Federal Trade Commission

§ 503.2 Status of specific items under the Fair Packaging and Labeling Act.

Recent questions submitted to the Commission concerning whether certain articles, products or commodities are included under the definition of the term consumer commodity, as contained in section 10(a) of the Fair Packaging and Labeling Act, have been considered in the light of the Commission’s interpretation of that term as set forth in §503.5 of this part as follows:

(a) The Commission is of the opinion that the following commodities or classes of commodities are not “consumer commodities” within the meaning of the Act:

- Antifreeze.
- Artificial flowers and parts.
- Automotive accessories.
- Automotive chemical products.
- Automotive replacement parts.
- Bicycle tires and tubes.
- Books.
- Brushes (bristle, nylon, etc.).
- Brooms and mops.
- Cameras.
- Chinaware.
- Christmas light sets.
- Cigarette lighters.
- Cloths (wooden, plastic).
- Compacts and mirrors.
- Diaries and calendars.
- Flower seeds.
- Footwear.
- Garden tools.
- Gift ties and tapes.
- Glasses and glassware.
- Gloves (work type).
- Greeting cards.
- Hand tools.
- Hardware.
- Household cooking utensils.
- Inks.
- Jewelry.
- Luggage.
- Magnetic recording tape.
- Metal pails.
- Motor oil (automobile).
- Mouse and rat traps.
- Musical instruments.
- Paintings and wall plaques.
- Photo albums.
- Pictures.
- Plastic table cloths, plastic placement and plastic shelf paper.
- Rubber gloves (household).
- Safety flares.
- Safety pins.
- School supplies.
- Sewing accessories.
- Silverware, stainless steelware and pewterware.
- Small arms ammunition.
- Smoking pipes.
- Souvenirs.
- Sporting goods.
- Toys.
- Typewriter ribbons.
- Woodenware.

(b) The Commission is of the opinion that the following commodities or
§ 503.3 Name and place of business of manufacturer, packer, or distributor.

To clarify the identity of a manufacturer, packer, or distributor for the purpose of §500.5 of this chapter, the following represents the opinions of the Commission.

(a) A manufacturer of a bulk product who supplies the product to a contract packager and permits his bulk product to be packaged by the contract packager remains the manufacturer of the commodity, if the contract packager does not perform any act other than package filling and labeling.

(b)(1) A manufacturer of a bulk product who supplies the bulk to a contract packager but permits the packager to modify the bulk commodity by the addition of any substance which changes the identity of the bulk, ceases to be the manufacturer of the consumer commodity. At that point, if the manufacturer of the bulk elects to use his name on the label, such qualification may be “Manufactured for _________”, “Distributed by _________”, or “Manufactured by _________ (XYZ, Inc., City, State, Zip Code, a subsidiary of ABC, Inc.).”

[35 FR 6185, Apr. 16, 1970]

§ 503.4 Net quantity of contents, numerical count.

To clarify the requirement for declaration of net quantity in terms of count for the purpose of §§500.6 and 500.7 of this chapter, the following interpretation is rendered.

(a) When a consumer commodity is properly measured in terms of count only, or in terms of count and weight, volume, area, or dimension, the regulations are interpreted not to require the declaration of the net content as “one”, provided the statement of identity clearly expresses the fact that only one unit is contained in the package. Thus the unit synthetic sponge, the unit light bulb, and the unit dry cell battery do not require a net quantity statement of “one sponge,” “one light bulb,” or “one dry cell battery.” However, there still exists the necessity to provide a net quantity statement to specify weight, volume, area, or dimensions when such are required. For example, the synthetic sponge