

## Q&A with ANLA

*Editor's note: The following is from a conversation with Jonathan Bardzik, ANLA's Director of Membership and Industry Marketing, about container labeling regulations. Container labeling regulations and the compliance guidelines developed by a task force headed by ANLA has gained increasing attention over the past year. The following Q&A session outlines what our members need to know in order to comply with these laws.*

*Jonathan, can you define the container labeling issue for me?*

Sure, there have been laws in place for over twenty-five years regulating the labeling of consumer goods. As our industry has grown, it has come to the attention of weights and measures regulators that our industry is not in compliance – particularly in the way we define container size.

*Why is the industry responding to it now?*

An independent retailer contacted the Pennsylvania department of weights and measures complaining that a mass merchant was selling an empty hanging basket as 10" that only measured around 9". Raising regulatory compliance concerns with regulators is the quickest way to increase their scrutiny and enforcement.

*How did ANLA get involved?*

ANLA contacted national regulators after hearing about the complaint in Pennsylvania. We discovered that other jurisdictions around the country were already looking at this issue and watching developments in PA before moving forward. Because our industry and our members operate with a high-level of interstate trade, we were seeking a national solution to protecting our members from enforcement and fines.

*And what was the solution?*

Industry leaders from several associations were brought together by ANLA to study the regulations, talk with regulators, and develop a set of compliance guidelines based on these existing laws.

*What are the regulations?*

Regulations require three pieces of information on a label for products sold to consumers:

1. Declaration of identity: what is the product?
2. Declaration of net contents: how much is there of the product? This has to be provided in both English and metric measurements.
3. Declaration of responsibility: who is responsible for the accuracy of the declarations?

*How do they apply they apply to nursery products?*

Well, first let's define a label. A **label** can be a hang tag, stake tag, sticker on the pot or a sign posted near the plants. So there is some flexibility in how you provide this information and do not necessarily have to invest in a whole new labeling system.

*What exactly does the Declaration of Identity need to look like?*

A lot like what you have on plants labels and signs right now. It can be the common name, like Cranesbill, or the botanical name, like Geranium x 'Rozanne.' For mixed containers, like hanging baskets and container gardens, you can use 'mixed annuals' or 'mixed herbs.'

*And the declaration of net contents?*

The law requires an accurate measure of quantity that is used uniformly for all similar products. This can be weight, dimension or volume. Our industry could measure the size of the plant, the soil volume, the dimensions of the pot or the volume capacity of the pot.

*What is being recommended?*

Many people in our industry have pondered this issue. How do you accurately label a perennial by plant size and not retag it every week from April 1<sup>st</sup> to September 1<sup>st</sup>? Soil volume is variable and changes during the life of the plant in the pot. That leaves the volume capacity of the container.

*So is it dimension or volume?*

Well, the law requires both US and metric measures. On an irregular pot, like our tapered, stackable containers, that means top diameter, bottom diameter and height. That's 3x2 or six measurements. Volume requires only two, US and metric.

*So the declaration of net contents is just the volume capacity of the pot listed in US and metric?*

Yes.

*And the declaration of identity?*

The declaration lists the party – grower, distributor or retailer – who takes responsibility for the quantity, identity and quality of the product. The identity must contain the name of the company, and their city/state/zip.

*Can you give me a better idea of what that looks like?*

Several industry trade associations have worked in conjunction with labeling companies to design compliant sample labels. They appear in a compliance guide that you can download from the homepage at [anla.org](http://anla.org).

*When is the compliance deadline?*

1971. Seriously, these laws were written in 1971 and our industry has been out of compliance to the extent that signs and labels have not met these requirements. Our recent success has earned us greater regulatory attention. When other industries have gone through this process there is often leniency granted while existing label inventories are depleted. Regulators still have the ultimate discretion to issue warning and fines.

*So what do I do?*

The next time you order labels, make sure they are compliant. Signage and advertising can be changed more easily and should reflect these regulations as soon as possible.

*What if a business decides not to comply?*

The guidelines provided by the trade associations are recommendations and strictly voluntary. Following the recommendations addresses compliance with all the regulations as they are understood. It is up to each business how much risk they are comfortable with.

*Thanks Jonathan! Is that everything I need to know?*

This is just an overview. For complete information review the guidelines on our website, [anla.org](http://anla.org), and our staff is always available to answer any questions that our members have by e-mail or over the phone.