

Facts for Business

MEASURING UP!

Good Packaging Practices for Dairy Products



Federal Trade Commission
Bureau of Consumer Protection
Office of Consumer & Business Education
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Federal and state agencies have recently conducted two studies of the accuracy of net content statements on cartons of milk. A 1997 study found that many containers of milk sold at wholesale and retail and many cartons of milk served in schools, universities and hospitals contained less than the amount stated on the label. Although the individual package shortages were very small, the cumulative effect of short-filling can be significant over time and across the industry.

Following the 1997 study, federal and state agencies worked closely with industry members in an effort to improve compliance. A 1998 follow-up study shows that this effort has resulted in considerable improvement in the accuracy of net content statements on milk.

This follow-up study also shows, however, that there is still need for further improvement in compliance levels at some dairies and packagers. When government inspectors pull under-filled containers from sale, retailers, packagers and dairies lose. What's more, when these shortages affect the milk served with school breakfasts and lunches, there can be other consequences, too.

Study Findings

In the 1998 follow-up study, weights and measures officials across the country conducted inspections. Using procedures developed by the National Conference on Weights and Measures (NCWM) and the

National Institute of Standards and Technology (NIST), the inspectors examined the accuracy of net content labeling of over 3,300 lots of milk served in schools, universities and hospitals and sold by retailers, packagers and dairies.

The inspections, which took place over a three-week period, found considerable improvement in the accuracy of net content labels on milk containers, compared to a year earlier. In 1997, just 55 percent of the lots of milk passed inspection. A year later, in the 1998 follow-up study, over 80 percent passed inspection.

Still, improvement is needed. In the 1998 follow-up study, almost one in five lots of milk failed inspection. Results varied among states, with the failures ranging from four percent to 50 percent of inspected lots. Results also varied widely among packagers and dairies.

Good Quantity Control Practices

NIST Handbook 133, a guide for compliance testing of net content statements on packaged goods, includes statistical procedures that recognize reasonable variations permitted in "good" packaging practices. Although developed primarily for government use, it is valuable for companies involved in packaging, distributing and selling dairy products.

The Handbook outlines procedures for random sampling of packages from an inspection lot. For milk, an inspection lot

of gallons could include all gallons of Brand X whole milk with the same expiration date. Using NIST procedures and specific equipment, the packages are tested to determine whether they are over- or under-filled. Milk and juice must be labeled by volume in units such as fluid ounces and milliliters, and yogurt and cottage cheese are labeled by weight in units such as ounces and grams so testing is performed using precision flasks and balances.

For the lot to pass inspection, the contents of the random sample on average must equal or exceed the amount of product stated on the label.

Compliance

The Food and Drug Administration recently proposed revisions to the regulations that govern the net content labeling on food packages. Based on NIST Handbook 133, the revisions would establish procedures for ensuring regulatory uniformity nationwide.

State and local officials have primary responsibility for ensuring the accuracy of the net content labeling of foods on a day-to-day basis. The FDA has authority to enforce the Fair Packaging and Labeling Act for the net content labeling of foods. And the Federal Trade Commission has authority to proceed against inaccurate net content labeling of food as a deceptive practice.

Federal, state and local officials will coordinate their efforts to monitor the accuracy of net content labeling of dairy products and juice, as well as other foods. Dairies, packers and bottling plants are encouraged to examine and voluntarily reform their packaging practices if necessary. Industry members that fail to resolve poor manufacturing practices risk government enforcement actions resulting in fines, exclusions from government contracts, or other mandates to correct their behavior.

For More Information

The following state and federal officials are available to answer your questions about state requirements for net content labeling.

- The NCWM has developed a detailed set of guidelines for Good Quantity Control Practices. To order the guidelines or a copy of NIST Handbook 133, contact:
National Institute of Standards and Technology
Office of Weights and Measures
Building 820 (Room 223)
Gaithersburg, MD 20899
Tel: 301-975-4004,
Fax: 301-926-0647
www.nist.gov/owm

- Copies of the federal/state study are available from NIST at the address above, and the FTC:
Consumer Response Center
Federal Trade Commission
Washington, DC 20580
Tel: (202) FTC-HELP (382-4357)
www.ftc.gov
- The U.S. Department of Agriculture can answer your questions about school meal programs. Contact:
U.S. Department of Agriculture
Food and Consumer Service
Child Nutrition Division
3101 Park Center One, Room 1008
Alexandria, VA 22302-1500
Tel: 703-305-2590
- To learn more about the FDA's proposed rulemaking on net content labeling, contact:
U.S. Food and Drug Administration
Office of Food Labeling
200 C Street, SW (HFS 158)
Washington, DC 20204
Tel: 202-205-5099
- To learn about industry sponsored training efforts, contact:
Carey P. Frye, Vice President
International Dairy Foods Association
1250 H Street, NW
Washington, DC 20005
Tel: 202-737-4332