



**THE VOICE OF FOOD RETAIL**

Feeding Families  Enriching Lives

January 6, 2017

Dr. Matthew Curran  
Committee Chair  
National Conference on Weights and Measures  
Specifications & Tolerances Committee  
Bureau of Standards in the Division of Consumer Services  
3125 Conner Blvd., Lab 2  
Tallahassee, FL 32399-1650

**Re: S.1.8.5., Recorded Representations, Point of Sale Systems; and S.1.9.3., Recorded Representations, Random Weight Package Labels**

Dear Dr. Curran:

The Food Marketing Institute (FMI)<sup>i</sup> opposes two items that are slated to be heard before the Specifications and Tolerances Committee during the National Conference on Weights and Measures (NCWM) Interim Meeting in January 2017. S.1.8.5., *Recorded Representations, Point of Sale Systems*; and S.1.9.3. *Recorded Representations, Random Weight Package Labels*, require the addition of the tare weight to be added to the register receipt and on any random weight scale label.

Many consumers do not even know what tare weight is, and requiring this information on register tapes and random weight scale labels would cause confusion. Moreover, tare is not specifically defined. For example, would this include a moisture allowance?

In the provided background material for these two items, the following is stated:

“Retailers would benefit because this proposal would aid their quality control efforts behind the counter and at the cash register.” And also, “Package checking inspections potentially could be reduced because weights and measures officials could make risk-based assessments on the need to do package checking inspections at any given location. If an official notes that gross weights or tares are visible on all random-weight packages, and that the tares seem appropriate to the package sizes, the official may be able to skip that location and focus package checking efforts on locations where tares are absent or seem inappropriate for the package sizes. That would be more efficient for both retailers and weights and measures jurisdictions.”

If a retailer finds that this would be beneficial to their quality control efforts, this should be a business decision, not another regulation piled on top of an already heavily-regulated industry. Furthermore, FMI believes that weights and measures inspectors should not guess at what “seems appropriate for the package size” but should actually scientifically test a random weight food product, as required in Handbook 133.

To require a change such as these would mean significant system updates which can be very costly. A complete system redesign would be required as well as the layout of the scale label. Currently, the tare is entered in to a retailer's item system to account for packaging on random weight, but that number does not print out on the scale labels or register receipts.

Retailers will have already made updates to their scale label systems and labels to comply with federal "menu labeling" regulations, to be effective in May 2017. To accommodate these two proposals would require retailers to go back and make additional system changes, after having just done so, which may be inconsistent with what is required by federal law. In addition, this could frustrate space accommodations on the scale label. From a timing perspective, with federal labeling changes required by May 2017, this would be excessively burdensome.

In addition, re-designing a point of sale system as to how it captures price and sales information would be costly, with no added benefit. Adding tare weight to scale labels would require changes to the scales and POS systems and also additional testing and potential additional calibration requirements. The changes would likely require software development in order to comply.

For all of these reasons, FMI asks that the Specifications and Tolerances Committee vote to withdraw both of these items. We very much appreciate your consideration of our perspective and we look forward to continuing our long and successful association with the NCWM.

Sincerely,

*Elizabeth K. Tansing*

Elizabeth K. Tansing  
Director, State Government Relations  
Food Marketing Institute

C: David Sefcik and Richard Harshman; NIST

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<sup>i</sup> The Food Marketing Institute (FMI) proudly advocates on behalf of the food retail industry. FMI's U.S. members operate nearly 40,000 retail food stores and 25,000 pharmacies, representing a combined annual sales volume of almost \$770 billion. Through programs in public affairs, food safety, research, education and industry relations, FMI offers resources and provides valuable benefits to more than 1,225 food retail and wholesale member companies in the United States and around the world. FMI membership covers the spectrum of diverse venues where food is sold, including single owner grocery stores, large multi-store supermarket chains and mixed retail stores. For more information, visit [www.fmi.org](http://www.fmi.org).