
NEW JERSEY ADMINISTRATIVE CODE
TITLE 13
LAW AND PUBLIC SAFETY
CHAPTER 47K
COMMODITIES IN PACKAGE FORM;
WEIGHTS AND MEASURES

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. COMMODITIES IN PACKAGE FORM 3
 13:47K-1.1 Commodities in package form..... 3

SUBCHAPTER 2. NON-FOOD PRODUCTS: INCH-POUND UNITS REQUIREMENT 3
 13:47K-2.1 Inch-pound units requirement 3
 13:47K-2.2 through 2.12 (Reserved)..... 3
 13:47K-2.13 through 2.26 (Reserved)..... 5

SUBCHAPTER 3. (RESERVED) 4

SUBCHAPTER 4. MARKING REQUIREMENTS 4
 13:47K-4.1 Applications 4
 13:47K-4.2 (Reserved)..... 5
 13:47K-4.3 Declaration of identity: consumer package..... 5
 13:47K-4.4 Declaration of identity: non-consumer package 5
 13:47K-4.5 Declaration of responsibility: consumer and non-consumer packages 5
 13:47K-4.6 Declaration of quantity: consumer packages 5
 13:47K-4.7 Declaration of quantity: non-consumer packages 5
 13:47K-4.8 Prominence and placement: consumer packages..... 5
 13:47K-4.9 Prominence and placement: non-consumer packages 6
 13:47K-4.10 Requirements: specific consumer commodities, non-consumer commodities, packages, containers 6
 13:47K-4.11 Exemptions 6

SUBCHAPTER 5. VARIATIONS 6
 13:47K-5.1 Packaging variations 6
 13:47K-5.2 Maximum allowable variations 7
 13:47K-5.3 (Reserved)..... 8

SUBCHAPTER 1. COMMODITIES IN PACKAGE FORM

13:47K-1.1 COMMODITIES IN PACKAGE FORM

The Uniform Packaging and Labeling Regulation contained in the National Institute of Standards and Technology (NIST) Handbook 130, 2018 edition, at pages 51 through 95, adopted by the National Conference on Weights and Measures, is incorporated herein by reference, as amended and supplemented. The Uniform Packaging and Labeling Regulation may be found at <https://nvlpubs.nist.gov/nistpubs/hb/2018/NIST.HB.130-2018.pdf>. All commodities in package form sold or offered for sale in this State must comply with these regulations. Notwithstanding the incorporation of the NIST Handbook 130, 2018 edition, the State requirements in this chapter shall be followed by those who sell, or offer for sale, general commodities in package form.

SUBCHAPTER 2. NON-FOOD PRODUCTS: INCH-POUND UNITS REQUIREMENT

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.

13:47K-2.2 (RESERVED)

13:47K-2.3 (RESERVED)

13:47K-2.4 (RESERVED)

13:47K-2.5 (RESERVED)

13:47K-2.6 (RESERVED)

13:47K-2.7 (RESERVED)

13:47K-2.8 (RESERVED)

13:47K-2.9 (RESERVED)

13:47K-2.10 (RESERVED)

13:47K-2.11 (RESERVED)

13:47K-2.12 (RESERVED)

13:47K-2.13 (RESERVED)

13:47K-2.14 (RESERVED)

13:47K-2.15 (RESERVED)

13:47K-2.16 (RESERVED)

13:47K-2.17 (RESERVED)

13:47K-2.18 (RESERVED)

13:47K-2.19 (RESERVED)

13:47K-2.20 (RESERVED)

13:47K-2.21 (RESERVED)

13:47K-2.22 (RESERVED)

13:47K-2.23 (RESERVED)

13:47K-2.24 (RESERVED)

13:47K-2.25 (RESERVED)

13:47K-2.26 (RESERVED)

**SUBCHAPTER 3.
(RESERVED)**

**SUBCHAPTER 4.
MARKING REQUIREMENTS**

13:47K-4.1 APPLICATIONS

- a) This subchapter shall apply to packages and to commodities in package form, but shall not apply to:
- 1) Shipping containers or wrapping used solely for the transportation of any commodities in bulk or in quantity to manufacturers, packers, or processors, or to wholesale or retail distributors, thereof, unless used in retail display;
 - 2) Shipping containers or outer wrappings used by retailers to ship or deliver packages of such commodities to retail customers if such containers or wrappings bear no printed matter pertaining to any particular commodity;

- 3) Open carriers and transport wrappers or carriers for containers when the wrappers or carriers do not bear any written, printed, or graphic matter obscuring the label information required by this subchapter; or
- 4) Commodities put up in variable weights and sizes for sale and intended to be either weighed or measured at the time of sale, where no package quantities are represented.

13:47K-4.2 (RESERVED)

13:47K-4.3 DECLARATION OF IDENTITY: CONSUMER PACKAGE

The regulation addressing declaration of identity on a consumer package is set forth in the NIST Handbook 130, 2018 edition, at IV.A.3.

13:47K-4.4 DECLARATION OF IDENTITY: NON-CONSUMER PACKAGE

The regulation addressing declaration of identity on a nonconsumer package is set forth in the NIST Handbook 130, 2018 edition, at IV.A.4.

13:47K-4.5 DECLARATION OF RESPONSIBILITY: CONSUMER AND NON-CONSUMER PACKAGES

The regulation addressing declaration of responsibility on consumer and nonconsumer packages is set forth in the NIST Handbook 130, 2018 edition, at IV.A.5.

13:47K-4.6 DECLARATION OF QUANTITY: CONSUMER PACKAGES

The regulation addressing declaration of quantity on a consumer package is set forth in the NIST Handbook 130, 2018 edition, at IV.A.6.

13:47K-4.7 DECLARATION OF QUANTITY: NON-CONSUMER PACKAGES

The regulation addressing declaration of quantity on a nonconsumer package is set forth in the NIST Handbook 130, 2018 edition, at IV.A.7.

13:47K-4.8 PROMINENCE AND PLACEMENT: CONSUMER PACKAGES

The regulation addressing the appearance and placement of the information to appear on a consumer package is set forth in the NIST Handbook 130, 2018 edition, at IV.A.8.

13:47K-4.9 PROMINENCE AND PLACEMENT: NON-CONSUMER PACKAGES

The regulation addressing the appearance and placement of the information to appear on a nonconsumer package is set forth in the NIST Handbook 130, 2018 edition, at IV.A.9.

13:47K-4.10 REQUIREMENTS: SPECIFIC CONSUMER COMMODITIES, NON-CONSUMER COMMODITIES, PACKAGES, CONTAINERS

The regulation addressing the requirements for specific consumer containers, nonconsumer commodities, packages, and containers is set forth in the NIST Handbook 130, 2018 edition, at IV.A.10.

13:47K-4.11 EXEMPTIONS

The regulation addressing the exemptions for consumer and nonconsumer commodities, packages, and containers is set forth in the NIST Handbook 130, 2018 edition, at IV.A.11.

**SUBCHAPTER 5.
VARIATIONS**

13:47K-5.1 PACKAGING VARIATIONS

- a) Variations from the declared net weight, measure or count shall be permitted when caused by unavoidable deviations in weighing, measuring, or counting the contents of individual packages that occur in good packaging practice, but such variations shall not be permitted to such extent that the average of the quantities in the packages of a particular commodity, or a lot of the commodity that is kept, offered, or exposed for sale, or sold, is below the quantity stated, and no unreasonable shortage in any package shall be permitted, even though overages in other practices in the same shipment, delivery, or lot compensate for such shortages. Variations above the declared quantity shall not be unreasonably large.

- b) Variations from the declared weight or measure shall be permitted when caused by ordinary and customary exposure to conditions that normally occur in good distribution practice and that unavoidably result in change of weight or measure, but only after the commodity is introduced into intrastate or interstate commerce; provided that the phrase “introduced into intrastate or interstate commerce” as used in this subsection shall be construed to define the time and the place at which the first sale and delivery of a package is made within the State, or within any other state, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States, but shall not include exports to foreign countries, the delivery being either:
 - 1) Directly to the purchaser or to his agent; or

- 2) To a common carrier for shipments to the purchaser, and this paragraph shall be construed as requiring that, so long as a shipment, delivery, or lot of packages of a particular commodity remains in the possession or under the control of the packager or the person who introduces the package into intrastate or interstate commerce, exposure variations shall not be permitted.

13:47K-5.2 MAXIMUM ALLOWABLE VARIATIONS

- a) The maximum allowable variations below shall conform to the following or revised or later editions, if in effect, incorporated herein by reference:
 - 1) The National Institute of Standards and Technology's (NIST's) Maximum Allowable Variations for Packages Labeled by Weight referenced as Table 2-5 of Appendix A of the 2018 Edition of NIST Handbook 133;
 - 2) The NIST's Maximum Allowable Variations for Packages Labeled by Liquid and Dry Volume referenced as Table 2-6 of Appendix A of the 2018 Edition of NIST Handbook 133;
 - 3) The NIST's Maximum Allowable Variations for Packages Labeled by Count referenced as Table 2-7 of Appendix A of the 2018 Edition of NIST Handbook 133;
 - 4) The NIST's Maximum Allowable Variations for Packages Labeled by Length, (Width) or Area referenced as Table 2-8 of Appendix A of the 2018 Edition of NIST Handbook 133;
 - 5) The U.S. Department of Agriculture's Maximum Allowable Variations for Meat and Poultry Groups and Lower Limits for Individual Packages referenced as Table 2-9 of Appendix A of the 2018 Edition of NIST Handbook 133; and
 - 6) The NIST's Maximum Allowable Variations for Polyethylene Sheeting and Film, referenced in Table 2-10 of Appendix A of the 2018 Edition of NIST Handbook 133.
- b) The tables referenced in (b) above are part of a document that is reviewed and/or revised periodically as needed; the most current document is to be used. The NIST Handbook 133 can be obtained from: Weights and Measures Division, National Institute of Standards and Technology, 100 Bureau Drive, Stop 2600, Gaithersburg, MD 20899-2600, telephone number (301) 975-4004, or at the NIST website at www.nist.gov.
- c) Allowed variations from declared dimensions for textiles are as follows:

- 1) For an item with no declared dimension less than 24 inches or 60 centimeters, a minus variation greater than three percent of a declared dimension and a plus variation greater than six percent of a declared dimension should be considered unreasonable.
- 2) For an item with a declared dimension less than 24 inches of 60 centimeters, a minus variation greater than six percent of that declared dimension and a plus variation greater than 12 percent of that declared dimension should be considered unreasonable.
- d) For mulch, an individual package minus variation greater than five percent of the declared volume shall be considered unreasonable.
- e) The following table sets forth permitted variations for the boundaries of the gray area for different sizes of flour packages:

Column 1	Column 2	Column 3	Column 4
The labeled weight is	The average package error is minus and between zero and 3% of label weight	And any individual package error is minus and is between the MAV	MAV +3%
2 lb	-0.06 lb	-0.07 lb	-0.13 lb
5 lb	-0.15 lb	-0.14 lb	-0.29 lb
10 lb	0.30 lb	-0.22 lb	-0.52 lb
20 lb	-0.60 lb	-0.31 lb	-0.91 lb
25 lb	-0.75 lb	-0.37 lb	-1.12 lb
50 lb	-1.50 lb	-0.50 lb	-2.00 lb
100 lb	-3.00 lb	-2.00 lb	-5.00 lb

13:47K-5.3 (RESERVED)