

Sec. 21a-115-26. Labeling of cosmetics; information re manufacturer, packer or distributor; statement of quantity

(a) If a cosmetic is not manufactured by the person whose name appears on the label, the name shall be qualified by a phrase which reveals the connection such person has with such cosmetic, such as, "Manufactured for and Packed by," "Distributed by," or other similar phrase which expresses the facts.

(b) The statement of the place of business shall include the street address, if any, of such place, unless such street address is shown in a current city directory or telephone directory.

(c) Where a person manufactures, packs or distributes a cosmetic at a place other than his principal place of business, the label may state the principal place of business in lieu of the actual place where each package of such cosmetic was manufactured or packed or is to be distributed, if such statement is not misleading in any particular.

(d) The requirement that the label shall contain the name and place of business of the manufacturer, packer or distributor shall not be considered to relieve any cosmetic from the requirement that its label shall not be misleading in any particular.

(e) (1) The statement of the quantity of the contents shall reveal the quantity of cosmetic in the package, exclusive of wrappers and other material packed with such cosmetic. (2) The statement shall be expressed in the terms of weight, measure or numerical count, or a combination of numerical count and weight or measure, which are generally used by the consumers to express quantity of such cosmetic and which give accurate information as to the quantity thereof. But if no general consumer usage in expressing accurate information as to the quantity of such cosmetic exists, the statement shall be in terms of liquid measure if the cosmetic is liquid, or in terms of weight if the cosmetic is solid, semi-solid or viscous, or in such terms of numerical count, or numerical count and weight or measure, as will give accurate information as to the quantity of the cosmetic in the package.

(f) (1) A statement of weight shall be in terms of the avoirdupois pound and ounce. A statement of liquid measure shall be in terms of the United States gallon of two hundred thirty-one cubic inches and quart, pint and fluid ounce subdivisions thereof, and shall express the volume at 68°F. (20°C.). However, in the case of an export shipment, the statement may be in terms of a system of weight or measure in common use in the country to which shipment is exported. (2) A statement of weight or measure in the terms specified in subdivision (1) of this subsection may be supplemented by a statement in terms of the metric system of weight or measure. (3) Unless an unqualified statement of numerical count gives accurate information as to the quantity of cosmetic in the package, it shall be supplemented by such statement of weight, measure or size of the individual units of the cosmetic as will give such information.

(g) Statements shall contain only such fractions as are generally used in expressing the quantity of the cosmetic. A common fraction shall be reduced to its lowest terms; a decimal fraction shall not be carried out to more than two places.

(h) (1) If the quantity of cosmetic in the package equals or exceeds the smallest unit of weight or measure which is specified in subsection (f) of this section, and which is applicable to such cosmetic under the provisions of subsection (e) (2) of this section, the statement shall express the number of the largest of such units contained in the package (for example, the statement on the label of a package which contains one pint of cosmetic shall

be “1 pint” and not “16 fluid ounces”), unless the statement is made in accordance with the provisions of subdivision (2) of this subsection. Where such number is a whole number and a fraction, there may be substituted for the fraction its equivalent in smaller units, if any smaller is specified in subsection (f) (for example, $1\frac{3}{4}$ quarts may be expressed as “1 quart $1\frac{1}{2}$ pints” or “1 quart 1 pint 8 fluid ounces”; $1\frac{1}{4}$ pounds may be expressed as “1 pound 4 ounces”). The stated number of any unit which is smaller than the largest unit, specified in subsection (f), contained in the package shall not equal or exceed in number of such smaller units in the next larger unit so specified (for example, instead of “1 quart 16 fluid ounces” the statement shall be “ $1\frac{1}{2}$ quarts” or “1 quart 1 pint”; instead of “24 ounces” the statement shall be “ $1\frac{1}{2}$ pounds” or “1 pound 8 ounces”). (2) In the case of a cosmetic with respect to which there exists an established custom of stating the quantity of the contents as a fraction of a unit, which unit is larger than the quantity contained in the package, or as units smaller than the largest unit contained therein, the statement may be made in accordance with such custom if it is informative to consumers.

(i) The statement shall express the minimum quantity, or the average quantity, of the contents of the packages. If the statement is not so qualified as to show definitely that the quantity expressed is the minimum quantity, the statement shall be considered to express the average quantity.

(j) Where the statement expresses the minimum quantity, no variation below the stated minimum shall be permitted except variations below the stated weight or measure caused by ordinary and customary exposure, after the cosmetic is introduced into interstate commerce, to conditions which normally occur in good distribution practice and which unavoidably result in decreased weight or measure. Variations above the stated minimum shall not be unreasonably large.

(k) Where the statement does not express the minimum quantity (1) variations from the stated weight or measure shall be permitted when caused by ordinary and customary exposure, after the cosmetic is introduced into interstate commerce, to conditions which normally occur in good distribution practice and which unavoidably result in change of weight or measure; (2) variations from the stated weight, measure or numerical count shall be permitted when caused by unavoidable deviations in weighing, measuring or counting individual packages which occur in good packing practice. But under this subdivision variations shall not be permitted to such extent that the average of the quantities in the packages comprising a shipment or other delivery of the cosmetic is below the quantity stated, and no unreasonable shortage in any package shall be permitted, even though overages in other packages in the same shipment or delivery compensate for such shortage.

(l) The extent of variations from the stated quantity of the contents permissible under subsections (j) and (k) of this section in the case of each shipment or other delivery shall be determined by the facts in such case.

(m) A cosmetic shall be exempt from compliance with the requirements of subdivision (2) of subsection (b) of section 21a-112 of the general statutes if the quantity of the contents of the package, as expressed in terms applicable to such cosmetic under the provisions of subsection (e) (2) of this section, is less than one-fourth ounce avoirdupois, or less than one-eighth fluid ounce, or, in case the units of the cosmetic can be easily counted without opening the package, less than six units.

Regulations of Connecticut State Agencies

(See G.S. § 21a-112.)

(Effective July 27, 1984)