

From: mechtly, eugene a
Subject: "FPLA Rules, 16 CFR Parts 500-503, Project NoR411015"
Date: April 19, 2014 at 3:35 PM
To: ftcpublic.commentworks.com/ftc/fairlabelingact
Cc: Eugene Mechtly



"FPLA Rules, 16 CFR Parts 500-503, Project NoR411015"

"The FPLA is designed to facilitate value comparisons and prevent unfair or deceptive packaging and labeling of consumer commodities..."

To complete "value comparisons," the consumer usually needs to apply a hand-held calculator to calculate and compare numerical values of costs of a commodity across packages sizes from a particular brand and with sizes of various packages from other brands, to decide on the best buy.

In recent years, postings of "Unit Price" by retailers has relieved the consumer of the burden of numerical calculations for value comparisons.

Unit Price is defined as "Price per unit of Measurement" of the commodity being offered for sale in retail marketplaces.

According to David Sefcik of NIST (301-975-4868), there are nine State which currently have mandatory Unit Pricing regulations.

These nine States are Connecticut, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Oregon, Rhode Island, and Vermont.

In the remaining States, Unit Pricing is voluntary.

The FTC and other federal regulatory agencies would do a service to consumers by encouraging, if not requiring, the posting of Unit Prices near or on the shelves of packages, but not requiring them directly on the packages or containers themselves,

Note that the FPLA require declarations of *net amounts contained within packages or containers,* in dual units of measurement, metric and not-metric (e.g. grams and ounces) but does not even mention or discuss the term "Unit Pricing" nor does the FPLA require or recommend the units of measurement to be used for the postings of Unit Prices.

Therefore, metric-only postings of Unit Prices are fully compliant with the existing FPLA.

For example, "dollars per liter" for bottled water, "cents per milliliter" for eye drops, and "dollars per kilogram", or "cents per gram" for dry commodities, are already in harmony with existing labels of Nutrition Facts, and are already in full compliance with the existing FPLA.

Furthermore, Public Laws declare that metric units of measurement are preferred for commerce and trade in the United States.

More explicitly, Public Laws 110-69 of 2007, 100-418 of 1988, and 94-168 of 1975, establish the preference for SI units of measurement for commerce and trade in the United States.

I request that the FTC incorporate Unit Pricing into its Rules for the marketing of consumer commodities.

With respect to the specific FTC questions:

- (1) There is a need to promulgate the advantage to consumers of Unit Pricing.
- (2) There would be some costs of Unit Pricing to retailers but only advantages to consumers.
- (3) The FTC should modify its Rules to include Unit Pricing for the benefit of consumers.
- (4) Unit Pricing Rules would further promote the flow of truthful information.
- (5) There would be costs to retailers. Walmart, for example, already bears these costs.
- (6) As soon as an amended FPLA permits, metric-only labeling of net amounts inside packages or containers, should be used.
- (7) Unknown.
- (8) Unknown.
- (9) Concurrence of constant retail price with repeated reductions of the net amounts inside packages is deceptive if not fraudulent.
- (10) Implement Unit Pricing.
- (11) FDA promotes metric-only declarations in its required Nutrition Facts on food labels. The FPLA requires the often confusing "duality" of units of measurement.
- (12) Unknown.
- (13) Virtually all members of the World Trade Organization (WTO) require metric-only labeling, with the exception of the the United States which requires duality under the FPLA.

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