

that the product is found by the Administrator to be similar in size, flavor, consistency, and general appearance to such product as commonly prepared with nitrate or nitrite, or both.

(c)(1) Products described in paragraph (b) of this section or §319.2 of this subchapter, which contain no nitrate or nitrite shall bear the statement "No Nitrate or Nitrite Added." This statement shall be adjacent to the product name in lettering of easily readable style and at least one-half the size of the product name.

(2) Products described in paragraph (b) of this section and §319.2 of this subchapter shall bear, adjacent to the product name in lettering of easily readable style and at least one-half the size of the product name, the statement "Not Preserved—Keep Refrigerated Below 40 °F. At All Times" unless they have been thermally processed to F_0 3 or more; they have been fermented or pickled to pH of 4.6 or less; or they have been dried to a water activity of 0.92 or less.

(3) Products described in paragraph (b) of this section and §319.2 of this subchapter shall not be subject to the labeling requirements of paragraphs (b) and (c) of this section if they contain an amount of salt sufficient to achieve a brine concentration of 10 percent or more.

[37 FR 16863, Aug. 22, 1972, as amended at 44 FR 48961, Aug. 21, 1979]

§317.18 Quantity of contents labeling.

Sections 317.18 through 317.22 of this part prescribe the procedures to be followed for determining net weight compliance and prescribe the reasonable variations from the declared net weight on the labels of immediate containers of products in accordance with §317.2(h) of this part.

[55 FR 49834, Nov. 30, 1990]

§317.19 Definitions and procedures for determining net weight compliance.

(a) For the purpose of §§317.18 through 317.22 of this part, the reasonable variations allowed, definitions, and procedures to be used in determining net weight and net weight compliance are described in the National Institute of Standards and Technology

(NIST) Handbook 133, "Checking the Net Contents of Packaged Goods," Third Edition, September 1988, and Supplements 1, 2, 3, and 4 dated September 1990, October 1991, October 1992, and October 1994, respectively, which are incorporated by reference, with the exception of the NIST Handbook 133 and Supplements 1, 3, and 4 requirements listed in paragraphs (b) and (c) of this section. Those provisions incorporated by reference herein, are considered mandatory requirements. This incorporation was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. (These materials are incorporated as they exist on the date of approval.) A notice of any change in the Handbook cited herein will be published in the FEDERAL REGISTER. Copies may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402. It is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

(b) The following NBS Handbook 133 requirements are not incorporated by reference.

Chapter 2—General Considerations

- 2.13.1 Polyethylene Sheeting and Film
- 2.13.2 Textiles
- 2.13.3 Mulch

Chapter 3—Methods of Test for Packages Labeled by Weight

- 3.11. Aerosol Packages
- 3.14. Glazed Raw Seafood and Fish
- 3.15. Canned Coffee
- 3.16. Borax
- 3.17. Flour

Chapter 4—Methods of Test for Packages Labeled by Volume

- 4.7. Milk
- 4.8. Mayonnaise and Salad Dressing
- 4.9. Paint, Varnish, and Lacquers—Non-aerosol
- 4.11. Peat Moss
- 4.12. Bark Mulch
- 4.15. Ice Cream Novelties

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Chapter 5—Methods of Test for Packages Labeled by Count, Length, Area, Thickness, or Combinations of Quantities

- 5.4. Polyethylene Sheeting
- 5.5. Paper Plates
- 5.6. Sanitary Paper Products
- 5.7. Pressed and Blown Glass Tumblers and Stemware

Appendix D: Package Net Contents Regulations

- D.1.1. U.S. Department of Health and Human Services, Food and Drug Administration
- D.1.2. Department of Agriculture, Food Safety and Inspection Service
- D.1.3. Federal Trade Commission
- D.1.4. Environmental Protection Agency
- D.1.5. U.S. Department of the Treasury, Bureau of Alcohol, Tobacco, and Firearms

(c) The following requirements of Supplement 1, dated September 1990, Supplement 3, dated October 1992, and Supplement 4, dated 1994, of NIST Handbook 133 are not incorporated by reference.

Supplement 1

Chapter 2 General Considerations

- 2.13.1. Polyethylene Sheeting and Film
- 2.13.2. Textiles
- 2.13.3. Mulch

Chapter 3 Methods of Test for Packages Labeled by Weight

- 3.11.4. Exhausting the Aerosol Container

Chapter 4 Methods of Test for Packages Labeled by Volume

- 4.6.4. Method D: Determining the Net Contents of Compressed Gas in Cylinders
- 4.7. Milk
- 4.16. Fresh Oysters Labeled by Volume

Chapter 5 Methods of Test for Packages Labeled by Count, Length, Area, Thickness, or Combinations of Quantities

- 5.4. Polyethylene Sheeting

Supplement 3

Chapter 3 Methods of Test for Packages Labeled by Weight

- 3.17. Flour and Dry Pet Food

Chapter 5 Methods of Test for Packages Labeled by Count, Length, Area, Thickness, or Combination of Quantities

- 5.4. Polyethylene Sheeting
- 5.5. Paper Plates
- 5.8. Baler Twine

Appendix A. Forms and Worksheets

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Supplement 4

3.11 Aerosol Packages

- 3.11.1 Equipment
- 3.11.2 Preparation for Test
- 3.11.3 The Determination of Net Contents: Part 1
- 3.11.4 Exhausting the Aerosol Container
- 3.11.5 The Determination of Net Contents: Part 2

Appendix A. Report Forms

[55 FR 49834, Nov. 30, 1990, as amended at 60 FR 12884, March 9, 1995]

§ 317.20 Scale requirements for accurate weights, repairs, adjustments, and replacement after inspection.

(a) All scales used to weigh meat products sold or otherwise distributed in commerce in federally inspected meat establishments shall be installed, maintained and operated to insure accurate weights. Such scales shall meet the applicable requirements contained in National Institute of Standards and Technology Handbook 44, “Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices”, 1999 Edition, November 1998, which is incorporated by reference. This incorporation was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. (These materials are incorporated as they exist on the date of approval.) Copies may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402. It is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

(b) All scales used to weigh meat products sold or otherwise distributed in commerce or in States designated under section 301(c) of the Federal Meat Inspection Act, shall be of sufficient capacity to weigh the entire unit and/or package.

(c) No scale shall be used at a federally inspected establishment to weigh meat products unless it has been found upon test and inspection, as specified in NIST Handbook 44, to provide accurate weight. If a scale is reinspected or retested and found to be inaccurate, or