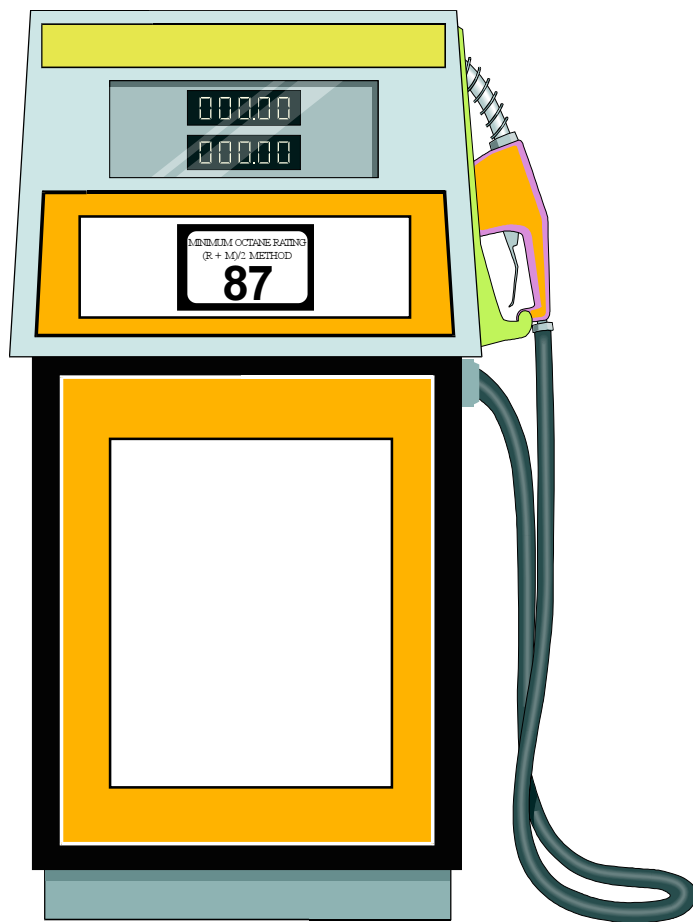


How to Comply with the FTC Fuel Rating Rule



A Business Guide

Produced by the
Federal Trade Commission

July 1994

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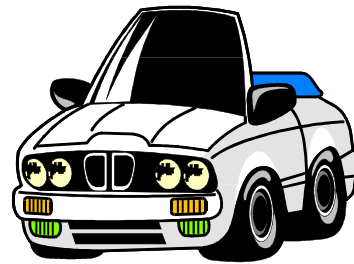
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INTRODUCTION

To help you comply with the Automotive Fuel Ratings, Certification and Posting Rule (“Fuel Rating Rule”), the Federal Trade Commission (FTC) staff prepared this business booklet. This regulation, previously called the Octane Rule, concerns the sale and transfer of liquid automotive fuel.

The Fuel Rating Rule does not affect a fuel producer’s and marketer’s ability to develop and blend fuels that are consistent with U.S. Environmental Protection Agency and original equipment manufacturer requirements. The Rule is designed to ensure that producers and marketers provide consumers with the information they need to make smart liquid fuel-purchasing decisions.

This booklet summarizes the Fuel Rating Rule, answers commonly-asked questions, and contains a copy of the Rule. If you have additional questions, contact the Division of Enforcement, Federal Trade Commission, Washington, DC 20580 (202-326-3038), or an FTC regional office (see page 18).



WHAT THE RULE REQUIRES

The Fuel Rating Rule replaces the Commission's Octane Rule by extending rating determination, certification, posting, and recordkeeping requirements to all liquid automotive fuels (with the exception of diesel fuel). This means that sellers of liquid automotive fuels, including alternative liquid automotive fuels, must determine, certify, post on fuel pumps, and keep records of the automotive fuel rating appropriate for each fuel.

The revision of the Rule did not change a seller's obligations when selling gasoline. These requirements are the same as they were under the Octane Rule.

WHO MUST COMPLY

If you are a refiner, importer, producer, distributor, or retailer of automotive fuel, you must comply with the Fuel Rating Rule.

HOW PENALTIES ARE ASSESSED

The FTC can sue violators of the Fuel Rating Rule in Federal court. The court can impose civil penalties of up to \$10,000 for each violation and can issue an order prohibiting further violations, and other relief, such as redress, if appropriate.

WHAT AUTOMOTIVE FUELS ARE COVERED

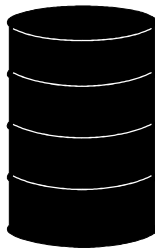
The Rule covers liquid fuels distributed for use as fuels in motor vehicles. The automotive fuels covered by the Rule include, but are not limited to:

Gasoline

- ❖ Gasohol
- ❖ Reformulated gasoline
- ❖ Oxygenated gasoline

Alternative Liquid Automotive Fuels

- ❖ Methanol, denatured ethanol, and other alcohols
- ❖ Mixtures containing 85% or more by volume of methanol, denatured ethanol, and/or other alcohols (or such other percentage, but not less than 70%, as determined by the Secretary of the United States Department of Energy to provide for requirements relating to cold start, safety, or vehicle functions), with gasoline or other fuels



- ❖ Liquefied natural gas
- ❖ Liquefied petroleum gas
- ❖ Coal-derived liquid fuels

WHETHER DIESEL FUEL IS COVERED

At this time, diesel fuel is not covered by the Fuel Rating Rule.

WHAT THE AUTOMOTIVE FUEL RATING IS

The automotive fuel rating for gasoline is the octane rating. For an alternative liquid automotive fuel, it is the commonly-used name of the fuel along with a disclosure of the amount, expressed as a minimum percentage by volume, of the principal component of the fuel. A disclosure of other components, expressed as a minimum percentage by volume, may be included on the dispenser label, if desired.

HOW TO COMPLY

The Fuel Rating Rule is divided into sections based on industry categories, such as refiner, distributor, or retailer. The summary that follows is divided by similar headings. (See page 7 for the section of the Rule that details label specifications.)

REFINERS, IMPORTERS, AND PRODUCERS OF AUTOMOTIVE FUEL



If you are a refiner, importer, or producer, you must determine the automotive fuel rating of all automotive fuel before you transfer it.

Rating Determination

To determine the automotive fuel rating of gasoline (the octane rating), add the research octane number and the motor octane number and divide by two. This is explained by the American Society for Testing and Materials (“ASTM”) in ASTM D4814, entitled “Standard Specifications for Automotive Spark-Ignition Engine Fuel.”

To determine automotive fuel ratings for alternative liquid automotive fuels, you must have a reasonable basis, consisting of competent and reliable evidence, for the percentage by volume of the principal component of the alternative liquid automotive fuel that you must disclose. You also must have a reasonable basis, consisting of competent and reliable evidence, for the minimum percentages by volume of other components that you choose to disclose.

The Commission recognizes that consensus specifications that define alternative liquid automotive fuels, which include test methods to determine whether the fuels comply with the specifications, do not exist for many of the liquid alternative fuels. Therefore, the Commission is not requiring the use of specific test methods for determining their ratings. The FTC will review, on a case-by-case basis, any questions concerning what may constitute a reasonable basis for determining the automotive fuel ratings of alternative liquid automotive fuels.

Rating Certification

In each transfer of automotive fuel you make to anyone not a consumer, you must certify the automotive fuel rating of the fuel consistent with your determination. You may certify either by including a delivery ticket with each transfer of automotive fuel or by using a letter of certification or other written statement. If you transfer automotive fuel to a common carrier, you must certify the automotive fuel rating to the common carrier on a delivery ticket, certification letter, or other paper.

A delivery ticket, which may be an invoice, bill of lading, bill of sale, terminal ticket, delivery ticket, or any other written proof of transfer, must contain at least the following four items:

- ❖ your name;
- ❖ the name of the person to whom the automotive fuel is transferred;
- ❖ the date of the transfer; and
- ❖ the automotive fuel rating.

A certification letter must include at least the following four items:

- ❖ the date;
- ❖ your name;
- ❖ the other person's name; and
- ❖ the automotive fuel rating of any automotive fuel you will transfer to that person from the date of the letter onward.

Remember, a letter of certification is good until you transfer automotive fuel with a lower automotive fuel rating. When this happens, you must certify the automotive fuel rating of the new automotive fuel either with a delivery ticket or by sending a new letter of certification.

Recordkeeping

Finally, you must keep for one year records of how you determined automotive fuel ratings. These records must be available for inspection by FTC staff or other authorized persons.

DISTRIBUTORS OF AUTOMOTIVE FUEL

If you are a distributor of automotive fuel, you must certify the automotive fuel rating of the automotive fuel in each transfer you make to anyone not a consumer.

Rating Certification

You may certify either by including a delivery ticket with each transfer of automotive fuel or by using a letter of certification.

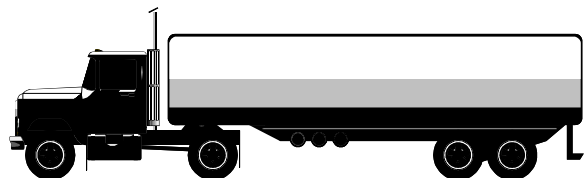
If you do not blend gasoline with other gasoline, or if you do not blend alternative

liquid automotive fuels, you must certify consistent with the automotive fuel rating certified to you. If you blend, section 306.8 of the FTC Fuel Rating Rule explains how to determine the automotive fuel ratings that you certify for the blends. Even if you do not blend, you may choose to certify the automotive fuel rating of the fuel consistent with your own determination of the rating according to the methods in section 306.5 of the Rule.

When you transfer automotive fuel to a common carrier, you must certify the automotive fuel rating of the fuel to the common carrier. When you receive automotive fuel from a common carrier, you also must receive from the common carrier a certification of the automotive fuel rating.

Recordkeeping

You must keep for one year any delivery tickets or letters of certification on which you based your automotive fuel rating certifications. You also must keep for one year records of any automotive fuel rating determinations you made in accordance with section 306.5 of the Rule. These records must be available for inspection by FTC staff or other authorized persons.



RETAILERS OF AUTOMOTIVE FUEL

If you are a retailer of automotive fuel, you must post the automotive fuel rating of all automotive fuel you sell to consumers.

Rating Posting

You must post at least one label on the face of each dispenser through which you sell automotive fuel. If you sell two or more kinds of automotive fuel with different automotive fuel ratings from a single dispenser, you must put separate labels for each kind of fuel on each face of the dispenser.

The label must be put on the face of the dispenser as near as possible to the price per unit of the automotive fuel. It must be placed so it is in full view of consumers. You also must maintain and replace labels as needed to make sure that consumers can easily see and read them. If labels are defaced or are unusable for some reason, you may post a temporary label.

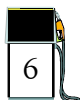
If you do not blend gasoline with other gasoline, or if you do not blend alternative liquid automotive fuels, you must post

consistent with the automotive fuel rating certified to you. If you blend, section 306.10 of the Rule explains how to determine the automotive fuel ratings that you post for the blends. Even if you do not blend, you may choose to post the automotive fuel rating of the fuel consistent with your own determination of the rating according to the methods in section 306.5 of the Rule.

Further, when you receive automotive fuel from a common carrier, you also must receive from the common carrier a certification of the automotive fuel rating, either on the delivery ticket, by letter or other paper.

Recordkeeping

You must keep for one year any delivery tickets or letters of certification on which you based your posting of automotive fuel ratings. You also must keep for one year records of any automotive fuel rating determinations you made in accordance with section 306.5 of the Rule. The records may be kept at the retail station or at another reasonably-close location. These records also must be available for inspection by FTC staff or other authorized persons.



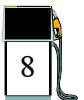
LABELS

The standard gasoline and alternative liquid automotive fuel labels are 3 inches wide by 2 1/2 inches long. The size, typestyle, and dimensions of the labels are specified in the Rule. Gasoline labels are to be printed in black ink on a yellow background. Alternative liquid automotive fuel labels must be printed in black ink on an orange background. The labels should look like the examples shown below and on page 8.

All labels must be capable of withstanding extremes of weather conditions for a period of at least one year. They must be

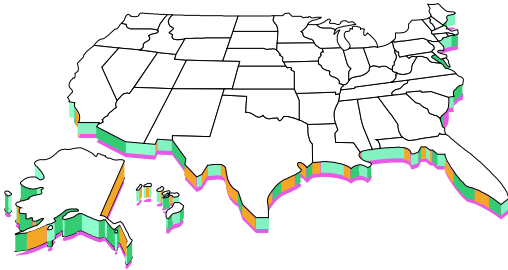
resistant to automotive fuel, oil, grease, solvents, detergents, and water. The label specifications are included in section 306.12 of the Rule.

If you are covered by the Fuel Rating Rule and wish to change the dimensions of the label to accommodate a longer fuel descriptor, or to accommodate additional fuel components, you must file a petition with the FTC for an exemption from the Rule and state the size and contents of the label you wish to use, and the reasons you want to use it.



PREEMPTION

Section 306.4 of the Rule recites the preemption language found in the Petroleum Marketing Practices Act (“PMPA”). This section preempts any provision of any local or state regulation that is not the same as an applicable provision of the Rule, except that the states or their political subdivisions are authorized to use whatever investigative and enforcement action they find necessary to enforce state laws that require the certification and posting of automotive fuel ratings.



COMMONLY-ASKED QUESTIONS

The following questions and answers may help you comply with the Fuel Rating Rule.

? ? ? ? ? ? ?

Q. According to the Rule, automotive fuel means a liquid fuel distributed for use in any motor vehicle. For purposes of the Rule, what is a “motor vehicle?”

A. As defined by the Petroleum Marketing Practices Act, “motor vehicle” means any self-propelled four-wheeled vehicle of less than 6,000 pounds gross vehicle weight, which is designed primarily for use on public streets, roads, and highways.

Q. According to the Rule, the term “automotive fuel” includes liquefied natural gas. Is compressed natural gas (“CNG”) also covered by the Rule?

A. No. The Rule applies only to liquid automotive fuels and does not cover CNG. The term “automotive fuel” includes, but is not limited to, the liquid fuels listed in section 306.0(i) of the Rule.

Q. Is diesel fuel covered by the Rule?

A. No. At this time, diesel fuel is not covered by the Rule.

Q. Some of the new alternative liquid automotive fuels covered by the Rule,

such as the liquefied petroleum gases propane and butane, often are not sold for automotive use. Are such sales covered by the Rule?

A. No. Only automotive fuels transferred for use as fuels in motor vehicles are covered by the Rule.

Q. Is the FTC requiring a minimum or a maximum automotive fuel rating level for automotive fuels?

A. No. The FTC’s regulation is designed to require that adequate disclosures are made to consumers to enable them to make the best fuel selections for their cars. Of course, you also are responsible for compliance with all other applicable regulations.

Q. Does the FTC’s Fuel Rating Rule require the certification and posting of only minimum automotive fuel ratings?

A. Yes. For example, in cases involving gasoline, the octane rating must be shown on the dispenser as a whole or half number. That number must be equal to or less than the number certified to or determined by the gasoline retailer.

Q. Can automotive fuel rating certification be accomplished with documents that only identify fuels by code numbers or fuel names and do not include the fuel’s rating?

A. No. To comply with the Rule's fuel rating certification requirement, delivery tickets that accompany transfers of fuel or certification letters must contain, among other things, the fuel's automotive fuel rating. Descriptive names, such as regular or premium, or code numbers are not sufficient.

Q. If I sell fuel to customers who use it only for their own fleets, and not for resale to the general public, must I certify the fuel's rating to those customers?

A. No. The Rule requires certification of the automotive fuel rating to anyone not a consumer of the fuel. Customers who buy fuel for their own fleets are consumers of the fuel under the Rule's definitions.

Q. Must common carriers comply with the Rule's certification requirements?

A. No. Common carriers do not fall within the scope of the Rule. The Rule, however, requires covered industry members to give certification documents to, and receive certification documents from, common carriers in the chain of distribution. Accordingly, the FTC believes that common carriers will voluntarily pass on the

certifications they receive as they play their part in the chain of automotive fuel distribution.

Q. How long must automotive fuel rating certification records be kept?

A. Refiners, producers, importers, distributors and retailers of automotive fuel must keep for one year records of delivery tickets, certification letters, or tests upon which they based the automotive fuel rating that they certified or posted. These records must be available for inspection by FTC staff or other authorized persons.

Q. Whom should I contact if I suspect non-compliance with the FTC's Fuel Rating Rule or any allegedly fraudulent activity regarding the sale of automotive fuel?

A. Information about possible illegal activity greatly helps law enforcement officials target those companies that merit scrutiny. If you have any knowledge of such actions, write: Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580. Or, contact your state or local Weights and Measures office.

16 CFR PART 306—AUTOMOTIVE FUEL RATINGS, CERTIFICATION, AND POSTING

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GENERAL

§ 306.0 Definitions.

As used in this Part:

(a) Octane rating means the rating of the anti-knock characteristics of a grade or type of gasoline as determined by dividing by 2 the sum of the research octane number plus the motor octane number.

(b) Research octane number and motor octane number have the meanings given such terms in the specifications of the American Society for Testing and Materials ("ASTM") entitled "Standard Specification for Automotive Spark-Ignition Engine Fuel" designated D4814-

92c and, with respect to any grade or type of gasoline, are determined in accordance with test methods set forth in ASTM D2699-92, "Standard Test Method for Knock Characteristics of Motor Fuels by the Research Method" and ASTM D2700-92, "Standard Test Method for Knock Characteristics of Motor and Aviation Fuels by the Motor Method." These incorporations by reference were approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51. Copies of ASTM D4814-92c, ASTM D2699-92, and ASTM D2700-92 may be obtained from the American Society for Testing and Materials,

1916 Race Street, Philadelphia, PA, 19103, or may be inspected at the Federal Trade Commission, Public Reference Room, Room 130, 600 Pennsylvania Avenue, N.W., Washington, D.C., or at the Office of the Federal Register, 800 North Capitol Street, N.W., suite 700, Washington, D.C.

(c) Refiner means any person engaged in the production or importation of automotive fuel.

(d) Producer means any person who purchases component elements and combines them to produce and market automotive fuel.

(e) Distributor means any person who receives automotive fuel and distributes such automotive fuel to another person other than the ultimate purchaser.

(f) Retailer means any person who markets automotive fuel to the general public for ultimate consumption.

(g) Ultimate purchaser means, with respect to any item, the first person who purchases such item for purposes other than resale.

(h) Person, for purposes of applying any provision of the Federal Trade Commission Act, 15 U.S.C. 41 *et seq.*, with respect to any provision of this Part, includes a partnership and a corporation.

(i) Automotive fuel means liquid fuel of a type distributed for use as a fuel in any motor vehicle, and the term includes, but is not limited to:

(1) gasoline, an automotive spark-ignition engine fuel, which includes, but is not limited to, gasohol (generally a mixture of approximately 90% unleaded gasoline and 10% denatured ethanol) and fuels developed to comply with the Clean Air Act, 42 U.S.C. 7401 *et seq.*, such as reformulated gasoline and oxygenated gasoline; and

(2) alternative liquid automotive fuels, including, but not limited to:

(i) methanol, denatured ethanol, and other alcohols;

(ii) mixtures containing 85 percent or more by volume of methanol, denatured ethanol, and/or other alcohols (or such other percentage, but not less than 70 percent, as determined by the Secretary of the United States Department of Energy, by rule, to provide for requirements relating to cold start, safety, or

vehicle functions), with gasoline or other fuels;

(iii) liquefied natural gas;
(iv) liquefied petroleum gas;
(v) coal-derived liquid fuels.

(j) Automotive fuel rating means:

(1) for gasoline, the octane rating; or

(2) for an alternative liquid automotive fuel, the commonly used name of the fuel with a disclosure of the amount, expressed as a minimum percentage by volume, of the principal component of the fuel. A disclosure of other components, expressed as a minimum percentage by volume, may be included, if desired.

§ 306.1 What this rule does.

This rule deals with the certification and posting of automotive fuel ratings in or affecting commerce as “commerce” is defined in the Federal Trade Commission Act, 15 U.S.C. 41 *et seq.* It applies to persons, partnerships, and corporations. If you are covered by this regulation, breaking any of its rules is an unfair or deceptive act or practice under section 5 of that Act. You can be fined up to ten thousand dollars each time you break a rule.

§ 306.2 Who is covered.

You are covered by this rule if you are a refiner, importer, producer, distributor, or retailer of automotive fuel.

§ 306.3 Stayed or invalid parts.

If any part of this rule is stayed or held invalid, the rest of it will stay in force.

§ 306.4 Preemption.

The Petroleum Marketing Practices Act (“PMPA”), 15 U.S.C. 2801 *et seq.*, as amended, is the law that directs the FTC to enact this rule. Section 204 of PMPA, 15 U.S.C. 2824, provides:

(a) To the extent that any provision of this title applies to any act or omission, no State or any political subdivision thereof may adopt or continue in effect, except as provided in subsection (b) any provision of law or regulation with respect to such act or omission, unless such provision of such law or regulation is the same as the applicable provision of this title.

(b) A State or political subdivision thereof may provide for any investigative or enforcement action, remedy, or penalty (including procedural actions necessary to carry out such investigative or enforcement actions, remedies, or penalties) with respect to any provision of law or regulation permitted by subsection (a).

DUTIES OF REFINERS, IMPORTERS, AND PRODUCERS

§ 306.5 Automotive fuel rating.

If you are a refiner, importer, or producer, you must determine the automotive fuel rating of all

automotive fuel before you transfer it. You can do that yourself or through a testing lab.

(a) To determine the automotive fuel rating of gasoline, add the research octane number and the motor octane number and divide by two, as explained by the American Society for Testing and Materials ("ASTM") in ASTM D4814-92c, entitled "Standard Specifications for Automotive Spark-Ignition Engine Fuel." To determine the research octane number, use ASTM standard test method D2699-92, and to determine the motor octane number, use ASTM standard test method D2700-92.

(b) To determine automotive fuel ratings for alternative liquid automotive fuels, you must possess a reasonable basis, consisting of competent and reliable evidence, for the percentage by volume of the principal component of the alternative liquid automotive fuel that you must disclose. You also must have a reasonable basis, consisting of competent and reliable evidence, for the minimum percentages by volume of other components that you choose to disclose.

§ 306.6 Certification.

In each transfer you make to anyone who is not a consumer, you must certify the automotive fuel rating of the automotive fuel consistent with your determination. You can do this in either of two ways:

(a) Include a delivery ticket or other paper with each transfer of

automotive fuel. It may be an invoice, bill of lading, bill of sale, terminal ticket, delivery ticket, or any other written proof of transfer. It must contain at least these four items:

- (1) Your name;
 - (2) The name of the person to whom the automotive fuel is transferred;
 - (3) The date of the transfer;
 - (4) The automotive fuel rating.
- Octane rating numbers may be rounded off to a whole or half number equal to or less than the number determined by you.

(b) Give the person a letter or other written statement. This letter must include the date, your name, the other person's name, and the automotive fuel rating of any automotive fuel you will transfer to that person from the date of the letter onwards. Octane rating numbers may be rounded to a whole or half number equal to or less than the number determined by you. This letter of certification will be good until you transfer automotive fuel with a lower automotive fuel rating. When this happens, you must certify the automotive fuel rating of the new automotive fuel either with a delivery ticket or by sending a new letter of certification.

(c) When you transfer automotive fuel to a common carrier, you must certify the automotive fuel rating of the automotive fuel to the common carrier, either by letter or on the delivery ticket or other paper.

§ 306.7 Recordkeeping.

You must keep records of how you determined automotive fuel ratings for one year. They must be available for inspection by Federal Trade Commission and Environmental Protection Agency staff members, or by people authorized by FTC or EPA.

DUTIES OF DISTRIBUTORS

§ 306.8 Certification.

If you are a distributor, you must certify the automotive fuel rating of the automotive fuel in each transfer you make to anyone who is not a consumer.

(a) In the case of gasoline, if you do not blend the gasoline with other gasoline, you must certify the gasoline's octane rating consistent with the octane rating certified to you. If you blend the gasoline with other gasoline, you must certify consistent with your determination of the average, weighted by volume, of the octane ratings certified to you for each gasoline in the blend, or consistent with the lowest octane rating certified to you for any gasoline in the blend. Whether you blend gasoline or not, you may choose to certify the octane rating of the gasoline consistent with your determination of the octane rating according to the method in § 306.5. In cases involving gasoline, the octane rating may be rounded to a whole or half number equal to or less than the number certified to you or determined by you.

(b) If you do not blend alternative liquid automotive fuels, you must certify consistent with the automotive fuel rating certified to you. If you blend alternative liquid automotive fuels, you must possess a reasonable basis, consisting of competent and reliable evidence, for the automotive fuel rating that you certify for the blend.

(c) You may certify either by using a delivery ticket with each transfer of automotive fuel, as outlined in § 306.6(a), or by using a letter of certification, as outlined in § 306.6(b).

(d) When you transfer automotive fuel to a common carrier, you must certify the automotive fuel rating of the automotive fuel to the common carrier, either by letter or on the delivery ticket or other paper. When you receive automotive fuel from a common carrier, you also must receive from the common carrier a certification of the automotive fuel rating of the automotive fuel, either by letter or on the delivery ticket or other paper.

§ 306.9 Recordkeeping.

You must keep for one year any delivery tickets or letters of certification on which you based your automotive fuel rating certifications. You must also keep for one year records of any automotive fuel rating determinations you made according to § 306.5. They must be available for inspection by Federal Trade Commission and Environmental Protection Agency staff mem-

bers, or by persons authorized by FTC or EPA.

DUTIES OF RETAILERS

§ 306.10 Automotive fuel rating posting.

(a) If you are a retailer, you must post the automotive fuel rating of all automotive fuel you sell to consumers. You must do this by putting at least one label on each face of each dispenser through which you sell automotive fuel. If you are selling two or more kinds of automotive fuel with different automotive fuel ratings from a single dispenser, you must put separate labels for each kind of automotive fuel on each face of the dispenser.

(b)(1) The label, or labels, must be placed conspicuously on the dispenser so as to be in full view of consumers and as near as reasonably practical to the price per unit of the automotive fuel.

(2) You may petition for an exemption from the placement requirements by writing the Secretary of the Federal Trade Commission, Washington, DC 20580. You must state the reasons that you want the exemption.

(c) In the case of gasoline, if you do not blend the gasoline with other gasoline, you must post the octane rating of the gasoline consistent with the octane rating certified to you. If you blend the gasoline with other gasoline, you must post consistent with your determination of the average, weighted by vol-

ume, of the octane ratings certified to you for each gasoline in the blend, or consistent with the lowest octane rating certified to you for any gasoline in the blend. Whether you blend gasoline or not, you may choose to post the octane rating of the gasoline consistent with your determination of the octane rating according to the method in § 306.5. In cases involving gasoline, the octane rating must be shown as a whole or half number equal to or less than the number certified to you or determined by you.

(d) If you do not blend alternative liquid automotive fuels, you must post consistent with the automotive fuel rating certified to you. If you blend alternative liquid automotive fuels, you must possess a reasonable basis, consisting of competent and reliable evidence, for the automotive fuel rating that you post for the blend.

(e)(1) You must maintain and replace labels as needed to make sure consumers can easily see and read them.

(2) If the labels you have are destroyed or are unusable or unreadable for some unexpected reason, you can satisfy the law by posting a temporary label as much like the required label as possible. You must still get and post the required label without delay.

(f) The following examples of automotive fuel rating disclosures for some presently available alternative liquid automotive fuels are meant to serve as

illustrations of compliance with this Part, but do not limit the Rule's coverage to only the mentioned fuels:

1. "Methanol / Minimum ____% Methanol"
2. "Ethanol / Minimum ____% Ethanol"
3. "M-85 / Minimum ____% Methanol"
4. "E-85 / Minimum ____% Ethanol"
5. "LPG / Minimum ____% Propane" or "LPG / Minimum ____% Propane and ____% Butane"
6. "LNG / Minimum ____% Methane"

(g) When you receive automotive fuel from a common carrier, you also must receive from the common carrier a certification of the automotive fuel rating of the automotive fuel, either by letter or on the delivery ticket or other paper.

§ 306.11 Recordkeeping.

You must keep for one year any delivery tickets or letters of certification on which you based your posting of automotive fuel ratings. You also must keep for one year records of any automotive fuel rating determinations you made according to § 306.5. These records may be kept at the retail outlet or at another, reasonably close location. They must be available for inspection by Federal Trade Commission and Environmental Protection Agency staff members or by persons authorized by FTC or EPA.

LABEL SPECIFICATIONS

§ 306.12 Labels.

All labels must meet the following specifications:

(a) Layout.

(1) For gasoline labels.

The label is 3" (7.62 cm) wide x 2-1/2" (6.35 cm) long. The illustrations appearing at the end of this rule are prototype labels that demonstrate the proper layout. "Helvetica Black" type is used throughout except for the octane rating number on octane labels, which is in Franklin gothic type. All type is centered.

Spacing of the label is 1/4" (.64 cm) between the top border and the first line of text, 1/8" (.32 cm) between the first and second line of text, 1/4" (.64 cm) between the octane rating and the line of text above it. All text and numerals are centered within the interior borders.

(2) For alternative liquid automotive fuel labels (one principal component).

The label is 3" (7.62 cm) wide x 2-1/2" (6.35 cm) long. "Helvetica black" type is used throughout. All type is centered. The band at the top of the label contains the name of the fuel. This band should measure 1" (2.54 cm) deep. Spacing of the fuel name is 1/4" (.64 cm) from the top of the label and 3/16" (.48 cm) from the bottom of the black band, centered horizontally within the black band. The first line of type beneath the black band is 1/8" (.32 cm) from the bottom of the black band. All

type below the black band is centered horizontally, with 1/8" (.32 cm) between each line. The bottom line of type is 3/16" (.48 cm) from the bottom of the label. All type should fall no closer than 3/16" (.48 cm) from the side edges of the label. If you wish to change the dimensions of this single component label to accommodate a fuel descriptor that is longer than shown in the sample labels, you must petition the Federal Trade Commission. You can do this by writing to the Secretary of the Federal Trade Commission, Washington, DC 20580. You must state the size and contents of the label that you wish to use, and the reasons that you want to use it.

(3) For alternative liquid automotive fuel labels (two components).

The label is 3" (7.62 cm) wide x 2-1/2" (6.35 cm) long. "Helvetica black" type is used throughout. All type is centered. The band at the top of the label contains the name of the fuel. This band should measure 1" (2.54 cm) deep. Spacing of the fuel name is 1/4" (.64 cm) from the top of the label and 3/16" (.48 cm) from the bottom of the black band, centered horizontally within the black band. The first line of type beneath the black band is 3/16" (.48 cm) from the bottom of the black band. All type below the black band is centered horizontally, with 1/8" (.32 cm) between each line. The bottom line of type is 1/4" (.64 cm) from the bottom of the label. All type should fall no closer than

3/16" (.48 cm) from the side edges of the label. If you wish to change the dimensions of this two component label to accommodate additional fuel components, you must petition the Federal Trade Commission. You can do this by writing to the Secretary of the Federal Trade Commission, Washington, DC 20580. You must state the size and contents of the label that you wish to use, and the reasons that you want to use it.

(b) Type size and setting.

(1) For gasoline labels.

The Helvetica series is used for all numbers and letters with the exception of the octane rating number. Helvetica is available in a variety of phototype setting systems, by linotype, and in a variety of computer desk-top and phototype setting systems. Its name may vary, but the type must conform in style and thickness to the sample provided here. The line "MINIMUM OCTANE RATING" is set in 12 point Helvetica Bold, all capitals, with letterspace set at 12-1/2 points. The line "(R+M)/2 METHOD" is set in 10 point Helvetica Bold, all capitals, with letterspace set at 10-1/2 points. The octane number is set in 96 point Franklin gothic condensed with 1/8" (.32 cm) space between the numbers.

(2) For alternative liquid automotive fuel labels (one principal component).

All type should be set in upper case (all caps) "Helvetica Black" throughout. Helvetica Black is

available in a variety of computer desk-top and phototype setting systems. Its name may vary, but the type must conform in style and thickness to the sample provided here. The spacing between letters and words should be set as "normal." The type for the fuel name is 50 point [1/2" (1.27 cm) cap height] "Helvetica Black," knocked out of a 1" (2.54 cm) deep band. The type for the words "MINIMUM" and the principal component is 24 pt. [1/4" (.64 cm) cap height.] The type for percentage is 36 pt. [3/8" (.96 cm) cap height].

(3) For alternative liquid automotive fuel labels (two components).

All type should be set in upper case (all caps) "Helvetica Black" throughout. Helvetica Black is available in a variety of computer desk-top and phototype setting systems. Its name may vary, but the type must conform in style and thickness to the sample provided here. The spacing between letters and words should be set as "normal." The type for the fuel name is 50 point [1/2" (1.27 cm) cap height] "Helvetica Black," knocked out of a 1" (2.54 cm) deep band. All other type is 24 pt. [1/4" (.64 cm) cap height.]

(c) Colors.

(1) For gasoline labels.

The basic color on all octane labels is process yellow. All type is process black. All borders are process black. All colors must be non-fade.

(2) For alternative liquid automotive fuel labels

The background color on all the labels is Orange: PMS 1495. The knock-out type within the black band is orange PMS 1495. All other type is process black. All borders are process black. All colors must be non-fade.

(d) Contents.

Examples of the contents are shown in the sample labels. The proper octane rating for each gasoline must be shown. The proper automotive fuel rating for each alternative liquid automotive fuel must be shown. No marks or information other than that called for by this rule may appear on the labels.

(e) Special label protection.

All labels must be capable of withstanding extremes of weather conditions for a period of at least one year. They must be resistant to automotive fuel, oil, grease, solvents, detergents, and water.

(f) Illustrations of labels.

Labels should meet the specifications in this section, and should look like [the examples on pages 7-8], except the black print should be on the appropriately colored background.