



**Beaumont Products, Inc.**

January 17, 2012

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Re: Comments on Laws and Regulations Committee Interim Agenda for 2012 Regarding the Proposal for NIST Handbook 130, Section 10.3.

Gentlemen:

As President of Beaumont Products, Inc., I am writing in support of Blue Magic, Inc.'s position on the aerosol/non-aerosol labeling issue raised by Mr. Charles H. Carroll of the Division of Standards, from the Commonwealth of Massachusetts.

Beaumont Products, Inc. has been marketing a number of natural citrus air care products in non-aerosol packages since 1991. In addition, I personally managed a Conventional Aerosol business prior to founding Beaumont Products, Inc.

I agree with Blue Magic's position that the Aerosol labeling regulations do not and should not apply to the Citrus Air Freshener products for two reasons.

1. Such products are not Aerosols, and
2. Aerosol weight designations are misleading.

#### Aerosol Background

The term "aerosol" is derived from AERated SOLution as a concept, dating back to 1790, and as an invention in 1926. Conventional Aerosol products include a gas propellant mixed inside a container with a liquid ("payload"). Once sprayed, the propellant evaporates quickly, leaving the payload suspended as very fine particles or droplets. In the Conventional Aerosol container, the sprayed output is not pure, because the payload is mixed with the gas propellant. The liquid payload is aerated by dispensing a mixture of liquid and gas from the gas pressurized

Conventional Aerosol container. The consumer benefit of a Conventional Aerosol is convenience of delivery and rapid disbursement.

The derivation of the term Aerosol (AERated SOLution) provides the definition of a Conventional Aerosol as being an aerated (mixed gas & payload) solution, mixed in both the container and in the air.

Another pertinent definition of a Conventional Aerosol, from Hawley's Condensed Chemical Dictionary is: "A suspension of liquid or solid particles in a gas, the particles often being in the colloidal size range. Fog and smoke are common examples of natural aerosols; fine spray (perfumes, insecticides, inhalants, anti-perspirants, paints, etc.) are man-made."

A newer packaging alternative with similar consumer benefits, known as "Bag-on-Valve" (BOV), avoids some of the problems with the Conventional Aerosol technology. The BOV Technology uses a bag to contain the payload. The bag is contained within a can, and an environmentally friendly gas is placed outside the bag, but within the can. The bag is sealed to the stem of the valve within the can so the payload and the environmentally friendly gas never mix. When the valve actuator is pressed, the ambient pressure within the can "squeezes" the payload out of the sealed bag into the air, without the propellant leaving the can. As such, the payload is sprayed, in its pure form, without the mixed gas propellant, out of the sealed bag into the air.

The BOV Technology keeps the propellant and the payload separate so they never mix, either in the container or in the air upon disbursement. In the BOV, the propellant is not sprayed with the payload; instead the propellant remains in the can. With the BOV Technology, the payload does not need to mix with gases that add weight and volume to the container just to spray/aerate the payload.

#### Aerosol Labeling Requirements

The Uniform Packaging and Labeling Regulations require an "Aerosol package and similar pressurized containers to disclose the net quantity of the commodity in terms of net weight.

The declaration of quantity on an aerosol package and on a similar pressurized package shall disclose the net quantity of the commodity (including propellant), in terms of weight, that will be expelled when the instructions for use as shown on the container are followed."

#### Citrus Air Freshener Products Are Not Aerosols.

Such products, which use the newer BOV technology, are not Conventional Aerosols because:

- a. In the BOV container, the pressurized gas does NOT mix with the payload;
- b. The pressurized gas is NOT expelled with the payload;
- c. The pressurized gas does NOT aerate the liquid payload.

Proof of the differences in Conventional Aerosols and the BOV technology is in the package instructions. All aerosols require "shake before using" (to mix the product and gas propellant

within the can). The BOV package does not require “shaking” because there is no mixing required, as the gas never leaves the can.

To “disclose the net quantity of the commodity (including propellant) 40 terms of weight that will be expelled” applies to the Conventional type of aerosol air freshener of which we are not.

### Misleading Labeling

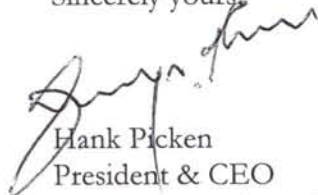
All liquids packaged and sold in the US, except aerosols, are labeled with a fluid ounce declaration. When Conventional Aerosols were first introduced in the 1920s, the Aerosol Industry wanted to declare fill levels in Aerosols on a weight basis in order to include the weight of the gas propellants in the aerosol mixture in the cans.

In my opinion, the Conventional Aerosol product label is misleading to consumers, because by claiming the weight of both the payload and the propellant, the consumer is led to believe that he is buying more active product than actually exists since the weight of the gas is claimed as part of the weight of the product. In fact, the gas is not product, but part of the delivery system. The true “tare” should be the weight of the payload, net of the gas propellant.

Even if one can justify claiming the weight of the gas as part of the product in a Conventional Aerosol, that same logic does not apply to the BOV container because the gas propellant does not leave the container. The weight of the gas in the BOV system is not “consumed” with the payload as it is with a Conventional Aerosol. Unlike Conventional Aerosols, when fully exhausted, the weight of the gas remains in the “empty” BOV package.

Please let me know if you need any additional information.

Sincerely yours,



Hank Picken  
President & CEO  
Beaumont Products, Inc.

cc: Scott Ciurana – Blue Magic, Inc.

## Curriculum Vitae

Mr. Picken has been in the Consumer Products business since the early 1970's and has held various management positions at Colgate-Palmolive, Lever Brothers and Pfizer.

He also managed a Conventional Aerosol business, AMREP a manufacturer and supplier of Aerosol cleaning chemicals to the Janitorial Supply business, before founding Beaumont Products in 1991. At Beaumont, Mr. Picken pioneered the use of non-aerosol spray delivery systems such as the BOV and the EXXEL/ATMOS package because of environmental concerns.

Prior to beginning his career in Consumer Products, he worked for Price Waterhouse where he earned his CPA from New York State.

Mr. Picken has an AB in Government & Law from Lafayette College and an MBA from the Amos Tuck School of Business Administration at Dartmouth College.

He also served in the United States Army as an Infantry Captain with a tour of duty in Vietnam.

He is currently a Board Member on the Kennesaw State University Advisory Board to the School of Marketing and Professional Sales and is a past Director of the Tommy Nobis Rehab Center in Marietta, Georgia.