

## A Sign for the Times, And What You Need to Know to Comply

When you sell a plant, you are selling a packaged product which, by law, must have some information about the product needs to be easily accessible by the consumer.

Every container sold including:

- ◆ nursery stock
- ◆ perennials
- ◆ vegetables and herbs

Failure to comply with the law by any retailer can result in a “stop order” where the retailer will not be permitted to sell the plants for a period of time, more than likely longer than you will want. Potentially worse, fees can be levied on a per case (or pot) basis.

Here is a brief summary of how to comply with the law proactively, before a complaint is placed, an inspection occurs, or a stop order or fine is issued.

There are three types of information that must be readily accessible:

- (1) Declaration of identity
- (2) Declaration of net contents
- (3) Declaration of responsibility

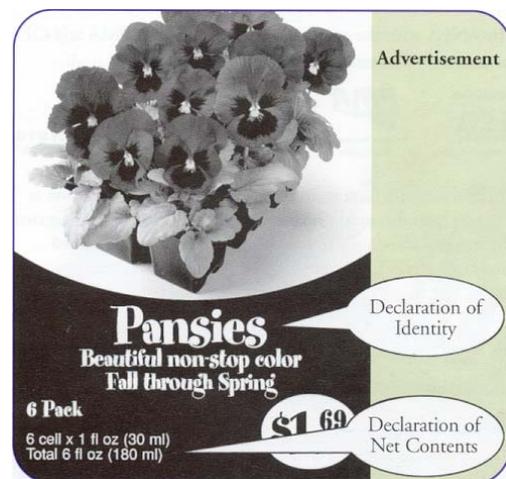
The three types of information must appear either on the sign displayed with the plant material or on the tag. The easiest way to comply with the law might be to adjust signs to include all three types of information.



**Declaration of Identity** must describe the product or plant. It can be the *common name (mum) or scientific name (chrysanthemum)*. When more than one plant is grown in the container, describe all plants or use the terms “*mixed annuals*” or “*mixed annuals and perennials*” or another term that accurately describes the container contents.

**Declaration of Net Contents** must describe the volume or measurement (diameter at pot top and bottom, and pot depth), in both English and metric units. For packs, list the measurements (English and metric) for the individual cells, the number of cells per sales unit (e.g. 6-pack etc) and total measurements for sales unit. Measure all containers sold to determine the

full volume each container can hold. The easiest approach is to list volumes (English and metric) as it requires only two listings rather than six or more. List volumes using the largest whole unit, for instance: use 3.5 qt, not 7 pt or 0.875 gal; use 3.31 l, not 3,312 ml. List that volume using the largest whole unit. Use gallons or liters or pints. Use a decimal place or fraction for parts of the whole unit. Don’t report ounces; use gallons or another larger measure. Don’t report milliliters; report liters.



**DISCLAIMER:** The information presented here is provided with the understanding that the contributors are not engaged in rendering legal advice. Every effort has been made to present accurate information. Additional information can be obtained by contacting the NIST directly.

## **Declaration of Responsibility**

must provide the consumer with the producer(s) or retailer of the product. The simplest way to comply with this aspect of the law is to report **“grown for {insert retailer’s name}.”** However, if you grew the product on-site, it should read **“grown by {insert retailer’s name}.”**

Declarations of Identity and Net contents must appear in close proximity on the sign and must be clearly discernable from other information on the sign. Declaration of Responsibility can appear with or separately from the other two, but again it must be clearly discernable. Retailers should inspect every sign that is placed on the retail sales floor, bench, or banner to be sure all three types of information are included for every product sold.

This information was adapted with permission from “Industry Guide to Marketing Container Plants” published in the Ohio Florists’ Association Bulletin (January/ February 2005) Number 888 (<http://www.ofa.org/pdf/container121304.pdf>). The OFA article was prepared with in cooperation with the American Nursery and Landscape Association and the Southern Nursery Association. Contact the NIST at [www.nist.gov](http://www.nist.gov) or NIST Weights and Measures Division, Gaithersburg, MD 20899.

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