

901:6-7-01

**Definitions.**

(A) Definitions. As used in this rule, the following words and phrases shall have the following meanings:

- (1) "Buyer" means both the actual and prospective purchaser, but does not include persons purchasing for resale.
- (2) "Contract" means all of the collective written agreements subscribed by a buyer at the time of sale relating to the purchase of a home food service plan, except promissory notes or other financing agreements.
- (3) "Food item" means each edible product sold as part of a home food service plan, including but not limited to, each constituent part or kind of meat cut from a primal source, each kind of whole poultry or poultry part, seafood products, and other like products.
- (4) "Home food service plan" means the offering for sale to a consumer, in the consumer's home, any food item, or food item in combination with any non-food item and/or services, whether or not a membership fee or similar charge is involved.
- (5) "Non-food item" means each inedible product sold as part of a home food service plan, including but not limited to, paper products, health and beauty products, detergents, cleaners and disinfectants, rolls of wrapping, and like products. The term does not include food items and durable consumer goods such as appliances.
- (6) "Primal source" refers to the following cuts:
  - (a) Beef - the round, flank, loin, rib, plate, brisket, chuck, and shank;
  - (b) Veal, lamb, or mutton - the leg, flank, loin, rack (rib), and shoulder; and
  - (c) Pork - the belly, loin, ham, spareribs, shoulder, and jowl.
- (7) "Seller" means any person, partnership, corporation, or association, however organized, engaged in the sale of a home food service plan.
- (8) "Service charge" means the total price for any additional features, services, and processing associated with the purchase of a home food service plan, whether stated in terms of membership fees or otherwise.
- (9) "Unit price" means the price of a food or non-food item sold as part of a home food service plan, computed to the nearest tenth of one cent when less than one dollar, and to the nearest cent when one dollar or more. The unit price, exclusive of any service charge(s), shall be expressed in terms of the price per unit of weight, measure, or count set forth in the "Uniform Pricing

Regulation" in the current edition of NIST Handbook 130.

Effective:

Five Year Review (FYR) Dates:

---

Certification

---

Date

Promulgated Under: 119.03  
Statutory Authority: 1327.50  
Rule Amplifies: 1327.50

901:6-7-02

**Food products.**

(A) Berries and small fruits and fresh vegetables shall be offered and exposed for sale and sold by weight or by volume; if sold by volume, they must be:

(1) In measure containers that are either open or else covered by uncolored transparent lids or other wrappings that do not obscure the contents; and,

(2) Have capacities in terms of:

(a) Inch-pound capacities: one-half dry pint, one dry pint, or one dry quart; or

(b) SI-metric capacities: two hundred fifty milliliters, five hundred milliliters, or one liter.

(c) When used in this rule, the term "weight" means "mass."

(3) When selling berries, and small fruits and fresh vegetables by volume in measure containers, whether or not covered, the measure containers themselves shall not be packages for labeling purposes.

(4) Method of sale of berries, small fruits, and fresh vegetables. This applies to the sale of berries, fresh fruits, and vegetables. There are two tables, one for specific commodities and one for general commodity groups. Search the specific list first to see if the commodity is specified. If the commodity is not listed find the general group in the second table. The commodity may be sold by any method of sale marked with an "X".

Specific Commodity	Weight	Count	Head or Bunch	Dry measure (any size)	Dry measure (1 dry qt or larger)
Artichokes	X	X			
Asparagus	X		X		
Avocados	X	X			
Bananas	X	X			
Beans (green, yellow, etc)	X				X
Brussels sprouts (loose)	X			X	X
Brussels sprouts (on stalk)			X		

Cherries	X			X	X
Coconuts	X	X			
Sweet corn / corn on the cob		X			X
Cranberries	X			X	X
Dates	X				X
Eggplant	X	X			
Figs	X				X
Grapes	X				X
Kohlrabi	X	X	X	X	X
Melons (cut pieces)	X				
Mushrooms (small)	X			X	X
Mushrooms (Portobello, large)	X	X			
Okra	X			X	X
Peas	X			X	X
Peppers (bell and other varieties)	X	X		X	X
Pineapples (cored or whole)	X	X			
Rhubarb	X		X		
Tomatoes	X	X		X	X

General Commodity Groups	Weight	Count	Head or Bunch	Dry measure (up to any size)	Dry measure (1 dry qt or larger)
Berries (all)	X			X	
Citrus fruits (oranges, grapefruit, lemons, limes, etc)	X	X			X
Edible bulbs (onions, garlic, leeks, etc)	X	X	X	X	X
Edible tubers (Irish or sweet	X	X		X	X

potatoes, ginger, horseradish, etc)					
Flower vegetables (broccoli, cauliflower, brussels sprouts, etc)	X		X		
Gourd vegetables (cucumbers, squash, melons, pumpkins, etc)	X	X			X
Leaf vegetables (head lettuce, cabbage, celery, etc)	X		X		
Leaf vegetables (parsley, herbs, loose picked greens)	X		X	X	
Stone fruits (peaches, plums, prunes, etc)	X	X			X
Pome fruits (apples, pears, mangoes, etc)	X	X		X	X
Root vegetables (turnips, carrots, radishes, beets, rutabaga, etc)	X		X		X

Except for sweet corn / corn on the cob, when the commodity is sold in pre-package form, the sale by count is limited to a maximum of six.

(B) Marking requirements for shipping containers. If two or more measure containers are placed in a shipping package, the crate or package shall show the number of measure containers and the quantity of contents of each.

(C) Bread kept, offered, or exposed for sale, whether or not packaged or sliced, shall be sold by weight. The wrappers of bread that are sold and expressly represented at the time of sale as "stale bread" shall not be considered packages for labeling purposes.

(D) Flour, corn meal, and hominy grits. 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 and sold by weight.

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

"Butter-like and/or margarine-like spreads" are those products that meet the "Federal Standard" of Identity for butter or margarine, 21 CFR 130.6 (1977) and oleomargarine, 21 CFR 166.110 (1998), except that they contain less than eighty per cent fat and may contain other safe and suitable ingredients.

~~(E)~~(F) Meat, poultry, fish and seafood shall be sold by weight.

~~(D)~~(G) In combination with other foods. When meat, poultry, fish, or seafood is combined with some other food element to form a distinctive food product, the quantity representation may be in terms of the total weight of the product or combination. A quantity representation need not be made for each element.

~~(E)~~(H) Clams, mussels, and oysters.

- (1) Processed clams, mussels, oysters, and other mollusks on the half-shell (fresh or frozen) shall be sold by net weight excluding the weight of the shell.
- (2) Canned (heat-processed) mussels, clams, oysters, and other mollusks shall be sold by net weight. A maximum of forty-one per cent free liquid by weight is permitted for canned oysters.
- (3) Fresh oysters, clams, mussels, and other mollusks removed from the shell shall be sold by weight, drained weight or by fluid volume. For oysters sold by weight or by volume a maximum of fifteen per cent free liquid by weight is permitted.
- (4) Whole clams, oysters, mussels, and other mollusks in the shell (fresh or frozen) shall be sold by weight (including the weight of the shell, but not including the liquid or ice packed with them), dry measure (e.g., bushel), and/or count. In addition, size designations may be provided.
- (5) Whole clams, oysters, mussels, and other mollusks on the half shell (fresh, cooked, smoked, or frozen, with or without sauces or spices added) shall be sold by weight (excluding the weight of the shell) or by count. Size designations may also be provided.
- (6) Shellfish not included under this rule may be sold by weight, measure, and/or count.

~~(F)~~(I) Fluid milk products. All fluid milk products including but not limited to milk, lowfat milk, skim milk, cultured milks, and cream shall be sold in terms of volume.

~~(G)~~(J) Other milk products. Cottage cheese, cottage cheese products, and other milk products that are solid, semi-solid, viscous, or a mixture of solid and liquid, as defined in the pasteurized milk ordinance of the U.S. department of health and human services, 21 CFR 131 (2003 revision) incorporated herein by reference, shall be sold in terms of weight.

~~(H)~~(K) Factory-packaged and hand-packed ice cream and similar frozen products. Ice cream, ice milk, frozen yogurt, and similar products shall be kept, offered, or exposed for sale, or sold in terms of fluid volume.

(L) Pelletized ice cream and similar pelletized frozen desserts. A semi-solid food product manufactured at very low temperatures using a nitrogen process and consisting of small beads of varying sizes. Bits of inclusions, such as cookies and candy that also vary in size and weight may be mixed with the pellets. Packaged pelletized ice cream or similar pelletized frozen desserts shall be kept, offered, or exposed for sale on the basis of net weight.

~~(I)~~(M) 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.

~~(J)~~(N) Advertising and price computing of bulk food commodities.

(1) Total price computing: The price of bulk food commodities or food commodities not in package form and sold by weight shall be computed in terms of whole units of weight (i.e., pounds, ounces, grams, kilograms, etc.) and not in common or decimal fractions.

(2) Unit price advertising: The price of bulk food commodities or food commodities not in package form and sold by weight shall be advertised or displayed in terms of whole weight units of pounds or kilograms only, not in common or decimal fractions or in ounces. A supplemental declaration in common or decimal fractions or in ounces, in print no larger than the whole unit price, is permitted.

~~(K)~~(O) Generic terms for meat cuts. A declaration of identity for meat cuts shall be limited to generic terms, such as those listed in the "Uniform Retail Meat Identity Standards" (2012) published by the "cattleman's beef board" (2003) in effect on the effective date of this rule and incorporated herein by reference.

The following abbreviations may be used:

BAR B Q	(barbecue).	POT-RST	(pot roast).
BI	(bone in).	RND	(round).
BNLS	(boneless).	RST	(roast).
DBLE	(double).	SHLDR	(shoulder).
LGE	(large).	SQ	(square).
N.Y. (NY)	(new york).	STK	(steak).
PK	(pork).	TRMD	(trimmed).

~~(L)~~(P) Sale of meat by carcass, side, primal cut, or any single sale of meat or poultry in excess of fifty pounds. The seller of a carcass side, quarter, primal cut, or a single sale of meat or poultry in excess of fifty pounds on a gross or hanging weight basis shall provide to the buyer a written statement giving the following information at the times indicated.

(1) Prior to delivery:

- (a) The name and address of the seller (firm);
- (b) The date of the contract;
- (c) The name and address of the buyer;
- (d) The total net weight (hanging weight) of the carcass, side, primal cut, meat, or poultry prior to cutting or processing;
- (e) The USDA -AMS (~~united~~United ~~states~~States department of agriculture-agriculture marketing service) quality grade and yield grade; ~~incorporated herein by reference and in effect on the effective date of this rule,~~ for the meat to be supplied if so represented;
- (f) The price per pound for each species (not including any inducements) and the total price of the sale order; and
- (g) Additional costs, listed separately, for cutting, wrapping, freezing, and finance charges, if any.

(2) At the time of delivery:

- (a) The name and address of the buyer and seller;
- (b) The date of delivery;
- (c) The total net weight of the meat or poultry delivered; or a list, by name and count, of each cut derived from each primal cut with the net weight of each cut, packages, groups of packages, or individual boxes; and
- (d) A separate indication of the quantity of any meat or other commodity received by the purchaser as an inducement in connection with the purchase of the carcass, side, primal cut, meat, or poultry.

(3) Definitions:

- (a) "Beef carcass." A beef carcass consists of four quarters from a single carcass derived from splitting the carcass down the backbone into two sides. The forequarters are separated from the hindquarters by a cut following the natural curvature between the twelfth and thirteenth ribs, the thirteenth ribs remaining with the hindquarters. The diaphragm may be removed, but if not removed, the membranous portion shall be removed close to the lean. The thymus gland and the heart fat shall be closely removed.
- (b) "Beef side." The side shall consist of one matched forequarter and hindquarter from the beef carcass.
- (c) "Beef forequarter." The forequarter is the anterior portion of the side after severance from the hindquarter as described in the definition for beef carcass.
- (d) "Beef hindquarter." The hindquarter is the posterior portion of the side after severance from the forequarter, as described in the definition for beef carcass.

- (4) Exemptions: This rule shall not apply to the sale of any carcass, side, quarter, or primal cut of meat or poultry that individually or collectively has a gross or hanging weight of fifty pounds or less, the custom sale when the seller is charging only for processing and not the meat or poultry, or the sale of any carcass, side, quarter or primal cut of meat or poultry by a farmer when the

farmer is not the processor.

~~(M)~~(Q) Ready-to-eat food.

- (1) Ready-to-eat food sold from bulk, or in single servings packed on the premises, may be sold by weight, measure, or count (count includes servings). If sold by weight, ready-to-eat frozen dairy products such as ice cream, ice milk and frozen yogurt must be offered, exposed, or advertised for sale in ounces or pounds.
- (2) Definition: "Ready-to-eat food" is restaurant-style food offered or exposed for sale, whether in restaurants, supermarkets, or similar food service establishments, that is ready for consumption, though not necessarily on the premises where sold.
- (3) Exemptions: Ready-to-eat food does not include sliced luncheon products, such as meat, poultry, or cheese when sold separately.

(R) At time of sale:

- (1) The seller shall provide the buyer with a single document, referred to in this section as the written agreement, which shall clearly and conspicuously disclose the following:
  - (a) The name, address, and telephone number of the seller, and the name and address of the buyer;
  - (b) The date of the written agreement;
  - (c) The price of the food and non-food items of the home food service plan;
  - (d) The service charge or the price of any service charges associated with the home food service plan;
  - (e) The total price of the home food service plan, including the price of the food and non-food items, and the price of any service charge; and
  - (f) A statement that the buyer shall have the right to cancel the home food service plan contract until midnight of the third business day after the date in which the buyer executed the contract, or after the day in which the seller provided the buyer with a fully executed copy of the contract, whichever is later, by giving written notice of the cancellation to the seller. Compliance with requirements of federal statutes, rules, or regulations governing form of notice of right of cancellation shall be deemed satisfactory notice of the requirements of this rule.

(2) In addition to paragraph (R)(1) of this rule, the following disclosures are required to be given to the buyer at the time of sale:

(a) A written list of all food and non-food items to be sold, which shall include:

(i) The identity of each unit and, where applicable, the United States department of agriculture quality grade of the items, if so graded;

(ii) The primal source;

(iii) The brand or trade name;

(iv) The quantity of each item sold;

(v) The estimated serving size by net weight of each piece of meat, poultry, and seafood item offered for sale under the home food service plan, provided, however, that such estimates shall not differ from the actual weight at the time of delivery by more than five per cent and the dollar value of the meat, poultry, and seafood items delivered is equal to or greater than that represented to the buyer; and

(vi) The net weight, measure, or count of all other food and non-food items offered for sale.

(b) A current unit price list stating in dollars and cents the price per kilogram or pound or other appropriate unit of measure, and the total sale price of each item to be delivered. This price list shall clearly and conspicuously make reference to the fact of whether there are additional costs disclosed in the written agreement relating to any service charges associated with the purchase of the home food service plan.

(c) If a membership is sold, a written statement of all terms, conditions, benefits, and privileges applicable to the membership.

(d) If a service charge is included, a written statement specifically identifying the service(s) provided and the price(s) charged for them.

(S) At the time of delivery, the seller shall provide a receipt, for signature by buyer, disclosing the following information:

(1) The identity of the item and the net quantity of the contents in terms of either weight, measure, or count, as required by applicable law. The net weight of each food item delivered shall be within the limit specified in this rule; and

(2) The unit price and total sale price of each food and non-food item. The unit price shall be the same as that specified on the unit price list given to the buyer at the time of sale.

Effective:

Five Year Review (FYR) Dates: 04/26/2016

---

Certification

---

Date

Promulgated Under: 119.03  
Statutory Authority: 1327.50, 901.10  
Rule Amplifies: 1327.50, 1327.55  
Prior Effective Dates: 1/1/1990, 3/4/1996, 1/18/2005, 10/28/2010

901:6-7-03

**Nonfood products.**

(A) Fence wire products. Rolls of fence wire products shall be sold by:

- (1) Gauge of wire.
- (2) Height in terms of inches or centimeters, if applicable.
- (3) Length in terms of rods, meters, or feet.
- (4) Packages subject to the Federal Fair Packaging and Labeling Act must be labeled in inch-pound units of measure. Metric units may also be declared on the principal display panel and may even appear first.

(B) Coatings. Asphalt paints, coatings, and plastics shall be sold in terms of liquid measure.

(C) Fireplace and stove wood. For the purpose of this rule, this paragraph applies to the sale of all wood, natural and processed, for use as fuel or flavoring.

(1) Definitions:

- (a) "Fireplace and stove wood." Any kindling logs, boards, timbers, or other wood, split or not split, advertised, offered for sale, or sold as fuel.
- (b) "Cord." The amount of wood that is contained in a space of one hundred twenty-eight cubic feet, when the wood is ranked and well stowed. For the purpose of this rule, "ranked and well stowed" shall be construed to mean that pieces of wood are placed in a line or row, with individual pieces touching and parallel to each other, and stacked in a compact manner.
- (c) "Representation." A "representation" shall be construed to mean any advertisement, offering, invoice, or the like that pertains to the sale of fireplace or stove wood.
- (d) "~~Seasoned firewood.~~" ~~The wood for fuel that has been air-dried and has a moisture content value that is less than or equal to fifty per cent.~~
- (d) Stove wood pellets or chips. Pellets or chips not greater than fifteen cm (six inches) in any dimension shall be sold by weight. This requirement does not apply to flavoring chips.

- (e) Flavoring chips. Any kindling, logs, boards, timbers, or other natural or processed, split or unsplit wood that is advertised, offered for sale, or sold for flavoring smoked or barbecued foods.
- (2) Identity: A representation may include a declaration of identity that indicates the species group. (Example: fifty per cent hickory, forty per cent oak, ten per cent ash.) Such a representation shall indicate, within ten per cent accuracy, the percentages of each group.
- (3) Quantity: ~~Wood, of any type, for use~~used as fuel may be advertised, offered for sale, and sold by measure, weight, and count, insofar as the wood, advertised, offered for sale, and sold by measure shall use the term "cord" and fractional parts of a cord or the cubic meter; except that: ~~wood, natural or processed (including flavoring chips), offered for sale in package form shall display the quantity in terms of cubic feet, to include fractions of cubic feet or cubic meters, to include decimal fractions of cubic meters. Wood advertised, offered for sale and sold by weight shall be sold in terms of price per ton, the sale based on a net weight determined using an appropriate scale sealed by a weights and measures inspector, and in no case shall a scale be used for net loads that weigh less than fifty minimum divisions. A single log shall be sold by weight, and packages of such individual logs containing less than four cubic feet (one thirty-second of a cord), if sold by inch-pound volume, or less than one-tenth cubic meter if sold by metric volume, may be sold by net weight plus count.~~
- (a) Natural or processed wood offered for sale in package form shall display the quantity in terms of cubic feet and include fractions of cubic feet, or cubic meters and include decimal fractions of cubic meters.
- (b) A single log shall be sold by weight. Packages of individual logs containing less than four cubic feet (one thirty-second of a cord), if sold by inch-pound volume, may be sold by net weight plus count.
- (c) Wood advertised, offered for sale, and sold by weight shall be sold in terms of price per ton, the sale based on a net weight determined using an appropriate scale sealed by a weights and measures inspector. In no case shall a scale be used for net loads that weigh less than fifty minimum divisions.
- (4) Prohibition of terms: The terms "face cord," "rack," "pile," "rick," "truckload," or terms of similar import shall not be used when advertising, offering for sale, or selling wood for use as fuel.

- (5) Delivery ticket or sales invoice: A delivery ticket or sales invoice shall be presented by the seller to the purchaser whenever any nonpackaged fireplace or stove wood is sold. The delivery ticket or sales invoice shall contain at least the following information:
- (a) The name and address of the vendor;
  - (b) The name address of the purchaser;
  - (c) The date delivered;
  - (d) The quantity delivered and the quantity upon which the price is based, if this differs from the delivered quantity;
  - (e) The price of the amount delivered; and
  - (f) The identity in the most descriptive terms commercially practicable, including any quality representation made in connection with the sale.
- (D) Peat and peat moss applies only with respect to organic matter of geological origin, excluding coal and lignite, originating principally from dead vegetative remains through the agency of water in the absence of air and occurring in a bog, swampland, or marsh, and containing an ash content not exceeding twenty-five per cent on a dry-weight basis (dried in an oven at one hundred five degrees centigrade or two hundred twenty-one degrees Fahrenheit until no further weight loss can be determined).
- (1) Declaration of quantity: The declaration of quantity of peat and peat moss shall be expressed in weight units or in cubic measure units.
- (2) Units.
- (a) Weight: Peat and peat moss sold in terms of weight shall be offered and exposed for sale only in pounds and/or kilograms.
  - (b) Cubic measure: Peat and peat moss sold in terms of cubic measures shall be offered and exposed for sale only in cubic feet and/or liters. If the commodity is labeled in terms of compressed cubic measurement, the quantity declaration shall represent the quantity in the compressed state and the quantity from which the final product was compressed (the

latter declaration not exceeding the actual amount of material that can be recovered).

(E) Prefabricated utility buildings. These buildings shall be offered for retail sale on the basis of usable inside space as follows:

- (1) Length, measured from inside surface of wall panels at the base;
- (2) Width, measured from the inside surface of wall panels at the base;
- (3) Height, measured from the base to the top of the shortest wall panel. Inside dimensions in inch-pound units shall be declared to the nearest inch; inside dimensions in metric units shall be declared to the nearest one-hundredth of a meter.

If total usable inside space is declared in a supplemental declaration, it shall be to the nearest cubic decimeter or cubic foot.

(F) Roofing and roofing material shall be sold either by the square, or by the square foot only if sold in inch-pound units, or by the square meter only if sold in metric units.

(1) Definitions.

(a) Square meter: The term "square meter" shall mean the quantity of roofing or roofing material that, when applied according to the directions or instructions of the manufacturer, will cover one square meter exclusive of side laps or side joints.

(b) Square: The term "square" shall mean the quantity of roofing or roofing material that, when applied according to the directions or instructions of the manufacturer, will cover an area of one hundred square feet exclusive of side laps or side joints; provided, that, in the case of roofing or roofing material of corrugated design, the side lap or side joint shall be one full corrugation.

(c) Square foot: The term "square foot" shall mean the quantity of roofing or roofing material that, when applied according to the directions or instructions of the manufacturer, will cover one square foot (one hundred forty-four inches) exclusive of side laps or side joints.

(2) Declaration of quantity: When the declaration of quantity on a package of roofing or roofing material contains the term "square," it shall include, plainly

and conspicuously, a numerical definition of the term "square." ~~;~~ ~~for~~ For example, "one square covers one hundred square feet of roof area."

(a) Common fractions. The use of the common fraction "one-third" is specifically authorized in the quantity statement of a package of roofing or roofing material when, and only when, used as the common fraction of the "square."

(b) Quantity statement. The primary declaration, if in inch-pound units, shall only be in terms of squares or square feet, and if in metric units shall only be in terms of square meters. There is no prohibition against the use of supplementary quantity declarations, such as shingle dimensions, but in no case shall the weight of the material be stated or implied. However, the use of numerical descriptions for rolls of felt roofing material may continue to be used.

(G) Sealants. Calking compounds, glazing compounds, and putty shall be sold in terms of liquid measure, except that rope calk shall be sold by weight.

(H) Sod and turf.

(1) Application: For the purpose of this rule, this paragraph shall apply to all sod, including turf sod, turf plugs, and turf sprigs.

(2) Definitions.

(a) Sod: "Sod" shall mean "turf sod," "turf plugs," or "turf sprigs" of a single kind or variety or a mixture of kinds and varieties.

(b) Turf: "Turf" shall mean a live population of one or more kinds of grasses, legumes, or other plant species used for lawns, recreational use, soil erosion control, or other such purposes.

(c) Turf plug: "Turf plug" shall mean a small section cut from live turf of those kinds of turf normally vegetatively propagated (such as zoysia grass) that when severed contain sufficient plant material to remain intact.

(d) Turf sod: "Turf sod" shall mean a strip or section of live turf that when severed contains sufficient plant material to remain intact.

- (e) Turf sprig: "Turf sprig" shall mean a live plant, stolon, crown, or section cut from stolonifera plants used as turf.
- (3) Quantity: Sod shall be advertised, offered for sale, and sold by measure or by a combination of count and measure as follows.
- (a) Turf sod: Turf sod shall be advertised for sale and sold in terms of the square meter, square foot, or square yard, as appropriate.
  - (b) Turf plugs: Turf plugs shall be advertised for sale and sold in terms of count, combined with a statement of the plug diameter.
  - (c) Turf sprigs: Turf sprigs shall be advertised for sale and sold in terms of the liter or bushel.
- (I) Softwood lumber applies to softwood boards, timbers, and dimension lumber that have been dressed on four sides, but shall not apply to rough lumber, to lumber that has been matched, patterned, or shiplapped, or to lumber remanufactured or joined so as to have changed the form or identity, such as individual assembled or packaged millwork items.
- (1) Definitions.
- (a) "Dressed (surfaced) lumber": ~~Lumber~~ means lumber that has been dressed (or surfaced) for the purpose of attaining smoothness of surface and uniformity of size.
  - (b) "Boards": ~~Lumber~~ mean lumber one and one-quarter inches or less in actual thickness and one and one-half inches or more in actual width. Lumber less than one and one-half inches in actual width may be classified as strips.
  - (c) "Timbers": ~~Lumber~~ mean lumber one and one-half inches or more in least actual dimension. Timber may be classified as beams, stringers, posts, caps, sills, girders, purlins, etc.
  - (d) "Dimension lumber": ~~Lumber~~ means lumber from one and one-half inches to, but not exceeding, four and one-half inches in actual thickness, and one and one-half inches or more in actual width. Dimension lumber may be classified as framing, joists, planks, rafters, studs, small timbers, etc.

- (e) "Rough lumber": ~~Lumber~~ means lumber that has not been dressed but that has been sawed, edged, and trimmed at least to the extent of showing saw marks in the wood on the four longitudinal surfaces of each piece for its overall length.
  - (f) "Matched lumber": ~~Lumber~~ means lumber that has been worked with a tongue on one edge of each piece and a groove on the opposite edge to provide a close tongue-and-groove joint by fitting two pieces together; when end-matched, the tongue-and-groove are worked in the ends also.
  - (g) "Patterned lumber": ~~Lumber~~ means lumber that is shaped to a pattern or a molded form, in addition to being dressed, matched, or shiplapped, or any combination of these workings.
  - (h) "Shiplapped lumber": ~~Lumber~~ means lumber that has been worked or rabbeted on both edges of each piece to provide a close-lapped joint by fitting two pieces together.
  - (i) "Grade": ~~The~~ means the commercial designation assigned to lumber meeting specifications established by a nationally recognized grade rule writing organization.
  - (j) "Species": ~~The~~ means the commercial name assigned to a species of trees.
  - (k) "Species group": ~~The~~ means the commercial name assigned to two or more individual species having similar characteristics.
  - (l) "Representation": ~~A "representation" shall be construed to mean~~ means any advertisement, or invoice that pertains to the sale of lumber.
  - (m) "Minimum dressed sizes (width and thickness)": ~~The~~ means the standardized width and thickness at which lumber is dressed when manufactured in accordance with the "U.S. Department of Commerce Voluntary Product Standard 20 -90 (1999) -, American Softwood Lumber Standard," and regional grading rules conforming to VPS 20-90 (1999) (see table 1), both of which are incorporated herein by reference.
- (2) Identity: Advertisements shall include a declaration of identity that specifies the grade or grades, and species or species group and whether the lumber is unseasoned (green) or dry..

(3) Quantity: Representations shall be in terms of the number of pieces, the minimum dressed width and thickness, the length of individual pieces, or the lineal footage, except that:

(a) The use of recognized nominal dimensions, such as but not limited to those specified in table 1, shall be allowed in lieu of the minimum dressed sizes.

Table 1. Soft Lumber Sizes		
Minimum standard dressed sizes at the time of manufacture for both unseasoned (green) and dry lumber as published by the U.S. Department of Commerce in Product Standard 20-70.		
	Minimum Dressed Sizes	
	(see note 2)	
Product Classification (Nominal size)	Unseasoned	Dry
Inches	Inches	Inches
Dimension Lumber		
2 x 4	1-9/16 x 3-9/16	1-1/2 x 3-1/2
2 x 6	1-9/16 x 5-5/8	1-1/2 x 5-1/2
2 x 8	1-9/16 x 7-1/2	1-1/2 x 7-1/4
2 x 10	1-9/16 x 9-1/2	1-1/2 x 9-1/4
2 x 12	1-9/16 x 11-1/2	1-1/2 x 11-1/4
(see note 1)		
Board Lumber		
1 x 4	25/32 x 3-9/16	3/4 x 3-1/2
1 x 6	25/32 x 5-5/8	3/4 x 5-1/2
1 x 8	25/32 x 7-1/2	3/4 x 7-1/4
1 x 10	25/32 x 9-1/2	3/4 x 9-1/4

1 x 12	25/32 x 11-1/2	3/4 x 11-1/4
--------	----------------	--------------

Note 1: The dry thickness of nominal three-inch and four-inch lumber are two and one-half inches and three and one-half inches; unseasoned thicknesses are two and nine-sixteenths inches and three and nine-sixteenths inches. Widths for these thicknesses are the same as shown in table 1.

Note 2: "Product standard 20-19 (1999) defines dry lumber as being nineteen per cent or less in moisture content and unseasoned lumber as being over nineteen per cent in moisture content. The size of lumber changes approximately one per cent for each four per cent change in moisture content. Lumber stabilizes at approximately fifteen per cent in moisture content under normal use conditions.

(J) Carpeting. Anyone who sells carpeting shall provide the purchaser with written statements at the time of sale giving the following information:

- (1) The name and address of the manufacturer;
- (2) The style name and roll number of the carpet;
- (3) The generic name of the fiber and the type of backing material;
- (4) The amount delivered (exact size shipped); and
- (5) The price per square foot if sold in inch-pound units, or the price per square meter if sold in metric units, and the total price.

(K) Hardwood lumber. Sales of hardwood lumber measured after kiln drying shall be quoted, invoiced, and delivered on the basis of net board footage, with no addition of footage for kiln-drying shrinkage. Sales of hardwood lumber measured prior to kiln drying shall be quoted, invoiced, and delivered on the basis of net board footage before kiln drying. If the lumber is to be kiln-dried at the request of the purchaser, the kiln-drying charge shall be clearly shown and identified on the quotation and invoice. Retail sales of surfaced, kiln dried hardwood lumber is permissible by board footage, lineal footage or in terms of the number of pieces.

(L) Polyethylene products. Consumer and nonconsumer products offered and exposed for sale shall be sold in terms of:

- (1) Sheeting and film.

- (a) Length and width;
- (b) Area in square feet or square meters;
- (c) Thickness in mils;
- (d) Weight in pounds or kilograms.

Consumer products offered or exposed for sale at retail shall be sold in terms of:

(2) Food wrap.

- (a) Length and width;
- (b) Area in square feet or square meters.

(3) Lawn and trash bags.

- (a) Count;
- (b) Dimensions;
- (c) Thickness in mils;
- (d) Capacity.

(4) Food and sandwich bags.

- (a) Count;
- (b) Dimensions;
- (c) Capacity.

Products not intended to be offered or exposed for sale at retail shall be offered and exposed for sale in terms of:

(5) Bags.

- (a) Count;
- (b) Dimensions;
- (c) Thickness in mils;
- (d) Weight;
- (e) Capacity.

- (6) Declaration of weight: A labeled statement of weight for polyethylene sheeting and film and polyethylene bags not intended for the retail consumer shall not be less than the weight calculated by using the following formula

$W = T \times A \times 0.03613 \times D$ , where:

W = net weight in pounds;

T = nominal thickness in inches;

A = nominal length in inches times nominal width in inches;

D = density in grams per cubic centimeter as determined by the "American society for testing materials, D1505-03, vol. 15.05 (2004) standard method of test for density of plastics by the density gradient technique". In the foregoing equation, 0.03613 is a factor for converting g/cm (3) to lb/in (3).

(M) Insulation.

- (1) Packaged loose-fill insulation except cellulose: Packaged loose-fill insulation, except cellulose, shall declare the net weight with no qualifying statement; each package must contain at least the stated weight. In addition, the following information shall be supplied on the package: minimum thickness, maximum net coverage area, number of bags per thousand square feet, and minimum weight per square foot at R-values of eleven, nineteen, and twenty-two. This information shall also be supplied for any additional R-values listed.
- (2) Packaged loose-fill cellulose insulation: The principal display panel of packaged loose-fill cellulose insulation shall declare the net weight with no qualifying statement; each package must contain at least the stated weight. In addition, the following information shall be supplied on the package:

minimum thickness, maximum net coverage area, number of bags per one hundred square feet, and minimum weight per square foot at R-values of thirteen, nineteen, twenty-four, thirty-two and forty. This information shall also be supplied for any additional R-values listed.

- (3) Batt and blanket insulation: The principal display panel of packaged batt or blanket insulation shall declare the square feet of insulation in the package, and the length and width of the batt or blanket. In addition, R-value and thickness shall be declared on the package.
  - (4) Installed insulation: Installed insulation must be accompanied by a contract or receipt. For all insulation except loose fill and aluminum foil, the receipt must show the coverage area, thickness, and R-value of the insulation installed. For loose fill, the receipt must show those three items plus the number of bags used. For aluminum foil, the receipt must show the number and thickness of air spaces, the direction of heat flow and R-value. The receipt must be dated and signed by the installer. Example: "This is to certify that the insulation has been installed in conformance with the requirements indicated by the manufacturer to provide a value of R-19 using thirty-one and a half bags of insulation to cover fifteen hundred square feet area."
- (N) Solid fuel products. Anthracite, semi-anthracite, bituminous, semi-bituminous, or lignite coal, and any other natural, manufactured, or patented fuel, not in liquid or gaseous form, except fireplace and stove wood, shall be offered, exposed for sale, or sold by net weight when in package form.
- (O) Liquefied petroleum gas cylinder tare weights. For stamped tare weights on cylinders employed in the sale of liquefied petroleum gas, the following shall apply:
- (1) Allowable difference: The allowable difference between the actual tare weight and the stamped tare weight for a new or used cylinder shall be one per cent of the actual tare weight. The tare weight shall include the weight of the cylinder (including paint), valve, and other permanent attachments. The weight of a protective cap shall not be included in tare or gross weights.
  - (2) Average requirement: The tare weights of cylinders at a single place of business found to be in error predominantly in a direction favorable to the seller and near the allowable difference limit shall be considered to be not in conformance with these requirements.

(P) Precious metals.

Definition.

- (1) "Precious metals": Gold, silver, platinum, or any item composed partly or completely of these metals or their alloys and in which the market value of the metal in the item is principally the gold, silver, or platinum component.
- (2) Quantity: The unit of measure and the method of sale of precious metals, if the price is based in part or wholly on a weight determination, shall be either troy weight or metric weight. When the measurement or method of sale is expressed in metric weight units, a conversion chart to troy units shall be prominently displayed so as to facilitate price comparison. The conversion chart shall also display a table of troy weights indicating grains, pennyweights, and troy ounces.

(Q) Mulch.

- (1) Definition: "Mulch" means any product or material except peat or peat moss that is advertised, offered for sale, or sold for primary use as a horticultural above-ground dressing; for decoration, moisture control, weed control, erosion control, temperature control, or other similar purposes.
- (2) Quantity: All mulch shall be sold, offered, or exposed for sale in terms of volume measure; in inch-pound units in terms of the cubic yard or cubic foot; in metric units in terms of the cubic meter or liter.

(R) Kerosene. All kerosene kept, offered, exposed for sale, or sold shall be identified as such and will include, with the word "kerosene," an indication of its compliance with the standard specification adopted by the "American Society for Testing and Materials, Specification Number D-3699" , volume 15.02 (2003) in effect on the effective date of this rule and incorporated herein by reference.

(S) Gasoline-alcohol blends.

Documentation for dispenser labeling purposes: The retailer must be provided, at the time of delivery of the fuel, on an invoice, bill of lading, shipping paper, or other documentation, the presence and maximum amount of ethanol, methanol, or any combination of ethanol/methanol (in terms of per cent by volume) contained in the fuel. This documentation is only for dispenser labeling purposes; it is the responsibility of any potential blender to determine the total oxygen content of the motor fuel before blending.

(T) ~~Liquified~~Liquefied petroleum gas.

- (1) Quantity: All liquefied petroleum gases, including but not limited to propane,

butane, and mixtures thereof, shall be kept, offered, exposed for sale, or sold by the pound, metered cubic foot of vapor (defined as one cubic foot at sixty degrees Fahrenheit), or cubic meter, or the gallon (defined as two hundred thirty-one cubic inches at sixty degrees Fahrenheit). All metered sales by the gallon, except those using meters with a maximum rated capacity of twenty gallons per minute or less, shall be accomplished by use of a meter and device that automatically compensates for temperature.

- (2) Sale by weight; marking required: When liquefied petroleum gas is sold or offered for sale at retail by weight, in portable containers, the tare weight of the container shall be plainly and conspicuously marked on the outside of the container or on a label firmly attached thereto. Tare weight shall not be construed to include the valve protecting cap, which shall be removed when weighing. It is unlawful to sell or offer or expose for sale liquefied petroleum gas in packages or containers which do not bear a statement as to tare weight as required by this paragraph, or which packages or containers bear a false statement as to tare weight, provided packages intended to be used only once and clearly marked with the statement "not refillable" are exempt from this tare weight requirement.
- (3) Refilling; credit: Liquefied petroleum gas, when sold by refilling of a container or an exchange of containers (the vendor shall give the purchaser full credit for the unused liquid remaining in a container being exchanged or refilled). Exempt from this requirement are all lift truck motor fuel cylinders, one-hundred-pound cylinders used for construction purposes, and any cylinders less than forty pounds that are exchanged rather than refilled when the purchaser is notified that no refilling credit will be given. This notification shall be accomplished by way of an appropriate sign or written agreement.
- (4) Service charge and unit price: If the vendor charges the purchaser for the labor involved in refilling a container of one hundred pounds or less, the vendor must display the amount of the service charge and the unit price at which the product is offered for sale. The service charge and unit price shall be conspicuously displayed so it may be observed from some reasonable customer position.
- (5) Delivery ticket or sales invoice: An invoice shall be submitted to the purchaser showing the quantity of liquefied petroleum gas sold, expressed in pounds, gallons, cubic feet, or other unit approved by the department of agriculture and the unit price of the product. When vapor meters reading in approved units other than cubic feet are used, the invoice shall clearly indicate to the purchaser a factor to convert to gallons. When a nonautomatic temperature-compensated meter is used, all retail or wholesale sale tickets shall show metered gallons, the temperature of the product at the time of

delivery and the corrected gallonage to sixty degrees Fahrenheit. When an automatic temperature-compensated meter is used, all retail or wholesale sale tickets shall show the metered gallonage corrected to sixty degrees Fahrenheit.

(U) Liquid oxygen used for respiration.

(1) If sold by weight, liquid oxygen shall be weighed on an appropriate sealed commercial scale. A pressure or other type of gauge may not be used to determine weight.

(2) A delivery ticket or sales invoice shall be provided and shall contain at least the following information:

(a) Date delivered;

(b) Name and address of vendor;

(c) Name and address of the purchaser;

(d) If sold by weight, the weight of cylinder before filling, the weight of cylinder after filling, and the net weight of liquid oxygen delivered;

(e) If sold by measure, the measurement and any computation used to arrive at the net quantity of liquid oxygen delivered;

(f) Unit price;

(g) Total computed price; and

(h) Weigher's or measurer's signature.

~~(U)(V) Packaged animal bedding, of all kinds, except for baled straw, shall be sold by volume, that is, by cubic meter, liter, or milliliter and by the cubic yard, cubic foot, or cubic inch. If the commodity is packaged in a compressed state, the quantity declaration shall include both the quantity in compressed state and the usable quantity that can be recovered.~~

(1) Packaged animal bedding of all kinds, except for baled straw, shall be sold by volume, that is, by cubic meter, liter, or milliliter and by the cubic yard, cubic foot, or cubic inch. If the commodity is packaged in a compressed state, the quantity declaration shall include both the quantity in compressed state and the usable quantity that can be recovered. Compressed animal bedding shall not include pre-compression volume statements.

(2) Exemption for non-consumer packages sold to laboratory animal research

industry. Packaged animal bedding consisting of granular corncobs and other dry (eight per cent or less moisture), pelleted, and/or non-compressible bedding materials that are sold to commercial (non-retail) end users in the laboratory animal research industry (government, medical, university, pre-clinical, pharmaceutical, research, biotech, and research institutions) may be sold on the basis of weight.

(W) Wiping cloths. Wiping cloths shall be sold by net weight or by count plus size of wiping cloths. When sold by count plus size, and the wiping cloths are of assorted sizes, the term "irregular dimensions" and the minimum size of such cloths must be declared. The gross weight may not be printed on any package, either consumer or non-consumer.

(X) Blaer twine. Blaer twine shall be sold on the basis of length in meters or feet, and net mass or weight by kilograms or pounds.

(Y) Potpourri. Potpourri shall be sold as follows:

(1) Potpourri packaged in advance of sale shall be sold by weight, except when sold in a decorative container or sachet, which may be sold by count.

(2) Potpourri sold from bulk shall be sold by weight or by dry volume.

(Z) Motor Oil. Motor oil shall be sold in terms of volumetric units.

~~(V)~~(AA) Communication paper.

(1) Definitions

(a) Communication paper: "Communication paper" shall mean packaged bond, mimeo, spirit duplicator, xerographic, and other papers, including cut-sized office paper and computer paper.

(b) Basis weight: "Basis weight" as used in this regulation for labeling shall mean the grade, category, or identity of the paper determined according to the latest version of American society for testing and materials standard method D646 (2001) for "grammage of paper and paperboard." Basis weight is used as a standard of identity and is not considered a et weight declaration.

(2) Method of sale. All packaged communication paper kept, offered, or exposed for sale and sold at retail shall be sold in terms of sheet length, weight and count.

(3) Labeling. Communication paper in package form shall bear a label that includes a declaration of quantity, in terms of sheet length and width and count, in the lower 30 percent of the principal display panel and declaration of identity including the basis weight, and may include such other information as grain direction, color, brightness, printed lines, and hole punch information. Due to the variation in basis weight in manufacturing and analysis declared on the label shall correspond to the basis weight declared by the original manufacturer.

~~(W)~~(BB) Sand, rock, gravel, stone, paving stone, and similar materials kept, offered, or exposed for sale in bulk must be sold as:

- (1) Top-soil, fill dirt, aggregate or chipped rock, sand (including concrete and mortar sand), decomposed granite, landscape type rock, and cinders must be sold by the cubic meter or cubic yard or by weight.
- (2) Flagstone must be sold by weight.
- (3) Dimensional cut stone must be sold by square meter, square good, or weight.
- (4) This requirement does not apply to single stones with engraving such as grave-stones, natural or manmade artwork, landscape boulders, and pre-cast uniform size blocks.

Effective:

Five Year Review (FYR) Dates: 04/26/2016

---

Certification

---

Date

Promulgated Under: 119.03  
Statutory Authority: 1327.50, 901.10  
Rule Amplifies: 1327.50, 1327.55  
Prior Effective Dates: 1/1/1990, 1/18/2005

901:6-7-04

**General.**

- (A) Presentation of price. Whenever an advertised, posted, or price per unit of weight, measure, or count for any commodity includes a fraction of a cent, all elements of the fraction shall be prominently displayed, and the numerals expressing the fraction shall be immediately adjacent to, of the same general design and style as, and at least one-half the height and width of the numerals representing the whole cent.
- (B) Allowable differences: combination quantity declarations. Whenever the method of sale for a bulk or packaged commodity requires the use of a statement that includes count in addition to weight, measure, or size, the following shall apply to the particular commodity: ~~beverage~~; ~~wear~~; ~~For~~ pressed and blown tumblers and stemware; ~~The~~the allowable difference between actual and declared capacity shall be:
- (1) For inch-pound:
- (a) Plus or minus one-quarter fluid ounce for items of five-fluid-ounce capacity or less; and
- (b) Plus or minus five per cent of the stated capacity for items over five-fluid-ounce capacity.
- (2) For metric:
- (a) Plus or minus ten milliliters for items of two-hundred-milliliter capacity or less; and
- (b) Plus or minus five per cent of the stated capacity for items over two-hundred-milliliter capacity.
- (C) Machine vended commodities. All vending machines dispensing packaged commodities shall indicate to the customer:
- (1) Product identity;
- (2) Net quantity; and
- (3) Name, address, and telephone number of responsible party.

The requirement for product identity and net quantity can be met either by

display of the package or by information posted on the outside of the machine. Packaged products dispensed from a machine must meet the requirements of rules 901:6-3-01 to 901:6-3-12 of the Administrative Code.

(D) Railroad car tare weights. Whenever stenciled tare weights on freight cars are employed in the sale of commodities or the assessment of freight charges, the following conditions and requirements shall apply:

(1) All newly stenciled or restenciled tare weights shall be accurately represented to the nearest one hundred pounds for inch-pound units and to the nearest fifty kilograms for metric units, and the representation shall include the date of weighing.

(2) The allowable difference between actual tare weight and stenciled tare weight on freight cars in use shall be as follows.

(a) Inch-pound allowable difference:

(i) Plus or minus three hundred pounds for cars fifty thousand pounds or less;

(ii) Plus or minus four hundred pounds for cars over fifty thousand pounds up to and including sixty thousand pounds; and

(iii) Plus or minus five hundred pounds for cars over sixty thousand pounds.

(b) Metric allowable difference:

(i) Plus or minus one hundred fifty kilograms for cars twenty-five thousand kilograms or less;

(ii) Plus or minus two hundred kilograms for cars over twenty-five thousand kilograms up to and including thirty thousand kilograms; and

(iii) Plus or minus two hundred fifty kilograms for cars over thirty thousand kilograms.

(3) Tare weight determinations for verification or change of stenciled weights shall only be made on properly prepared and adequately cleaned freight cars.

- (4) Tank cars, covered hopper cars, flat cars equipped with multideck racks or special superstructure, mechanical refrigerator cars, and house-type cars equipped with special lading protective devices must be reweighed and restenciled only by owners or their authorized representatives:
- (a) When car bears no lightweight (empty weight) stenciling; and
  - (b) When repairs or alterations result in a change of weight in excess of the permissible lightweight tolerance.

Effective:

Five Year Review (FYR) Dates: 04/26/2016

---

Certification

---

Date

Promulgated Under: 119.03  
Statutory Authority: 1327.50  
Rule Amplifies: 1327.50, 1327.55  
Prior Effective Dates: 1/1/1990