

Schuyler & Chemung County Weights and Measures Department

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NYS W&M Website: <http://www.agmkt.state.ny.us/wm/wmhome.html>

Every business operating in New York State that has commercial transactions with the consumer must be in compliance with all NYS Weights and Measures regulations. From your major chain supermarket to your neighborhood produce stands, all must adhere to the same regulations for proper package labeling and the use of type-approved scales.

The main purpose of this sheet is to help answer some basic packaging and scale questions and also supply your business with the proper links to the information required to be in compliance with the W&M regulations. This sheet only has certain portions of the labeling requirements so I advise you to please go to the link of the NYS W&M Website and review the entire form which has the full NYS W&M regulation 221 (Method of Sale and Labeling of Commodities). The state website also contains a link to all the type-approved scales for NYS (List of Approved Commercial Devices). If you ever have a question on yes/no a scale can be used in NYS please give me a call *before* you buy it and I can verify if the scale is NYS type-approved. Knowing and adhering to these regulations will eliminate your business from receiving written violations and fines for incorrect package labeling, short-weight packages, and the use of non-approved scales.

NYS Weights and Measures Package Requirements; 221.3 / 221.4 / 221.5 Commodities Package label declarations; IDENTITY - - - RESPONSIBILITY - - - QUANTITY

Identity, a declaration of identity on a consumer package shall appear on the principal display panel and shall identify the commodity in the package by its common or usual name, description, generic term, or the like. Such declaration shall appear generally parallel to the base on which the package rests as it is designed to be displayed.

Responsibility, any packaged commodity, kept, offered, or exposed for sale, or sold, shall specify conspicuously on the label of the package, the name and address of the manufacturer, packer, or distributor, 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 and zip code; however the street address may be omitted if this is shown in a current city directory or telephone directory,

Quantity, Units of the metric system of weights and measures and units of the customary system of weights and measures are jointly recognized and units of either one of these systems may be used in declarations of quantity.

ANYTHING put up (packaged) prior to the time of sale, REQUIRES a label, AND the three declarations as described.

IF you direct sale, with NO pre-packaging, you do NOT require a label

ONLY items in their natural state (1 apple, 1-banana, 1 watermelon) can be sold by the UNIT

Sell count;

Items up to 6 or less, there is no declaration required for either a weight or a count

Over 6 items may contain either a declaration of count - - or a weight - - or both a count and a weight. So items over a 6 count you can sell by weight and you do not require a count, but you may choose to have both as long as the product count can easily be determined within the package.

If you sell by weight, the package must meet or exceed the stated net weight displayed on the package (minus packaging)

Bread must be sold by weight only. You may take a sample set of ½ dozen samples, and use the lowest of these weights as the sell weight and sell the product with this lowest weight posted on all the packages.

Jellies, jams, pies, (all solids) must be sold by net weight (weigh the empty container, add the product, weigh again, sell by net weight) Selling pies by size such as 6-inch, 8-inch, 10-inch, or by the unit (1-pie) is not within the regulation.

The net weight of these products must appear on the label.

Scale Requirements

ALL scales/balances used in New York State must be type-approved by NYS W&M so please call me to ensure your scale is legal for use. Once a type-approved scale is obtained by your business the scale must be tested and sealed by the county W&M Department. (Note: Scales tested and sealed in Pennsylvania are recognized as being in NYS compliance as long as the PA seal is current for this calendar year).

Please call 607-483-5413 or [email](mailto:cliff@schuylercounty.gov) me anytime you have a Weights and Measures question.