the contents in the packages of a particular lot, shipment or delivery shall at least equal the declared quantity. No unreasonable shortage in a package may be permitted, even though overages in other packages in the same shipment, delivery or lot compensate for the shortage.

**PROMINENCE AND PLACEMENT****§ 25.21. General.**

Information required to appear on a nonconsumer package shall be definitely and clearly stated thereon in the English language. Required information that is either in hand lettering or hand script shall be entirely clear and equal to printing in legibility.

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