



COLORADO GUIDELINES FOR CONTAINER LABELING COMPLIANCE

August 2006

In response to consumer complaints in Pennsylvania on inaccurately advertised and labeled planted containers, horticultural enforcement of this long-standing requirement is being more broadly enforced. As a result, the American Nursery & Landscape Association published industry guidelines in on required plant container label information. Labeling requirements have long been in place to ensure that purchasers have adequate information when making comparisons.

Beginning January 1, 2007 Colorado Weights & Measures (the Measurement Standards Section of the Department of Agriculture) will begin working with Colorado firms in earnest to comply with plant container labeling requirements. Representatives of retail, wholesale, and container supplier members of the Colorado Nursery and Greenhouse Association (CNGA) and state weights and measures representatives formed the Container Marketing Ad Hoc Committee in 2005. The results of the group are these standards that are primarily intended to assist the Colorado green industry, in particular the container plant retailer.

All container plants must be properly labeled with three declarations: a declaration of identity, a declaration of net quantity/net contents and a declaration of responsibility.

DECLARATION OF IDENTITY

- Q. Can an adjacent sign be used for the declaration of identity if all plants on the display area are the same?**
- A. This is permitted in Colorado. For out of state sales, a declaration on the container, stick tag or hang tag is encouraged.
- Q. Can a single stick tag be used for an entire cell pack?**
- A. Yes.

DECLARATION OF NET CONTENTS

- Q. Do labeling requirements apply to wholesale growers, or just retailers?**
- A. Technically, labeling requirements apply to wholesalers as well although Colorado Measurement Standards will allow the declaration of net contents to be listed on an invoice in lieu of a label on each container plant.
- Q. Can metric measurement only be used or are both metric and inch/pound declarations required?**
- A. Currently, either or both systems are allowed in Colorado. Colorado requirements are expected to change in the future so that both will be required. Currently, both are generally required for out of state sales.
- Q. What are the placement requirements for label information?**
- A. The declarations of identity, declaration of net contents and declaration of responsibility must be clear, definite and conspicuous. The declarations of identity and of net contents should be on the principal display panel. The Measurement Standards Section will allow a

declaration of net contents on the container and a separate declaration of identity on a label, stick tag or hang tag.

Q. How should cell packs be labeled for net contents?

A. When determining the declaration of net contents of cell packs the following standard should be used: For discrete cells, label with the number of sections and the volume of each e.g., petunias (4 X 2 fl oz). For merged cells, one contents declaration is sufficient. An adjacent sign may be used for labeling groups of cell packs, rather than labeling each pack.

Q. What are the labeling requirements for products made up with unique and distinctive containers?

A. No declaration of net contents is required. All other labeling requirements are the same.

Q. Can a “minimum” be used for the declaration of net contents?

A. No. No qualifiers are allowed in the declaration of net contents.

Q. Can an adjacent sign be used for the declaration of net contents for a display if all containers have the same volume?

A. Yes, all required label information may be placed on an adjacent sign. Use common sense when determining the placement and number of signs. For out of state sales, a declaration of net contents on the container, stick tag or hang tag is encouraged.

Q. How should you label a multi-layered or tiered planted container sold as a single unit?

A. The declaration of net contents should include the volume of each part, and the total volume of all sections, e.g., three tiers; 1.75 l ea; total net volume 5.25 l. (1-liters)

Q. Can the inside diameter of the container be included in the declaration of net contents?

A. The upper inside diameter may be declared in a print ad or on the product label outside of the principal display panel. The requirements for statement of identity and statement of responsibility must still be met. Containers must have volume listed. The diameter can be used as additional information.

DECLARATION OF RESPONSIBILITY

Q. Can an adjacent sign be used for the declaration of responsibility?

A. This is permitted in Colorado. For out of state sales, a declaration on the container, stick tag or hang tag is encouraged.

Q. Who should be listed on the declaration of responsibility: The seed company, wholesaler or retailer?

A. There is no set requirement, as long as a definite, clear and conspicuous statement of responsibility is on the label. If the company name that appears on the label is not the creator of the planted container the name should be qualified by a phrase that reveals the connection, such as "distributed by" or "grown for."

Q. Is there any occasion where the declaration of responsibility is not required?

A. A declaration of responsibility is not necessary for container plants produced and sold at the same location. The declaration is required for container plants produced at one location and sold at another.

GENERAL INFORMATION

Wholesale container plants: Labeling requirements apply to wholesalers as well as retailers, although the Colorado Measurement Standards Section will allow wholesalers to place the required information on an invoice in lieu of a label on each container plant.

Empty containers: Although labeling requirements may apply to empty containers intended to be used for plants, the purpose of this guidance document is to provide information on the proper labeling of planted containers.

Manufacturers of empty containers are encouraged to label each container with a declaration of net contents. Suppliers of empty containers should have net content information available either online, via telephone, or on the invoice.

Shipping container plants out of state: It is strongly suggested that Colorado suppliers shipping large quantities of plant material out of state contact the Measurement Standards Section or the Department of Agriculture in the receiving state to determine if different labeling standards exist.

Finishing plants: If you are finishing plants that are purchased from another source, you must label them as you would any other plant material. If you have produced them on site for your own sales, you do not need to attach the declaration of responsibility.

Print advertising: Advertising may not misrepresent the product or its price. If the price is indicated in an advertisement, the net volume should also be included. The upper inside diameter may also be included but only in addition to the net volume. Print advertising of cell packs with discrete cells should advertise the number of sections and the volume of each e.g., petunias (4 X 2 fl oz). For merged cells, one volume declaration is sufficient.

Industry terminology of “#5”: This definition can continue internally. However, this information should not be used at the retail level under any conditions.

Contact the Colorado Measurement Standards Section, 303-477-4220 on any questions you may have. A Glossary of Terms and the Industry Guide to Marketing Container Plants are available at [www.coloradonga.org/related links/other links](http://www.coloradonga.org/related_links/other_links) or www.ag.state.co.us/ics/Measurement/Index/html