



# The Basics of Package Checking

## BUREAU OF WEIGHTS AND MEASURES

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## RESOURCES

NIST Handbook 133  
<http://www.nist.gov/pml/wmd/pubs/upload/h133-2015-web-final.pdf>

Wis. Stat. Chapter 98  
<http://docs.legis.wisconsin.gov/statutes/statutes/98/>  
Title

Wis. Admin. Code ATPC 92  
[https://docs.legis.wisconsin.gov/code/admin\\_code/atcp/090/92/Title](https://docs.legis.wisconsin.gov/code/admin_code/atcp/090/92/Title)

## What is Package Checking?

The compliance testing of packaged goods may occur during the packaging, distribution, or retailing processes. These tests seek to determine if the net quantity of a package is accurate so consumers get what they pay for.

## Where is Package Checking conducted?

Packages can be tested at any point of the manufacturing, distribution, or retailing process of a specific item. Inspectors conduct most of their package checking inspections at the retail level.

## How is Package Checking conducted?

Inspection staff utilize NIST Handbook 133 – Checking the Net Contents of Packaged Goods for procedures for testing packaged products for net quantity compliance. Depending on the product there may be different testing procedures to determine an accurate net weight/quantity of the packages. Often these procedures can be destructive to the product being tested.

## Who is responsible for correct package net weight?

Primarily, whomever is responsible for the net quantity declaration on the package is responsible for net quantity compliance. Determining and declaring an appropriate net quantity on products that are packaged and labeled prior to reaching the retail level is generally the responsibility of the party who packaged them. Determining and declaring an appropriate net quantity on products that are weighed/measured at the retail level is the responsibility of the store.

## Store packed vs manufacturer packed products?

### Store packaged

Products that are packaged at the store are deemed store packed. Examples include products weighed and packaged at a deli counter. Weights and Measures inspectors have three inspection processes at this type of location. First, the Weights and Measures inspector may inspect the deli scale itself for accuracy and compliance with specification and use requirements.

Second, the inspector may package check the deli items that are pre-packaged to audit the deli scale results and to ensure that the appropriate tare weight is deducted from the gross weight of the packages. Because the items in this case are store packaged the inspector may be able to do an inspection without destroying the product. For example, the inspector would use the same packaging materials and labels as the retailer uses to determine a tare weight for the packaging and then that tare weight could be used to determine the net weight of the contents within the packaging without destruction of the items for sale.

Third, the inspector can check the accuracy of tare values that are pre-programmed into the scale using the same packaging and labels as the retailer uses.

### Manufacturer packaged

These products are packaged off site and because there is no access to packaging materials an accurate tare cannot be determined without destroying the package.

### **What happens to destroyed products?**

The manufacturer or distributor listed on the package declaration of responsibility is generally the entity responsible for product loss. If the package checking inspection passes and the product is not ordered off sale, the inspector will offer to pay for the packages destroyed to determine the correct tare value. If the package checking inspection fails and the product is ordered off sale the inspector suggests that the store ask for reimbursement or replacement for the destroyed product from the responsible distributor or manufacturer. If this is unsuccessful the retailer can contact the Weights and Measures Supervisor in the area for the reimbursement request.

### **What are the typical progressive compliance steps for non-compliant packages?**

The first step after a non-compliance is to order the inspection lot off sale. This order only applies to packages that were included in the inspection lot. It does not include the same product that is in another area of the store, a back room, or other business location. There are many reasons for this, such as, how the product was stored which could lead to moisture gain or loss.

The store is the seller of the product but in many cases is not the manufacturer of the product. Thus, the business who packages the product is responsible. The inspector documents the non-compliance findings on a report and shares the results with the store.

A warning letter is generated and sent to the manufacturer of the product. This warning letter states the results and describes that a follow up inspection will be conducted and may incur a re-inspection fee that is billed to the manufacturer of the product.

Re-inspection occurs in the retail store on the affected item after a significant amount of time for manufacturer to respond to the warning letter and adjust their manufacturing process (if applicable).

- If the product passes the re-inspection then there is a re-inspection fee of \$80.
- If the product during the re-inspection is still non-compliant for net quantity, the product will be ordered off sale and then a second warning letter is drafted and sent to the manufacturer of the product with a re-inspection fee of \$80 for the inspection of the item found non-compliant. (ATCP 92.60(2)(j))

Lastly, if the Bureau of Weights and Measures observes a significant trend with a certain product it may lead to a state survey where inspection staff inspect the same product across the state at the same time to determine the compliance rate and possible additional compliance actions on the manufacturer.

