

CHAPTER 47K
COMMODITIES IN PACKAGE FORM;
WEIGHTS AND MEASURES

Authority

N.J.S.A. 51:1-29 and 51:1-61.

Source and Effective Date

R.2006 d.129, effective March 9, 2006.
See: 37 N.J.R. 3554(a), 38 N.J.R. 1577(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 47K, Commodities in Package Form; Weights and Measures, expires on September 5, 2013. See: 43 N.J.R. 1203(a).

Chapter Historical Note

Chapter 47K, Commodities in Package Form; Weights and Measures, was adopted as R.1990 d.468, effective September 17, 1990. See: 22 N.J.R. 1440(a), 22 N.J.R. 2982(a).

Pursuant to Executive Order No. 66 (1978), Chapter 47K, Commodities in Package Form; Weights and Measures, was readopted as R.1995 d.541, effective September 15, 1995. See: 27 N.J.R. 2875(a), 27 N.J.R. 3972(a).

Pursuant to Executive Order No. 66(1978), Chapter 47K, Commodities in Package Form; Weights and Measures, was readopted as R.2000 d.416, effective September 15, 2000. See: 32 N.J.R. 2648(a), 32 N.J.R. 3858(a).

Chapter 47K, Commodities in Package Form; Weights and Measures, was readopted as R.2006 d.129, effective March 9, 2006. See: Source and Effective Date. See, also, section annotations.

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 47K, Commodities in Package Form; Weights and Measures, was scheduled to expire on September 5, 2011. See: 43 N.J.R. 826(a).

CHAPTER TABLE OF CONTENTS**SUBCHAPTER 1. FOOD PRODUCTS**

- 13:47K-1.1 Bread
- 13:47K-1.2 Butter, oleomargarine, margarine, butter-like and/or margarine-like spreads
- 13:47K-1.3 Flour, corn meal, and hominy grits
- 13:47K-1.4 Fluid milk products
- 13:47K-1.5 Other milk products
- 13:47K-1.6 Pickles

SUBCHAPTER 2. NONFOOD PRODUCTS

- 13:47K-2.1 Inch-pound units requirement
- 13:47K-2.2 Definitions
- 13:47K-2.3 Paper napkins, paper towels, facial tissues and toilet tissues
- 13:47K-2.4 Writing paper; notebook paper; envelopes; and office paper
- 13:47K-2.5 Tablets and books of writing paper
- 13:47K-2.6 Wrapping paper
- 13:47K-2.7 Gift-wrapping paper
- 13:47K-2.8 (Reserved)
- 13:47K-2.9 (Reserved)
- 13:47K-2.10 Supplementary quantity declaration
- 13:47K-2.11 Multiple packs
- 13:47K-2.12 Paper products for industrial use only
- 13:47K-2.13 Folded facial tissues to be compactly packaged
- 13:47K-2.14 Size of cartons
- 13:47K-2.15 Size of tubes for rolled paper products
- 13:47K-2.16 Fence wire products

- 13:47K-2.17 Coatings
- 13:47K-2.18 Peat and peat moss
- 13:47K-2.19 Roofing and roofing materials
- 13:47K-2.20 Sealants
- 13:47K-2.21 Polyethylene products
- 13:47K-2.22 Insulation
- 13:47K-2.23 Solid fuel products
- 13:47K-2.24 Liquified petroleum gas cylinder tare weights
- 13:47K-2.25 Mulch
- 13:47K-2.26 Kindling wood

SUBCHAPTER 3. GENERAL

- 13:47K-3.1 Presentation of price
- 13:47K-3.2 Allowable differences: combination quantity declarations
- 13:47K-3.3 Machine vended commodities

SUBCHAPTER 4. MARKING REQUIREMENTS

- 13:47K-4.1 Applications
- 13:47K-4.2 Definitions
- 13:47K-4.3 Declaration of identity: consumer package
- 13:47K-4.4 Declaration of identity: nonconsumer package
- 13:47K-4.5 Declaration of responsibility: consumer and non-consumer packages
- 13:47K-4.6 Declaration of quantity: consumer packages
- 13:47K-4.7 Declaration of quantity: nonconsumer packages
- 13:47K-4.8 Prominence and placement: consumer packages
- 13:47K-4.9 Prominence and placement: nonconsumer packages
- 13:47K-4.10 Requirements: specific consumer commodities, non-consumer commodities, packages, containers
- 13:47K-4.11 Exemptions

SUBCHAPTER 5. VARIATIONS

- 13:47K-5.1 Packaging variations
- 13:47K-5.2 Maximum allowable variations
- 13:47K-5.3 Definitions

SUBCHAPTER 1. FOOD PRODUCTS**13:47K-1.1 Bread**

(a) Each loaf and each unit of a twin or multiple loaf made or procured for sale, kept, offered, exposed for sale, or sold, whether or not wrapped or sliced, and each portion of a loaf that is prepackaged, shall be sold by weight provided that the provisions of this section shall not apply to biscuits, buns or rolls of inch-pound sizes of four ounces or less or of metric sizes 100 grams or less or to "stale bread" sold or expressly represented at the time of sale as such, and when so sold, the wrappers of "stale bread" shall not be considered packages for labeling purposes.

(b) Packages subject to Federal regulations regarding the declaration of the net quantity of contents in inch-pound and or System International (SI) metric units shall conform to such regulations. Packages not subject to such Federal regulations shall bear a statement of the net quantity of contents in either inch-pound or SI-metric units.

Amended by R.1995 d.541, effective October 16, 1995.
See: 27 N.J.R. 2875(a), 27 N.J.R. 3972(a).
Amended by R.2000 d.416, effective October 16, 2000.
See: 32 N.J.R. 2648(a), 32 N.J.R. 3858(a).
Rewrote (b).

13:47K-1.2 Butter, oleomargarine, margarine, butter-like and/or margarine-like spreads

(a) For the purposes of this section “butter-like and/or margarine-like spreads” are those products that meet the Federal Standard of Identity for butter or margarine and oleomargarine (see 9 CFR Part 319, 319.700) except that they contain less than 80 percent fat and may contain other safe and suitable ingredients.

(b) Butter, oleomargarine, margarine, butter-like and/or margarine-like spreads shall be offered and exposed for sale and sold by weight.

(c) Oleomargarine and margarine are not permitted in multiples of one pound, 500 grams, or multiples of 500 grams because Section 407(b)(2) of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 301 et seq., prohibits margarine and oleomargarine packaged in sizes greater than one pound.

(d) Packages subject to Federal regulations regarding the declaration of the net quantity of contents in inch-pound and or System International (SI) metric units shall conform to such regulations. Packages not subject to such Federal regulations shall bear a statement of the net quantity of contents in either inch-pound or SI-metric units.

Amended by R.1995 d.541, effective October 16, 1995.
See: 27 N.J.R. 2875(a), 27 N.J.R. 3972(a).

Amended by R.2000 d.416, effective October 16, 2000.
See: 32 N.J.R. 2648(a), 32 N.J.R. 3858(a).

Rewrote (d).
Amended by R.2006 d.129, effective April 3, 2006.
See: 37 N.J.R. 3554(a), 38 N.J.R. 1577(a).

In (a), corrected the Federal Standard of Identity for butter or margarine and oleomargarine citation.

13:47K-1.3 Flour, corn meal, and hominy grits

(a) Wheat flour, whole wheat flour, graham flour, self-rising wheat flour, phosphated wheat flour, bromated flour, corn flour, corn meal, and hominy grits, whether enriched or not, shall be packaged, kept, offered, or exposed for sale, or sold by weight.

Amended by R.1995 d.541, effective October 16, 1995.
See: 27 N.J.R. 2875(a), 27 N.J.R. 3972(a).

13:47K-1.4 Fluid milk products

(a) All fluid milk products, including, but not limited to, milk, lowfat milk, skim milk, cultured milks, and cream, shall be packaged for retail sale only in volumes per subsection (a)1 and 2 below; provided, that inch-pound sizes less than one gill and metric sizes less than 100 milliliters shall be permitted:

1. Inch-pound volumes of one gill, ½ liquid pint, 10 fluid ounces, one liquid pint, one liquid quart, ½ gallon, one gallon, 1-½ gallons, two gallons, 2-½ gallons, or multiples of one gallon.

2. Metric volumes of 125 milliliters, 250 milliliters, 500 milliliters, one liter, or multiples of one liter.

13:47K-1.5 Other milk products

(a) Cottage cheese, cottage cheese products, and other milk products that are solid, semisolid, viscous, or a mixture of solid and liquid, as defined in the Pasteurized Milk Ordinance of the U.S. Public Health Service, as amended (see Public Health Service, Food and Drug Administration, Publication 229, Title PMO grade A, 2003 Revision), shall be sold in terms of weight; provided, that cottage cheese, cottage cheese products, sour cream, and yogurt shall be packaged for retail sale only in weights per (a)1 or 2 below and, provided further, that the total net weight of multi-unit packages need not comply with (a)1 or 2 below if their individual units comply:

1. Inch-pound weights of one, two, three, four, five, six, eight, 12, 16, 24, 32, 64, 80 and 128 ounces avoirdupois.

2. Metric weights of 25, 50, 75, 100, 125, 150, 175, 200, 250, 375, 500, 750 grams; one, two, and four kilograms.

Amended by R.2006 d.129, effective April 3, 2006.
See: 37 N.J.R. 3554(a), 38 N.J.R. 1577(a).

In introductory paragraph (a), updated the reference to the Pasteurized Milk Ordinance of the U.S. Public Health Services.

13:47K-1.6 Pickles

The declaration of net quantity of contents on pickles and pickle products, including relishes but excluding one or two whole pickles in a transparent wrapping, which may be declared by count, shall be expressed in terms of liquid measure. Sales of pickles from bulk may be by count.

SUBCHAPTER 2. NONFOOD PRODUCTS**13:47K-2.1 Inch-pound units requirement**

Packages subject to Federal regulations regarding the declaration of the net quantity of contents in inch-pound and or System International (SI) metric units shall conform to such Federal regulations. Packages not subject to such Federal regulations shall bear a statement of the net quantity of contents in either inch-pound or SI-metric units.

Amended by R.2000 d.416, effective October 16, 2000.
See: 32 N.J.R. 2648(a), 32 N.J.R. 3858(a).

Rewrote the section.

13:47K-2.2 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

“ASTM” means American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, telephone (610) 832-9500, www.ASTM.org.

“Page” means one side of a sheet of paper used for writing purposes.