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Label Review Manual

Chapter 17: Net Contents/Net Weight Statement



<http://commons.wikimedia.org>, photo by "Daderot"

I. Introduction

The Net Contents/Net Weight statement indicates how much pesticide product is in the container and must appear on the pesticide label pursuant to *FIFRA 2(q)(2)(C)(iii)* and *40 CFR 156.10(a)(1)(iii)*. Usually draft labels include the phrase “Net Weight:” or “Net Contents:” as a means of identifying where the statement will actually appear on the final printed label. The applicable regulation that describes how the net contents must appear on the label at *40 CFR 156.10(d)* does not require the term/heading “Net Weight” or “Net Contents” to be stated on the label. Even so, the Agency strongly recommends that the terms “Net Weight” or “Net Contents” be placed on the label because *40 CFR 156.10(d)(1)* requires that the quantity listed describe the amount of pesticide product in the container as opposed to the total weight of the pesticide product plus the weight of the container. The amount of product may be left blank on the master label in instances where more than one size of packaging is offered or where the product is distributed in refillable containers.

II. Location of net contents/net weight statement

There is no required location for the Net Contents/Net Weight statement. The preferred location is the bottom of the front panel below the company name and address. If the draft label under review shows the Net Contents/Net Weight statement in some other location, the reviewer may request that the statement be placed at the bottom of the front panel. The Net Contents/Net Weight quantity must be exclusive of any wrappers or other materials. *40 CFR 156.10(d)(1)*.

III. Types of products/measurement

Check the draft label to determine if the Net Contents/Net Weight statement is expressed correctly.

1. **Dry Formulations** (includes solids or semisolids such as dusts, granulars, pelleted or tableted baits, wettable powders, microencapsulated product, impregnated materials). The net weight must be expressed as pounds or ounces. *40 CFR 156.10(d)(3)*.
2. **Liquid Formulations.** The net contents must be expressed in terms of liquid measure at 68° F(20° C): gallons, quarts, pints or fluid ounces. *40 CFR 156.10(d)(2)*.
3. **Pressurized Products** (includes gases and aerosols). The net contents must be expressed as pounds and ounces. *40 CFR 156.10(d)(3)*.

- 4. Antimicrobial Wipes, Insect Repellent Wipes, and Towelettes.** The net contents per container for antimicrobial products, including wipes (wet or dry) must conform to the requirements stated in *40 CFR 156.10(d)(3)*, namely, the net content must be expressed as avoirdupois pounds and ounces. The requirements are imposed for the overall container and not on the basis of each individually packaged wipe when sold in multiple units. The net content statement is to be expressed taking into account the weight of the wipe material plus the weight of the pesticide added to the wipe. However, the net content declaration on the container may also include such a statement as “contains X count of x inch by y inch pre-moistened wipes” in addition to the avoirdupois pounds and ounces statement.
- 5. Bag on Valve (BOV) Technology.** Where a pesticide product container uses “Bag on Valve” (BOV) technology, the pesticide is contained within a bag, which is contained within a canister. In order to dispense the pesticide, pressurized gas is released within the canister, but outside of the bag. This squeezes the bag containing the pesticide, causing the pesticide to be expelled. The gas remains entirely within the canister, and the pesticide never comes into contact with the gas.

The U.S. Department of Commerce’s National Institute of Standards and Technology (NIST) publishes “Uniform Laws and Regulations in the Areas of Legal Metrology and Engine Fuel Quality,” otherwise known as “NIST Handbook 130.” The 2015 edition of NIST Handbook 130 articulates a model regulation that would require packages using BOV technology to disclose the net quantity of the commodity in terms of weight that will be expelled from the container. That model regulation also suggests that it not be enforceable until after January 1, 2018. See NIST Handbook 130 (2015), Uniform Packaging and Labeling Regulation, section 10.3, including Note.

In the interest of consistency with the NIST model regulations, the net content statement for pesticide products using BOV technology should be in terms of weight expressed as avoirdupois pounds and ounces, per *40 CFR 156.10(d)(3)*.

IV. Expression of the statement

Review the draft label to make sure that it meets the following requirements:

A. Units of Measure

Conventional U.S. units of measurement are used on pesticide labels. Pesticide labels may also declare net contents in metric units (liters, kilograms, etc.), so long as U.S. units of measurement are declared. For example, “Net Contents: 1 gallon (3.785 liters)”. **It is not acceptable to declare net contents ONLY in metric units.** Directions for Use are treated the same way. For example, in addition to expressing the application rate(s) in the required U.S. units of pound per acre, the registrant may also elect to express the application in equivalent metric units: kilograms per hectare.

B. Expression of Net Contents

EPA interpretation of the statutory and regulatory requirements is that the label must state the total weight for the entire contents as sold and distributed. The Net Contents must be stated in terms of the largest suitable units. For example, for a package containing 26 ounces of pesticide product, the label must state: "Net Contents: 1 pound (lb.) 10 ounces" rather than "Net Contents: 26 ounces". *40 CFR 156.10(d)(4)*. In addition, the label may indicate the net weight and quantity of individual units within the carton. For example, "Net Weight 6.25 lbs. (20 - 5oz. packets)."

C. Consistency with Directions for Use

The Directions for Use on the label should not require a quantity of pesticide product that exceeds the Net Contents/Net Weight of the package as this may be construed as misleading. An example would be a granular product with the following label language: "Net Contents: 1 pound", that requires an application rate 5 lbs/acre. This problem often occurs with baits used to control rodents.