

FPLA, UPLR & Net Quantity FAQ – Home

Background: The Fair Packaging and Labeling Act (FPLA) empowers FTC and FDA to issue/enforce regulations that require vendors to disclose net contents, identity of commodity, and name and place of business of the product's manufacturer, packer, or distributor. In short, The Act (as it is called) is geared toward preventing consumer deception, or to facilitate value comparisons.

Basic Requirements: The FPLA requires each package of household "consumer commodities" that are included in the coverage of the FPLA to bear a label. These commodities can be articles or products of any kind or class that are distributed for sale through various retail agencies for the consumption of the consumer, use for personal care, or performance of services for a household. These labels need to include:

- A statement identifying the commodity i.e., Declaration of Identity, Title.
E.g., detergent, sponges, etc.;
- The name and place of business of the Manufacturer, Packer, or Distributor;
- The Net Quantity of contents in terms of Weight, Measure, or Numerical Count
(measurement must appear in both metric and inch/pound [U.S.] units).

Uniform Packaging and Labeling Requirements: (UPLR) The UPLR is a model regulation developed by National Institute of Standards and Technology (NIST) that has been adopted by various states to avoid consumer deception. The UPLR permits metric-only labels as well as labels with dual units. The UPLR does not supersede federal laws, so it applies only to products *not* covered by the FPLA and similar federal laws, which, at present, generally do not permit metric-only labels.

These two regulations work together, and can be at times, confusing. The following is a brief fact sheet aimed at helping PD to identify and react properly to Packaging Requirements.

Packaging Requirements:

Net quantity **MUST** be expressed in Imperial (Inch-Pound) AND Metric units in any order. Either the U.S. or Metric units may follow in parentheses. I.e., the secondary unit may appear in parentheses OR on a second line as to avoid confusion.

Dimensions **MAY NOT** be expressed as tick marks [(') for feet or (") for inches.]

All above requirements apply to ALL aspects of packaging, including the Title.

Acceptable forms of abbreviation are as follows:

a. Inch – In or in	b. Pound – Lb or lb
c. Ounce – Oz or oz	d. Gallon – Gal or gal
e. Diameter – Dia or dia	f. Count – Ct or ct
g. Pint – Pt or pt	h. Liquid – Liq or liq
i. Quart – Qt or qt	j. Each – Ea or ea
k. Fluid – Fl or fl	l. Piece – Pc or pc
m. Meter – m	n. Millimeter – mm
o. Centimeter – cm	p. Milliliter – mL
q. Gram – g	r. Kilogram – kg
s. Liter – L or l	

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2. For U.S. units:
 - a. Periods after abbreviations are optional
 - b. Abbreviations with and “s” (or “es” for inch) to express the plural is optional
 - c. Both upper and lower case are acceptable
3. For Metric units:
 - a. Abbreviations with the exception of liter are **NOT** capitalized.
 - b. Periods shall **NOT** be used after the abbreviation.
 - c. Abbreviations **MUST** always be written in the singular form. Adding “s” to a metric abbreviation to express the plural is prohibited by the regulation.
4. Units (U.S. or Metric) must be expressed after **EACH** number used to express the quantity. For example:
 - a. Dimensions – 5 in x 10 in **NOT** 5 x 10 in
 - b. Quantity – 20 Forks would be expressed as Forks-20 pc and **NOT** just a number, i.e., Forks-20.
5. In order to facilitate a fair and comparative purchase, secondary units (i.e., Metric units in most cases for Kohl’s) must be:
 - a. Placed in close proximity to the primary units
 - b. Be of the same font with respect to size and type

Note: Secondary units are **JUST AS IMPORTANT** as primary units and must be reflected as such on all packaging, promotional materials, or other items reviewed at the point of sale.

6. As shown in the example on the next page (Figure 1); Net Quantity **MUST** appear within the lower 30% of the Principle Display Panel (PDP) but **may** also appear on other panels. An example of when Net Quantity may also appear on other parts of the PDP, or other panels is when quantity is part of the Declaration of Identity. E.g., 11 Pc Cookware Set. In this example the 11 pc may appear in the upper 70% of the PDP but must also appear in the lower 30% as the declaration of Net Quantity.

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Figure 1 – Example of Net Quantity Placement

Count must be separated from dimension E.g., (6) 4.5 in OR 4.5 in Qty 6

Metric Conversion must be the same point size as Imperial or U.S. Units

Metric Conversion must be the same point size, and font type as Imperial or U.S. Units

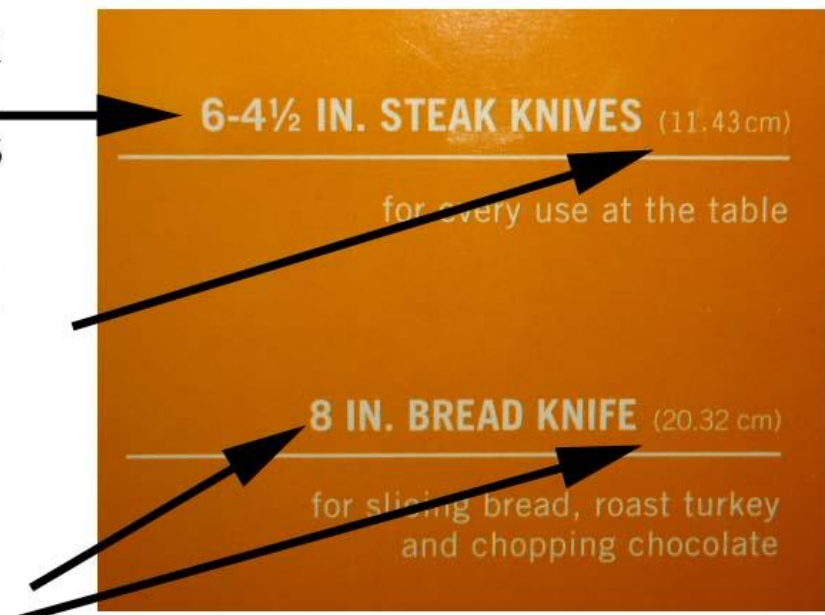


Figure 2 – Example of Secondary Units

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7. In the example above (Figure 2);
 - a. Count is not presented as a separate identifier. It is tied to the size via a hyphen and as such may cause confusion for the consumer.
 - b. Secondary units are not presented with the same importance as Primary units due to a smaller font point size as well as being of a different (i.e., non-bold) font type.
8. **It is not always necessary to express Net Quantity in terms of dimension, weight or volume or a combination as deemed appropriate.** Once expressed, it must be accurate with respect to the actual Net Quantity.
 - a. I.e., considering Kohl's packaging (boxes with pictures of the product) is acceptable to simply state "12 pc Set of Glassware". It is **NOT** necessary to list the height, weight, volume, etc. Once these identifiers are listed, they **MUST** comply both in how they appear on packaging, AS WELL AS the physical reflection of the product.
 - b. The regulation is all about informing the consumer so that they can make an educated buying decision. Although it might be required to list a size for a Bed Covering (the consumer needs to know if it will fit their furniture), it is not necessary to list the volume of a drinking glass (provided that there is a clear and accurate picture of the product on the packaging).
 - c. A general guideline: **More is more! The more that is listed, the more it must be accurate, tested, and verified. It could be more cost to the company and more opportunities for failure!**

Title listed without **SIZE, VOLUME, etc.**

Listing a size, volume, etc. in the title will require metric equivalents to also be listed



Metric Units Present

Imperial (inch-pound) units followed by metric conversions

Units are INCORRECT

Inch, centimeter units etc. **MUST** follow **EACH** numerical value
E.g., 90 in x 104 in (229 cm x 264 cm)

Figure 3 – Examples of Net Quantity Requirements

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Figure 4 – Example of Placement and Units

9. In the example above (figure 4):
 - a. Net Quantity placement is CORRECT as it appears on the lower 30% of the PDP. When a product is sold in open packaging or with a Belly Band in this case, the product itself becomes the PDP.
 - b. Units are INCORRECT in two ways:
 - i. Although 11" x 14" is considered as part of the "title" since the size of the product is stipulated, it is also becomes the Declaration of Net Quantity, therefore metric units **MUST** be present.
 - ii. Tick marks (" or ') are not allowable to represent inches or feet.

General Packaging Guidelines:

10. For products in OPEN packaging or with a hang tag:
 - a. If only 1 (one) item, then a count of ("1" or "one") may be listed, but is NOT required.
 - b. If total items is 6 (six) or less (all visible through packaging) then a contents list is NOT required.
 - c. If total items are 7 (seven) or more, a contents list with a numerical count specific to the individual items shall be printed on the packaging.

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11. For products in CLOSED packaging, and when the packaging contains only 1 (one) item, then the package shall reflect the product in any of the following ways:
 - a. By written statement [e.g., contains pan, or contains (1) pan, or (one) pan]. A numerical statement is not required.
 - b. By illustration.
 - c. By description, in singular form, which indicates that the packaging contains no more than 1 (one) item as long as other attributes (i.e., size) of the packaging would not lead a consumer to think that more than 1 (one) item could be in the package.

NOTE: Although FPLA/UPLR does not speak about hangtags directly, retailers should assume that the same requirements (packaging requirements) of the regulation apply.

12. If the product is in closed packaging AND the packaging has an accurate photograph on the PDP, while the identity is obvious, and it is also obvious that the package can only hold 1 (one) item, then no product ID statement OR net quantity is required.
13. For products in closed packaging, containing 2 (two) or more items, then a contents list, AND numerical count MUST be printed on the packaging.
 - a. E.g., Contains (1) 10 in x 5 in x 2 in baking pan, and (2) 5 in x 5 in x 2 in baking pans.
14. FPLA (Fair Packaging and Labeling Act) does not specify the presence of a zero as being required on the left hand side of a decimal point. Either the presence or the absence of a zero to the left of a decimal point is acceptable.
 - a. E.g., 0.5 fl oz or .5 fl oz are both acceptable.
15. Per UPLR (Uniform Packaging and Labeling Regulation) the unit shall always follow the numerical designation.
 - a. E.g., 10 (numerical designation) inches (unit).
16. U.S. and Metric units must be separated in order to prevent confusion. They may be separated on different lines of type or may be segregated by parentheses. For example:
 - a. 1 in x 1 in
24.5 mm x 24.5 mm
OR
 - b. 1 in x 1 in (24.5 mm x 24.5 mm)
17. The negative tolerance for Net Quantity is -0%. The positive tolerance is based upon the Maximum Allowable Variance (MAV) found in the regulation. The most utilized MAV's for PD-Home Products are:
 - a. Listed by length – (- 0% and + 3%) for anything less than 1 meter / 1 yard squared.
 - b. Listed by volume – Please contact Testing.Softlines@Kohls.com or Testing.Hardlines@Kohls.com
 - c. Count – Please contact Testing.Softlines@Kohls.com or Testing.Hardlines@Kohls.com

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18. Recommended Net Quantity Declarations for Home Products:
 - a. Containers (non-food) – Count and/or Length x Width (or Diameter)
 - b. Plates – Length x Width (or Diameter)
 - c. Cups – Volume (or count and volume)
 - d. Water Bottles – Volume
 - e. Eating Utensils – Count
 - f. Trivet – Length x Width
 - g. Cookware – Diameter or Volume (set also requires count)
 - h. Dish Towels – Length x Width (count if sold in pack of more than 6 units)
 - i. Food Containers – Volume (count for a set)
 - j. Pot Holders – Length x Width
 - k. Serving Utensils – Count

19. Packaging **MUST** be reviewed and APPROVED by Product Integrity. In the past this was left to the Product Manager or Product Development Team.

20. Timelines **MUST** be implemented and adhered to that allow Product Integrity time to review, advise revisions if needed and to ultimately approve.

21. Questions regarding Packaging Requirements or suggestions regarding this FAQ may be forwarded to Testing.Softlines@Kohls.com or Testing.Hardlines@Kohls.com

Revisions

8/4/20 – Updated #8 to state “or a combination when deemed appropriate”

Revised by Charlene Swanson