

principal display panel: *Provided*, That other required label information is conspicuously displayed on the cap or outside closure and the required net quantity of contents declaration is conspicuously blown, formed, or molded into or permanently applied to that part of the glass or plastic container that is at or above the shoulder of the container.

(ii) Single strength and less than single strength fruit juice beverages, imitations thereof, and drinking water when packaged in glass, plastic, or paper (fluid milk type) containers of 1-pint, 1-quart, and ½-gallon capacities are exempt from the dual net-contents declaration requirement of §101.105(j) of this chapter.

(iii) Single strength and less than single strength fruit juice beverages, imitations thereof, and drinking water when packaged in glass, plastic, or paper (fluid milk type) containers of 8- and 64-fluid-ounce capacity, are exempt from the requirements of §101.105(b)(2) of this chapter to the extent that net contents of 8 fluid ounces and 64 fluid ounces (or 2 quarts) may be expressed as ½ pint (or half pint) and ½ gallon (or half gallon), respectively.

(14) The unit containers in a multi-unit or multicomponent retail food package shall be exempt from regulations of section 403 (e)(1), (g)(2), (i)(2), (k), and (q) of the act with respect to the requirements for label declaration of the name and place of business of the manufacturer, packer, or distributor; label declaration of ingredients; and nutrition information when:

(i) The multiunit or multicomponent retail food package labeling meets all the requirements of this part;

(ii) The unit containers are securely enclosed within and not intended to be separated from the retail package under conditions of retail sale; and

(iii) Each unit container is labeled with the statement "This Unit Not Labeled For Retail Sale" in type size not less than one-sixteenth of an inch in height. The word "Individual" may be used in lieu of or immediately preceding the word "Retail" in the statement.

(b) *Drugs*. Liquid over-the-counter veterinary preparations intended for injection shall be exempt from the dec-

laration of net quantity of contents in terms of the U.S. gallon of 231 cubic inches and quart, pint, and fluid-ounce subdivisions thereof as required by §201.62 (b), (i), and (j) of this chapter, and from the dual declaration requirements of §201.62(i) of this chapter, if such declaration of net quantity of contents is expressed in terms of the liter and milliliter, or cubic centimeter, with the volume expressed at 68 °F (20 °C).

(c) *Cosmetics*. Cosmetics in packages containing less than one-fourth ounce avoirdupois or one-eighth fluid ounce shall be exempt from compliance with the requirements of section 602(b)(2) of the Federal Food, Drug, and Cosmetic Act and section 4(a)(2) of the Fair Packaging and Labeling Act:

(1) When such cosmetics are affixed to a display card labeled in conformance with all labeling requirements of this part; or

(2) When such cosmetics are sold at retail as part of a cosmetic package consisting of an inner and outer container and the inner container is not for separate retail sale and the outer container is labeled in conformance with all labeling requirements of this part.

[42 FR 15553, Mar. 22, 1977, as amended at 47 FR 946, Jan. 8, 1982; 47 FR 32421, July 27, 1982; 49 FR 13339, Apr. 4, 1984; 54 FR 9033, Mar. 3, 1989; 58 FR 2174, Jan. 6, 1993; 61 FR 14478, Apr. 2, 1996]

### § 1.31 Package size savings.

Any food, drug, cosmetic, or device that bears on the label or labeling a representation that the consumer commodity is being offered at a lower price per unit of weight, measure, or count because of economy resulting from the size of the container or quantity of its contents is subject to the following conditions:

(a) The container may bear a representation of economy by virtue of its size (for example, "economy size," "economy pack," "big value," "thrifty pack," "bargain size," "budget pack," etc.) only if:

(1) The sponsor of the economy size promotion at the same time offers the same brand of that commodity in at least one other packaged size or labeled form.

(2) Only one packaged or labeled form of that brand of commodity is labeled with an “economy size” representation.

(3) The sponsor of the economy size promotion and all subsequent levels of commerce sell the commodity labeled with an “economy size” representation at a price per unit of weight, volume, measure, or count which is substantially reduced (i.e., at least 5 percent) from the actual price of all other packaged or labeled units of the same brand of that commodity offered simultaneously.

(b) The sponsor of the economy size promotion and all subsequent levels of commerce such as wholesalers and jobbers shall maintain for at least 1 year invoices or other records showing that the wholesale price per unit of weight, measure, or count in the economy size package is such that the retailers can sell the economy size container at a significantly lower price per unit.

**§ 1.35 “Cents-off,” or other savings representations.**

Any food, drug, cosmetic, or device that bears on the label or labeling a representation that the consumer commodity is being offered for retail at a reduction in retail price is subject to the following conditions: *Provided, however*, That such conditions do not apply to any such savings representations initiated by persons who do not manufacture, package, or import such commodities and who do not prescribe or specify by any means the manner in which such commodities are packaged or labeled by a manufacturer, packager, or importer:

(a) A “cents-off,” or other savings representation that states or implies a reduction in the ordinary and customary retail price may be used by a manufacturer, packer, distributor, or retailer, hereinafter known as the sponsor, initiating such promotion only if:

(1) An ordinary and customary selling price of such consumer commodity has been established at the retail level,

(2) The sponsor’s selling price and the selling price at all subsequent levels of commerce such as wholesalers and jobbers has been reduced by at least the

savings differential represented on the package or labeling, and

(3) The sponsor and all subsequent levels of commerce keep and maintain invoices or other records for each promotion and for all successive promotions which occur within a 12-month period for at least 1 year subsequent to the end of the year (calendar, fiscal, or market) in which the promotion occurs in order to show that the invoice cost to the retailer has been reduced in an amount sufficient to enable the retailer to pass the savings on to the purchaser.

(b)(1) Each “cents-off” price reduction representation imprinted on the package or label shall be limited to a phrase which reflects that the price marked by the retailer represents the savings in the amount of the “cents-off” the retailer’s regular price, e.g., “Price Marked Is — Cents Off the Regular Price,” “Price Marked Is — Cents-Off the Regular Price of This Package”: *Provided*, The package or label may in addition bear in the usual pricing spot a form reflecting a space for the regular price, the represented “cents-off,” and a space for the price to be paid by the consumer. The sponsor who sells the commodity at retail shall display the regular price, clearly and conspicuously designated as “regular price,” on the package or label of the commodity or on a sign, placard, or shelf-marker placed in a position contiguous to the retail display of the “cents-off” marked commodity. The sponsor who does not sell at retail shall provide the retailer with a sign, placard, shelf-marker, or other device for the purpose of clearly and conspicuously displaying the retailer’s regular price, designated as “regular price,” in a position contiguous to the “cents-off” marked commodity.

(2) Other savings representations which appear on the label or labeling of a package, e.g., “bonus offer,” “two-for-one sales,” “one-cent sales,” etc., are subject to the provisions of this section. Due to the infinite variety and scope of such promotions, the label format of such representations may differ from that set forth in paragraph (b)(1) of this section for “cents-off” promotions; however, such representations shall include all material facts relative