

Ag 53

Filed February 28, 1975. 8:20 am  
Cary L. Poulson

STATE OF WISCONSIN            )  
  )SS  
DEPARTMENT OF AGRICULTURE)

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Norman E. Kirschbaum, Administrator, Food and Standards Division, and custodian of the official records of said Division do hereby certify that the annexed order amending and adopting rules relating to packaging and labeling, Wis. Adm. Code Chapter Ag 53, was duly adopted by the department on February 24, 1975.

I further certify that said copy has been compared by me with the original on file in the department and that the same is a true copy thereof, and of the whole of such original.

IN WITNESS WHEREOF, I have hereunto set my hand at Madison, Wisconsin, this 24th day of February, 1975.

N. E. Kirschbaum  
Administrator  
Food & Standards Division

ORDER OF THE DEPARTMENT OF AGRICULTURE  
AMENDING AND ADOPTING RULES

Pursuant to the authority vested in the Department of Agriculture by sections 93.07(1) and 98.07(3) and (4), Wis. Stats., the State of Wisconsin Department of Agriculture hereby amends and adopts rules as follows:

1. Section Ag 53.01(5) of the Wis. Adm. Code is amended to read:

Ag 53.01(5) Commodities packaged in variable weights and sizes by the retailer for weighing or measuring at the time of sale at retail, where no quantities are represented, and tare weights are known or can readily be determined, and the commodities are weighed or measured in the presence of the customer so that the customer can read the indicating element on the scale or determine other quantities in which the commodity is being sold.

2. Section Ag 53.02(6) of the Wis. Adm. Code is amended to read:

Ag 53.02(6) "Principal display panel" means that part, or those parts of a package which with its label is, or are, so designed as to most likely to be displayed, presented, shown, or examined under normal and customary conditions of display and purchase. Wherever a principal display panel appears more than once on a package, all requirements pertaining to the "principal display panel" shall pertain to all such "principal display panels."

3. Section Ag 53.06(4)(c)21 to 24 of the Wis. Adm. Code are adopted to read:

Ag 53.06(4)(c)21.	Litre	l
22.	Millimetre	mm
23.	Square Metre	m <sup>2</sup>
24.	Metre	m

4. Section Ag 53.06(8)(a) of the Wis. Adm. Code is amended to read:

Ag 53.06(8)(a) Supplementary quantity declarations. The required quantity declaration may be supplemented by one or more other declarations of weight or measure accurately reflecting quantity. Such supplemental declarations other than count, shall not appear on the principal display panel.

5. Section Ag 53.08(2) of the Wis. Adm. Code is amended to read:

Ag 53.08(2) LOCATION. (a) Quantity declarations of the contents of a package shall appear in the bottom 30% of the principal display panel or panels.

(b) Labeling on the principal display panel may consist of a spot label glued or otherwise attached or affixed to the principal display panel of the package if it bears all mandatory labeling information required under these rules, or other state or federal laws, and the rest of the panel is devoid of any mandatory labeling information. If a spot label is used, the declaration of quantity shall appear in the lower 30% of the label. If, however, any part of the mandatory labeling information appears elsewhere on the same panel, the entire panel shall be considered as the label and the quantity declaration shall appear in the lower 30% of the package panel.

6. Section Ag 53.08(7)(c) of the Wis. Adm. Code is adopted to read:

Ag 53.08(7)(c) If more than one principal display panel is

used for declaration of quantity, the square inch area of the largest principal or alternate display panel shall be used in determining the minimum height and width of numbers and letters to be used on any other display panel. The quantity declaration shall be of the same size on all panels used as the principal or alternate display panel.

7. Section Ag 53.08(9) of the Wis. Adm. Code is adopted to read:

Ag 53.08(9) HEADER LABELS; USE AS PRINCIPAL DISPLAY PANEL.

(a) A header label attached across the top of a transparent, opaque or mesh bag may be used as the principal display panel if the label bears all required labeling information under these rules and other applicable state and federal laws, the bag itself is devoid of other mandatory labeling information, and the quantity declaration appears in the lower 30% of the label. The minimum height and width of numbers and letters required for quantity declarations shall be determined by the area of the largest side of the empty bag with its header label when laid flat.

8. Section Ag 53.11(7) of the Wis. Adm. Code is amended to read:

Ag 53.11(7) CIGARETTES AND SMALL CIGARS. Cartons of cigarettes and small cigars, containing 10 individual packages of 20 cigarettes or small cigars, labeled in accordance with the requirements of these rules are exempt from location requirements under section Ag 53.08(2), minimum height and width of numbers and letters requirements under section Ag 53.08(8), and quantity declaration requirements applicable to multi-unit packages under section Ag 53.10(4), provided such cartons bear a declaration of the net quantity of commodity in each

package of the carton.

9. Section Ag 53.11(8) of the Wis. Adm. Code is amended to read:

Ag 53.11(8) PACKAGED COMMODITIES WITH LABELING REQUIREMENTS SPECIFIED UNDER STATE OR IN FEDERAL LAW. Packages of meat and meat products, poultry and poultry products, tobacco and tobacco products, pesticides, and seeds are exempt from dual quantity declaration requirements, under section Ag 53.06(6)(d) through (f) and location and minimum height and width of numbers and letters requirements under section Ag 53.08(2) and (8), to the extent that quantity labeling requirements for such products are specified under state or federal law and provide reasonably adequate consumer information.

10. Section Ag 53.11(18) (intro. par.) of the Wis. Adm. Code is amended to read:

Ag 53.11(18) COMBINATION PACKAGES. Combination packages, as described under section Ag 53.10(5), are exempt from the following labeling requirements:

11. Section Ag 53.11(24) of the Wis. Adm. Code is amended to read:

Ag 53.11(24) MOTOR OILS. Motor oils packed in 1-liquid-quart units are exempt from dual quantity declaration requirements under section Ag 53.06(6)(e). Additionally, motor oil packed in 1-liquid-quart, 1-gallon, 1 1/4-gallon, 2-gallon and 2 1/2-gallon units, with the principal display panel appearing on the body of the container, is exempt from that part of the identity declaration requirement of section Ag 53.03 which would require the SAE grade to appear on the principal display panel, provided the SAE grade appears on

the can lid and is expressed in letters and numerals in type size of at least 1/4 inch.

12. Section Ag 53.13 of the Wis. Adm. Code is adopted to read:

Ag 53.13 Enforcement. The sale of misbranded consumer packages is prohibited. Violations may be prosecuted or enjoined as provided under section 98.26, Wis. Stats.

The rules contained herein shall take effect as provided in section 227.026, Wis. Stats.

Dated: February 24, 1975.

STATE OF WISCONSIN  
DEPARTMENT OF AGRICULTURE

By Norman E. Kirschbaum  
Norman E. Kirschbaum  
Administrator  
Food & Standards Division