

## **B4: OTH-22.1 V Uniform E-Commerce Regulation**

### **Source:**

NCWM Packaging and Labeling Subcommittee (PALS)

### **Purpose:**

Provide an update of the activities of PALS which works on direction from and reports to the L&R. This is to propose a new regulation for Handbook 130 covering sites and products which are sold through e-commerce.

### **Item Under Consideration:**

Adopt a Handbook 130, Uniform Regulation for E-commerce Products, as follows:

## **Uniform E-commerce Regulation**

### **1. Background**

**The Uniform E-commerce Regulation was adopted during the 1XXth Annual Meeting of the National Conference on Weights and Measures (NCWM) in 202X.**

**NCWM adopted a model e-commerce regulation to assist those states authorized to adopt such a regulation under provisions of their weights and measures laws. The customer benefit of having clear and consistent price, quantity and identity information during an e-commerce transaction should be greater confidence that a product purchased is actually the product they intended to purchase. The manufacturer benefit of this e-commerce regulation is clear expectations of what information is required to be provided on e-commerce sites offering products for sale and product information accompanying product delivery.**

**Nothing contained in this regulation should be construed to supersede any labeling requirement specified in federal law.**

### **2. Status of Promulgation**

**The table beginning on page 6 shows the status of adoption of the Uniform E-commerce Regulation.**

**This regulation shall become effective and subject to enforcement on January 1, 2025.**

### **Preamble**

**The purpose of this regulation is to provide accurate and adequate identity and net quantity information for products sold via e-commerce to help facilitate purchaser confidence in e-commerce purchases. This regulation establishes requirements for e-commerce sites offering products for purchase, product labeling for products sold via e-commerce and for receipts which detail the identity, quantity and price the consumer paid upon product delivery. This regulation applies to product identity, net quantity, responsible parties and price information and is not intended to apply to other product labeling or quality requirements.**

### **Section 1. Application**

**This regulation shall apply to products and transactions which occur when purchasers are not present to purchase a consumer or non-consumer product in person.**

This regulation specifically establishes requirements for web-based sales (including smartphone and computer applications) and other sites/programs which offer products for sale and permit customers to make purchases without being physically present to inspect and select individual products and commodities in-person. This regulation also applies to any product information which shall accompany the transactions including labeling and receipts.

This regulation shall not apply to:

- (a) inner wrappings not intended to be individually sold to the customer
- (b) shipping containers or wrapping used solely for the transportation of any commodities or products
- (c) shipping containers and inner wrappings for products or commodities purchased in quantity by manufacturers, packers, or processors in industrial proportions, or to wholesale or retail distributors who subsequently distribute or offer for sale products and commodities
- (d) auxiliary containers or outer wrappings used to deliver packages of such commodities to retail customers if such containers or wrappings bear no printed matter pertaining to any particular commodity.

## Section 2. Definitions

The following definitions apply to this regulation:

2.1. Product -- An article, commodity or substance that is manufactured, grown, harvested, mined, ~~or refined, or a package introduced into commerce. for sale.~~

2.2. Consumer Product – A product sold or offered for sale in packaged or bulk form which is intended for personal use in a home or residence ~~consumption or use, by individuals.~~

2.3. Non-Consumer Product -- A product sold or offered for sale ~~which is intended for use by a business or institution customer for industrial use or wholesale distribution. other than a consumer product and particularly a product intended solely for industrial or institutional use or for wholesale distribution.~~

2.4. Online Marketplace – Any person or entity who operates an electronically accessed platform that includes features that allow for, facilitate, or enable sellers to engage in the sale, purchase, payment, storage, shipping or delivery of a product within the U.S., is used by sellers for such purposes, and has a contractual or similar relationship with its users governing their use of that platform to sell and purchase products.

2.5. E-commerce – The process of offering for sale, transacting sales, and delivery of consumer product(s) or non-consumer product(s) when the purchaser is not physically present at the point of purchase. E-commerce includes on-line sales made using websites and phone applications, catalog sales and sales transacted via online marketplaces by 3<sup>rd</sup> parties when the purchaser is not physically present.

2.6. E-commerce Product – A consumer product or non-consumer product offered for sale through e-commerce.

2.7. E-commerce Site – The site, program or interface through which customers make product purchases by means of e-commerce . An e-commerce site may be a manufacturer website, a retail website, an online marketplace, a delivery service site, a phone application or other interface in which the customer is physically not present to inspect and select products.

2.8. Customer – A person or entity purchasing an e-commerce product for their own use, the use of another person, or a business.

**2.9 Person** – The term “person” means either singular or plural and shall include any individual, partnership, company, corporation, association, or society engaged in e-commerce activity.

**2.10. Package**. – Except as excluded by Section 1, the term “package,” whether standard package or random package, means any consumer product or non-consumer product which is:

- (a) enclosed in a container or wrapped in any manner in advance of wholesale or retail sale; or
- (b) whose weight, measure or count has been determined in advance of wholesale or retail sale.

**2.11. E-commerce Package** – Any consumer product or non-consumer product with a defined net quantity which is sold through e-commerce and is:

- (a) enclosed in a container or wrapped in any manner in advance of on-line sale; or
- (b) not enclosed prior to on-line sale and wrapped or packaged for shipment or delivery after sale, or
- (c) not enclosed prior to on-line sale and does not require wrapping or packaging for delivery after sale.

**2.12. E-commerce Standard Package** – Any package sold or offered for sale via e-commerce where lots or shipments for delivery of the package of the same product have identical net content declarations.

**2.13. E-commerce Random Package** – Any package sold or offered for sale via e-commerce where lots or shipments for delivery of the package of the same product have varying net content declarations.

**2.14. Sale from Bulk**. – The term “sale from bulk” means the sale of products are not pre-packaged and where the quantity is determined at the time of sale.

**2.15. E-commerce Bulk Product** – A product sold or offered for sale via e-commerce where the product is not packaged at time of purchase. An e-commerce bulk product may or may not be wrapped upon its sale to facilitate shipment or delivery.

**2.16. E-commerce Non-Consumer Package** – Any non-consumer product that is sold or offered for sale which has been packaged prior to sale on an e-commerce site.

**2.17. E-Commerce Package Label**. – Any written, printed, or graphic matter affixed to, applied to, attached to, blown into, formed, molded into, embossed on, or contained within a package containing any consumer or non-consumer product for purposes of branding, identifying, or providing information with respect to the product or to the contents of the package.

**2.18. E-commerce Receipt**. -- A complete record of a transaction involving the purchase of one or more e-commerce products purchased at the same time from the same E-commerce site. E-commerce receipts may be either electronic or paper as described in this regulation.

**2.19. SI or SI Units** – SI or SI Units means the International System of Units as established in 1960 by the General Conference on Weights and Measures (CGPM) and interpreted or modified for the United States by the Secretary of Commerce See the “Interpretation of the International System of Units for the United States” in the “Federal Register” (Volume 73, No. 96, pages 28432 to 28433) for May 16, 2008, and 15 United States Code, Section 205a - 2051 “Metric Conversion.” See also NIST Special Publication 330, *The International System of Units (SI)*, 2019 edition and NIST Special Publication 811, *Guide for the Use of the International System of Units (SI)*, 2008 edition that are available at [www.nist.gov/pml/weights-and-measures/publications/metric-publications](http://www.nist.gov/pml/weights-and-measures/publications/metric-publications) or by contacting [TheSI@nist.gov](mailto:TheSI@nist.gov).

2.20. U.S. Customary Units – Units based upon the inch, foot, gallon, and the pound commonly used in the United States of America. U.S. customary units include units for weight, liquid measure, linear measure, area measure, volume measure and dry measure. **The U.S. customary system of weights and measures is recognized as a proper system to be used in the declaration of quantity. The declaration of quantity is based on weight, measure, or count.** (see NIST Handbook 130, UPLR Section 6. Declaration of Quantity: Consumer Packages for additional information).

### Section 3. Required Declarations for E-commerce Sites Offering Products for Sale

Consumer and Non-Consumer Products are being purchased through e-commerce sites whereby the customer makes purchase decisions based upon the product information provided on the website, phone application or other remote means. Because customers make e-commerce purchase decisions based on available information provided on these sites or venues, customers should expect the information provided to be sufficiently complete in order to make informed purchase decisions and accurate value comparisons. To that end, certain price and FPLA-required label information shall be provided to purchasers on the E-commerce site where a product is offered for sale. The elements of the FPLA information required by this regulation are also present in regulations promulgated by other Federal agencies such as EPA, FTC, and Department of Agriculture.

3.1. E-commerce Site Requirements for Standard Packages. – The following shall apply to e-commerce sites on which standard packages are offered for sale:

- (a) Declaration of Identity. – The product declaration of identity shall appear on the e-commerce site in a conspicuous and prominent location. Wherever applicable, the product brand name or manufacturer/distributor name shall be combined with the declaration of identity. This information shall be provided separately from and in addition to any picture or image of the product (See Section 7 Declaration of Identity: E-commerce Products for additional information.)
- (b) Declaration of Net Quantity. – The declaration of net quantity shall appear on the e-commerce site in a prominent location and in a conspicuous manner which clearly communicates the package net quantity. This information shall be provided separately from and in addition to any picture or image of the product. This information shall be provided in both U.S. customary and SI units for products subject to the Fair Packaging and Labeling Act or as mandated for products under other Federal regulations (See Section 6. Declaration of Quantity – E-commerce Products for additional information.)
- (c) Product Price. – The price of the product shall appear on the e-commerce site in a conspicuous and prominent location. Added cost information (if any) for shipping, delivery, taxes, and other services shall be provided to the customer prior to the completion of check-out and payment.
- (d) Product Photo or Visual Product Representation/Image. – The e-commerce site shall provide a photo or visual representation (image) of the product to help consumers confirm the identity of the item they intend to purchase. While a product photo or image may show certain required information, required information shall appear separately from the picture/representation. Any information provided in the picture/image shall not conflict with information required by this regulation (See Section 9. Product Photograph or Accurate Product Depiction/Representation: E-commerce Site Requirements for additional information).
- (e) Brand Name or Product Manufacturer. – The e-commerce site shall provide the name of the manufacturer, distributor or the brand of any product offered for sale, where applicable (See Section 8. Declaration of Responsible Person: E-commerce Products for additional information.)

3.2. E-commerce Site Requirements for Random Packages. – The following shall apply to e-commerce sites on which random packages are offered for sale:

- (a) Declaration of Identity. – The product declaration of identity shall appear on the e-commerce site in a conspicuous and prominent location. Wherever applicable, the product brand name shall be combined with the declaration of identity. This information shall be provided separately from and in addition to any picture or image of the product (See Section 7. Declaration of Identity: E-commerce Products for additional information).
- (b) Unit Price. – The unit price of the product shall appear on the e-commerce site in a conspicuous and prominent location. This information shall be provided separately from and in addition to any picture or image of the product (See Section 5. Unit Pricing Requirements on E-Commerce Sites for Products Offered for Sale for additional information).
- (c) Net Quantity Information. – For each product offered for sale in random packages, a range of potential product net quantities and an estimated maximum possible item net weight shall be displayed to customers on the e-commerce site in a conspicuous and prominent location. (See Section 6. Declaration of Quantity– E-commerce Products additional information).
- (d) Product Price – For each product offered for sale in random packages, a range of potential product prices and an estimated maximum possible item price shall be displayed to customers on the e-commerce site in a conspicuous and prominent location. Added cost information (if any) for shipping, delivery, taxes, and other services shall be provided to the customer prior to the completion of check-out and payment.
- (e) Product Photo or Visual Product Representation/Image. – The e-commerce site shall provide a photo or representative image of the product to help customers confirm the identity of the item they intend to purchase. While a product photo or representation may depict certain required information, required information shall appear separately from the picture/representation. Any information provided in the picture/product representation shall not conflict with information required by this regulation (See Section 9. Product Photograph or Accurate Product Depiction/Representation: E-commerce Site Requirements for additional information).
- (f) Brand Name or Product Manufacturer. – The e-commerce site shall provide the name of the manufacturer, distributor, or the product brand name when it is different from the person or entity responsible for the website (See Section 8. Declaration of Responsible Person: E-commerce Products for additional information).

**3.3. Bulk Product E-commerce Site Requirements.** – The following shall apply to e-commerce sites on which products from bulk are offered for sale:

Declaration of Identity. – The bulk product declaration of identity shall appear on the e-commerce site in a conspicuous and prominent location. Brand name (if applicable) may be combined with the declaration of identity. This information shall be provided separately from and in addition to any picture or image of the bulk product (See Section 7. Declaration of Identity: E-commerce Products for additional information).

Unit Price. – The unit price of the product shall appear on the e-commerce site in a conspicuous and prominent location. This information should be provided separately from and in addition to any picture or image of the bulk product (See Section 5. Unit Pricing Requirements on E-Commerce Sites for Products Offered for Sale for additional information).

Net Quantity Information. – An estimated minimum and/or maximum possible product net quantity, if applicable to any product offered for sale from bulk, shall be provided on the e-commerce site in a conspicuous and prominent location (See Section 6. Declaration of Quantity– E-commerce Products for additional information).

Product Price – For products offered for sale limited to minimum and/or maximum per-order quantities, an estimated minimum or maximum possible product price, where applicable, shall be provided to the customer

on the e-commerce site in a conspicuous and prominent location. **Added cost information (if any) for shipping, delivery, taxes, and other services shall be provided to the customer prior to the completion of check out and payment.**

Product Photo or Product Representation. – The e-commerce site shall provide a photo or visual representation of the bulk product to help customers confirm the identity of the item they intend to purchase. While a product photo or representation may depict certain required information, required information shall appear separately from the picture/representation. Any information provided in the picture/product representation shall not conflict with information required by this regulation (See Section 9. Product Photograph or Accurate Product Depiction/Representation: E-commerce Site Requirements for additional information).

3.4. Non-Consumer Product E-commerce Site Requirements. – The following shall apply to e-commerce sites on which non-consumer products are offered for sale:

- (a) Packaged Non-Consumer E-commerce Products. – If the non-consumer product is packaged as a standard package, the requirements of Section 3.1. E-commerce Site Requirements for Standard Packages shall apply. If the non-consumer product is packaged as a random package, the requirements of Section 3.2. E-commerce Site Requirements for Random Packages shall apply.
- (b) E-commerce Products Purchased from Bulk. – If the non-consumer product is not packaged at the time of purchase, the requirements for Section 3.3. Bulk Product E-commerce Site Requirements shall apply.

#### Section 4. Required Information for E-commerce Products Upon Delivery.

4.1. Standard Package E-commerce Delivery Requirements. – The information below shall be provided within, upon or together with each standard package delivered to/received by a customer in an e-commerce transaction. Products which are labeled to be compliant with the UPLR meet the requirements for Declaration of Identity, Net Quantity and Responsibility. Products which are not labeled for retail sale as prescribed by the UPLR shall provide the following:

- (a) Declaration of Identity. – The product declaration of identity shall be prominently placed on the product package or on a label which is physically attached to product package. Although the declaration of identity may also appear on a receipt or invoice, a receipt or invoice alone is not an adequate means to provide this information.
- (b) Declaration of Net Quantity – The declaration of net quantity shall be prominently placed on the product or package or on a label which is physically attached to the product package. Although the declaration of net quantity may also appear on a receipt or invoice, a receipt by itself is not an adequate means to provide this information.
- (c) Declaration of Responsibility. – The declaration of responsibility, including name and address, shall be prominently placed on the product package label.
- (d) Product Price. – The total price of the product shall be provided to the customer, either on a receipt or invoice or by appearing upon, within, or with the delivered standard package. **In addition, cost information (if any) for shipping, delivery, taxes, and other services shall be provided to the customer in the manner prescribed as above.**

4.2. Random Package E-commerce Delivery Requirements. – The following shall apply to the information provided within, upon, or together with each random package delivered to/received by a customer in an e-commerce transaction:

- (a) Declaration of Identity. – The product declaration of identity shall be prominently placed on the product package or a label attached to the product package. Where multiple products are delivered concurrently, it shall be clear which information applies to each product. Although the declaration of identity may also appear on a receipt or invoice, a receipt or invoice alone is not an adequate means to provide this information.
- (b) Unit Price. – The unit price of the product shall be provided to the customer, either on a receipt or invoice, on the package label, or by other written documentation included with the delivered product and shall be in the same units of measure as displayed on the website.
- (c) Net Quantity Information. – The net quantity of the product shall be prominently marked or displayed on the product, or a label attached to the package and shall be in the same units of measure as displayed on the website. Where multiple products are delivered concurrently, it shall be clear which information applies to each product. Although the declaration of net quantity may also appear on a receipt or invoice, a receipt or invoice alone is not an adequate means to provide this information.
- (d) Product Price. – The price charged for the product shall be prominently marked upon the product or be recorded and displayed on documentation within the package. Where multiple products are delivered concurrently, it shall be clear which information applies to each product. The product receipt shall provide the purchaser with cost information including the ~~cost~~ **price** of the product and any applicable additional charges. Although the price information may also appear on a receipt or invoice, it shall also be provided as specified above with the product package.
- (e) Declaration of Responsibility. – The declaration of responsibility, including name and address, shall be conspicuously and prominently marked upon the product or package, or recorded and displayed on documentation within the package. Where multiple products are delivered concurrently, it shall be clear which information applies to each product. Although the declaration of responsibility may also appear on a receipt or invoice, a receipt or invoice alone is not an adequate means to provide this information.

4.3. Bulk Product E-commerce Delivery Requirements – The following shall apply to the information provided on or with bulk products delivered to / received by a customer in an e-commerce sale:

Declaration of Identity. – The bulk product declaration of identity shall be provided to the customer on a transaction receipt. A Declaration of Identity may also be marked upon or on written documentation attached to the bulk product, but this does not preclude it from being displayed on the receipt.

Unit Price. – The unit price of the product shall be provided to the customer on the transaction receipt. The Unit Price may also be displayed upon the product or its packaging, but this does not preclude it from being recorded on the receipt.

Declaration of Net Quantity. – The actual net quantity of the product delivered shall be provided to the customer on the transaction receipt. Actual net quantity shall be documented for the transaction as the customer was not present when the product(s) was selected. The Declaration of Net Quantity may be displayed upon the product or its packaging, but this does not preclude it from being recorded on the receipt.

Product Price. – ~~The total price charged for the product shall be provided to the customer on the transaction receipt.~~ **The total price of the product shall be provided to the customer, cost information (if any) for shipping, delivery, taxes, and other services shall be provided either on a receipt or invoice.**

**4.4. Non-consumer Product E-commerce Delivery Requirements. – The following shall apply to the information provided on or with a non-consumer product delivered to/received by a customer in an e-commerce sale:**

- (a) **Packaged Non-Consumer E-commerce Products. – If the non-consumer product is packaged as a standard package, the requirements in Section 4.1. Standard Package E-commerce Delivery Requirements shall apply. If the non-consumer product is packaged as a random package, the requirements of Section 4.2. Random Package E-commerce Delivery Requirements shall apply.**
- (b) **E-commerce Products Purchased from Bulk – If the non-consumer product is not packaged at the time of purchase, the requirements for Section 4.3. Bulk Product E-commerce Delivery Requirements shall apply.**

## **Section 5. Unit Pricing Requirements on E-Commerce Sites for Products Offered for Sale**

### **5.1. Products Subject to Unit Pricing on E-commerce Sites**

- (a) **Unit Price Information is required for bulk products and random packages offered for sale on an e-commerce site.**
- (b) **Unit Price Information is optional for standard packages offered for sale on e-commerce sites.**

### **5.2 Required Unit Price Information**

**The Unit Price shall be consistent with the required method of sale for the product.**

(b) **Units of Measure. - The declaration of the unit price of a particular commodity category of product in all package sizes offered for sale on an e-commerce site shall be uniformly and consistently expressed in the same unit of measure in terms of:**

- (1) **Price per kilogram or 100 g, or price per pound or ounce, if the net quantity of contents of the product is in terms of weight.**
  - (2) **Price per liter or 100 mL, or price per dry quart or dry pint, if the net quantity of contents of the product is in terms of dry measure or volume.**
  - (3) **Price per liter or 100 mL, or price per gallon, quart, pint, or fluid ounce, if the net quantity of contents of the product is in terms of liquid volume.**
  - (4) **Price per individual unit or multiple units if the net quantity of contents of the product is in terms of count.**
  - (5) **Price per square meter, square decimeter, or square centimeter, or price per square yard, square foot, or square inch, if the net quantity of contents of the product is in terms of area.**
  - (6) **Price per meter, decimeter, centimeter, or price per yard, foot, 100-feet, or inch if net quantity of contents of the product is in terms of length.**
- (c) **Exemptions – The following exemptions from unit pricing requirements above are permitted:**
- (1) **Small Packages. – Products shall be exempt from these provisions when packaged in quantities of less than 28 g (1 oz) or 29 mL (1 fl oz) or when the total retail price is 50 cents (\$0.50) or less.**
  - (2) **Single Items. – Products shall be exempt from these provisions when only one brand in only one size is offered for sale in a particular retail establishment.**



- (3) Infant Formula. – For “infant formula,” unit price information may be based on the reconstituted volume. “Infant formula” means a food that is represented for special dietary use solely as a food for infants by reason of its simulation of human milk or suitability as a complete or partial substitute for human milk.
- (4) Variety and Combination Packages. – Variety and Combination Packages as defined in Section 2.9. Combination Package and Section 2.10. Variety Package in the UPLR <sup>[see Section 5. NOTE]</sup> shall be exempt from these provisions.
- (d) E-commerce sites shall determine the most effective units for ensuring value comparison of similar products with varying product sizes. However, unit prices (e.g., price per ounce, price per inch, etc.) shall employ consistent units of measure for similar or competing products posted on the same e-commerce site.
- (e) Unit Pricing Expressions shall be listed in the nearest cent when a dollar or more. If the unit price is under a dollar, it shall be listed to the tenth of a cent or the whole cent, but both methods cannot be used simultaneously. The e-commerce site shall accurately and consistently use the same method of rounding up or down to compute the unit price to the whole cent.
- (f) The unit price information shall be presented adjacent to the product price information. When present, unit price information is to be provided in a manner so that it is adjacent to all other product pricing information.

*Section 5. NOTE: See NIST Handbook 130, Uniform Packaging and Labeling Regulation.*

## **Section 6. Declaration of Quantity– E-commerce Products**

**6.1. E-commerce Site Requirements – Any e-commerce package offered for sale on an e-commerce site shall be displayed or represented on the e-commerce site with a separate Declaration of Quantity statement which details the quantity of product that the package contains in SI and U.S. customary units of measure and/or in count consistent with the requirements for packages intended for retail sale prescribed in the UPLR (see Section 6. NOTE 1) Section 6. Declaration of Quantity: Consumer Packages and Section 7. Declaration of Quantity: Non-Consumer Packages, as applicable or other existing Federal regulations for non-consumer products. The Declaration of Quantity shall be accurately displayed in relevant units to facilitate value comparison. The declaration shall not be misleading or deceptive.**

**6.2. E-commerce Package Requirements – E-commerce standard and random consumer packages and pre-packaged non-consumer packages upon delivery to customers shall have an accurate Declaration of Net Quantity on the package label.**

**6.3. E-commerce Bulk or Unpackaged Product Requirements – E-commerce bulk and non-consumer products which are not packaged prior to purchase, at the time of delivery to the customer, shall be accompanied by an accurate Declaration of Net Quantity on a printed transaction receipt. This printed receipt shall include the product identity, unit price, net quantity, and actual charged price in a clear and non-misleading manner for all bulk or non-packaged products. Electronic receipts may be used in place of paper receipts if the information required for a paper receipt is printed upon or contained in each individual bulk and/or non-packaged product. Electronic receipts may be provided in place of printed receipts if the customer specifies an electronic receipt is preferred.**

**6.4. Measurement Systems:--The International System of Units (SI), known as the metric system and the U.S. customary system of weights and measures are recognized as proper systems to be used in the declaration of quantity for e-commerce products. Units of both systems may be combined in a dual declaration of quantity. Numerical count is permitted for products when the product statement of identity and numerical count are fully informative of the product’s contents.**

**6.5. Largest Whole Common Unit.** – This regulation requires that the quantity declaration for similar types and sizes of products be in terms of the largest whole common unit. With respect to a particular product offered for sale, the declaration shall be in terms of the largest common whole unit of weight or measure with any remainder expressed:

(a) **SI Units.** – in decimal fractions of such largest whole unit.

(b) **U.S. Customary Units.** –

(1) **in common or decimal fractions of such largest whole unit; or**

(2) **where appropriate, the next smaller whole unit or units with any further remainder in terms of common or decimal fractions of the smallest unit present in the quantity declaration.**

**6.6. Terms: Weight, Liquid Measure, Dry Measure, or Count.** – The declaration of the quantity of a particular E-commerce product shall be expressed in terms of liquid measure if the commodity is liquid, in terms of dry measure if the commodity is dry, 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, such declaration of quantity may be expressed in its traditional terms if such traditional declaration gives accurate and adequate information as to the quantity of the commodity.

**6.7. SI Units: Mass and Measure.** – A declaration of quantity for an e-commerce product or package shall be expressed in units according to the **UPLR as specified in NIST Handbook 130 Uniform Packaging and Labeling Regulation** (see Section 6. Note 1) Sections 6.5 through 6.6.2. and 7.4, the applicable Uniform Regulation for the Method of Sale of Commodities (see Section 6. Note 1-2) or the applicable regulation(s) of a **federal or state** regulatory agency. **Generally, declarations are to follow the requirements detailed below:**

**in units of mass shall be in terms of the kilogram, gram, or milligram;**

**in units of liquid measure shall be in terms of the liter or milliliter, and shall express the volume at 20 °C, except in the case of petroleum products or distilled spirits, for which the declaration shall express the volume at 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 malt beverages or a commodity that is normally sold in the refrigerated state, for which the declaration shall express the volume at 4 °C;**

**in units of linear measure shall be in terms of the meter, centimeter, or millimeter;**

**in units of area measure shall be in terms of the square meter, square decimeter, square centimeter or square millimeter;**

**in units of volume other than liquid measure shall be in terms of the liter and milliliter, except that the terms cubic meter, cubic decimeter, and cubic centimeter will be used only when specifically designated as a method of sale;**

**Shall be expressed in units so that the numerical declaration is greater than the number one “1” and less than number one thousand “1000”. While a common unit is required for similar products of similar size, when the product size range results in numerical declarations which are less than one or exceed 1000, then added units are permitted.**

**Examples:**

**500 g, not 0.5 kg**

**1.96 kg, not 1960 g**

750 mL, not 0.75 L  
750 mm or 75 cm, not 0.75 m

SI declarations should be shown in three digits except where the quantity is below 100 grams, milliliters, centimeters, square centimeters, or cubic centimeters where it can be shown in two digits. In either case, any final zero appearing to the right of the decimal point need not be shown; and the declaration of net quantity of contents shall not be expressed in mixed units.

Example:

1.5 kg, not 1 kg 500 g

Only those symbols as detailed in NIST Handbook 130 UPLR Section 6.5. Largest Whole Common Unit may be employed in the quantity statement on an e-commerce site or on a product package.

**6.8. U.S. Customary Units: Weight and Measure.** – A declaration of quantity for an e-commerce product or package shall be expressed in units according to the provisions of the **UPLR as specified in NIST Handbook 130 Uniform Packaging and Labeling Regulation** <sup>(see Section 6, Note 1)</sup> Sections 6.7. through 6.8.2. **and 7.5.** ~~the applicable Method of Sale Regulation~~ <sup>(see Section 6, Note 1 2)</sup> as applicable, or the applicable regulation(s) of a **federal or state** regulatory agency. Generally, declarations are to follow the requirements detailed below

- (a) in units of weight shall be in terms of the avoirdupois pound or ounce;
- (b) in units of liquid measure 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, except in the case of petroleum products or distilled spirits, for which the declaration shall express the volume at 60 °F, 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, and except also in the case of malt beverages, for which the declaration shall express the volume at 39.1 °F;
- (c) in units of linear measure shall be in terms of the yard, foot, 100-foot, or inch;
- (d) in units of area measure shall be in terms of the square yard, square foot, or square inch;
- (e) in units of volume measure shall be in terms of the cubic yard, cubic foot, or cubic inch; and
- (f) in units of dry measure, shall be in terms of the United States bushel of 2150.42 in<sup>3</sup>, or peck, dry quart, and dry pint subdivisions of the bushel.
- (g) Any generally accepted symbol and abbreviation of a unit name may be employed in the quantity statement on a package of commodity

Section 6. NOTE 1: See NIST Handbook 130, Uniform Packaging and Labeling Regulation (UPLR).

Section 6. NOTE 1 2: See NIST Handbook 130, Uniform Regulation for the Method of Sale of Commodities.

## **Section 7. Declaration of Identity: E-commerce Products**

**7.1. E-commerce Site Requirements** – Any e-commerce product offered for sale on an e-commerce site shall be represented or displayed on the e-commerce site with a separate Declaration of Identity statement which details the specific product that the package contains in ordinary terms expressed in the English language. The declaration of identity needs to be specific enough to distinguish between similar types and varieties of products. A manufacturer brand name is not a statement of identity. The declaration shall not be misleading or deceptive.

**7.2. Identity Declaration - The identity declaration shall be in terms of:**

- (a) **the name specified in or required by any applicable federal or state law or regulation or in the absence of this;**
- (b) **the common or usual name or, in the absence of this;**
- (c) **the generic name or other appropriate description, including a statement of function (such as “cleaning powder”).**
- (d) **Manufacturer catalog number or part number may be provided in addition to Section 7.2(a), (b) or(c) if that number helps identify and distinguish products or commodities offered for sale.**

**7.3. E-Commerce Package Requirements – The same Declaration of Identity shall appear on the product label, on the product, attached to the product or within the product package in a clear and non-misleading fashion when delivered to the purchaser. The product declaration of identity shall be prominently placed on the product package or on a label which is physically attached to the product package. Although the declaration of identity may also appear on the receipt or invoice, a receipt or invoice alone is not an adequate means to provide this information for these packages.**

**Section 8. Declaration of Responsible Person: E-commerce Products**

**8.1. E-commerce Packages. – Any e-commerce package offered for sale on an e-commerce site which is not owned or operated by the person responsible for the manufacture, packaging, labeling, or distributing of the e-commerce package shall specify conspicuously either;**

- (a) **a marking on the label of the name and address of the product manufacturer, packer, or distributor of the e-commerce package or;**
- (b) **if there is no label, the information shall appear on documentation within the package.**

**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 (or country if outside the United States), and ZIP Code (or the mailing code, if any, used in countries other than the United States); however, the street address may be omitted if it is listed in any readily accessible, well-known, widely published, and publicly available resource, including but not limited to a printed directory, electronic database, or website.**

**If a person manufactures, packs, or distributes a commodity at a place other than their 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 such statement would be misleading. Where 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 any other wording of similar import that expresses the facts.**

**8.2. E-commerce Bulk Products and Select Random Packages. – All responsibility for bulk e-commerce products and e-commerce random packages bearing no Declaration of Responsible Person information shall be that of the person or entity responsible for the e-commerce site.**

**8.3. E-commerce Site Requirements. – The operator of an e-commerce site offering products for sale shall comply with at least one of the following requirements regarding each product offered for sale:**

- (a) **The e-commerce site shall provide the name and address of the product manufacturer, packer or distributor; or**
- (b) **The e-commerce site shall provide the name and website address of the product manufacturer, packer, or distributor; or**
- (c) **The e-commerce site shall provide the product brand name or the name of the product manufacturer, distributor, or packer, when product manufacturer, distributor or packer address information is displayed on the package label at the time the product is delivered to the purchaser; or**
- (d) **When the e-commerce site owner or operator is the also the product manufacturer, packer or distributor, the e-commerce site shall clearly and conspicuously display its name, address and contact information on both the e-commerce site and on the transaction receipt.**

## **Section 9. Product Photograph or Accurate Product Graphic Representation/Image: E-commerce Site Requirements**

**9.1. E-commerce Standard Packages. – Any e-commerce package offered for sale on an e-commerce site shall be represented on the site with a current photograph of the package offered for sale. As an alternative, a detailed and accurate photographic depiction or representation of the package may be displayed. This picture or graphical representation shall be sufficiently sized, detailed and clear to enable the customer to distinguish this package or product from similar packages including varying sizes, varieties and product functions. When a consumer can customize an e-commerce package, a photographic representation of the customized product can be provided in addition to the required pre-customized product.**

**9.2. E-commerce Random Packages. – E-commerce random products offered for sale on an e-commerce site shall be accompanied on the site by a representative picture or photographic depiction of product (packaged or unpackaged) which is being offered for sale. This picture or photographic depiction shall be sufficiently sized, detailed, and clear to enable the customer to see the product and the pictured item shall be representative of the product being offered for sale. When a consumer can customize an e-commerce random package, a photographic representation of the customized product can be provided in addition to the required pre-customized product.**

**9.3. E-commerce Bulk Products and Select Random Packages. – Bulk products offered for sale on an E-commerce site shall be accompanied on the site by a representative picture or photographic depiction of the unpackaged product which is being offered for sale. Products packaged in random packages shall be displayed on the site with a representative depiction of a representative package, a clear and conspicuous statement explaining that packaged products are of random quantity, and instructions to customers regarding the means to specify a maximum or minimum package quantity in ordering and purchasing the product. The picture(s) or photographic depiction(s) shall be sufficiently sized, detailed, and clear to enable the customer to see the product and the pictured item shall be representative of the product being offered for sale. When a consumer can customize bulk or random package, a photographic representation of the customized product can be provided in addition to the required pre-customized product.**

**9.4. E-commerce Non-Consumer Packages. – Non-consumer products offered for sale on an e-commerce site shall be accompanied on the site by a representative picture or photographic depiction of the product which is being offered for sale. This picture or photographic depictions shall be sufficiently sized, detailed, and clear to enable the customer to see the product and the pictured item shall be representative of the product being offered for sale. When a consumer can customize ~~an~~ a non-consumer package, a photographic representation of the customized product can be provided in addition to the required pre-customized product.**

**9.5. Pictures on Receipts: Transaction receipts are not required to provide pictures or photographic depictions**

**Section 10. Prominence and Placement of Required Information on E-commerce Sites: Offering E-commerce Products for Sale**

**10.1. General Requirements. – All information required to appear on the e-commerce site which offers products for sale shall appear thereon in the English language and shall be prominent, definite, plain, and conspicuous as to size and style of letters and numbers and as to color of letters and numbers in contrast to color of background. Any required information that is either in hand lettering or hand script shall be entirely clear and equal to printing in legibility.**

**(a) Location. – The required e-commerce site declarations below shall be present in the top 50 % the screen in which the product is offered for sale:**

**(1) identity;**

**(2) net quantity;**

**(3) product price;**

**(4) brand or manufacturer name; and**

**(5) package picture or photographic representation/depiction.**

**(b) Style of Type or Lettering – The required e-commerce site declarations shall be in such a style of type or lettering as to be boldly, clearly, and conspicuously presented with respect to other type, lettering, or graphic material on the screen.**

**(c) Color Contrast. – The required e-commerce site declarations shall be in a color that contrasts conspicuously with its background.**

**(d) Package Picture or Photographic Representation. – The product picture or photographic depiction shall be in the actual colors of the package or product. Slight variations in color shading are acceptable.**

**10.2. Combined Declarations of Required Information. – One or more of the required e-commerce site declarations can be combined if the resulting statement is clear and not misleading. This shall not apply to product photograph or photographic representation. Combined declarations shall be of a consistent size same size and font, excepting the product price which may be in a larger size and a different font.**

**(a) Combined Declarations of Required Information – The declarations of identity, net quantity, product price and/or brand or manufacturer name can be combined into a single statement on an e-commerce site provided the information is clear and not misleading. A combined statement may appear on a single line or multiple lines as illustrated below:**

**Examples:**

**1 kg (2.2 lb) Brand X Laundry Detergent \$4.99**

**Brand X**

**Laundry Detergent**

**1 kg (2.2 lb)**

**\$4.99**

**(b) Free Area – The area surrounding a required individual or a combined declaration on an e-commerce site shall be free of printed information:**

- (1) above and below, by a space equal to at least the height of the lettering in the declaration; and**
- (2) to the left and right, by a space at least equal to twice the width of the letter “N” of the style and size of type.**

**Section 11. Prominence and Placement: Delivered E-commerce Packages, Products and Receipts**

**11.1. General Requirements – All information required to appear on an e-commerce package, product, or receipt shall appear thereon in the English language and shall be prominent, definite, plain, and conspicuous as to size and style of letters and numbers and as to color of letters and numbers in contrast to color of background. Any required information that is either in hand lettering or hand script shall be entirely clear and equal to printing in legibility.**

**11.2. Packages Intended for Sale in Retail Locations–A package properly labeled to comply with the retail shelf requirements of the UPLR will also comply with the e-commerce package label requirement.**

**11.3. Orientation of Required Declarations. – The required declarations on packages, products, or receipts shall be presented in such a manner as to be generally consistent to the orientation of the label or package.**

**Section 12. Effective Date**

**This regulation shall become effective on \_\_\_\_\_, 20\_\_.**

**Given under my hand and the seal of my office in the city of \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.**

**Signed \_\_\_\_\_**