



Labeling Requirements for Variety & Combination Packages

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RESOURCES

Wis. Admin. Code ATCP 90
https://docs.legis.wisconsin.gov/code/admin_code/atcp/090/90

Wis. Admin. Code ATCP 91
https://docs.legis.wisconsin.gov/code/admin_code/atcp/090/91

All packaged products sold in Wisconsin must clearly state a product's identity; the responsible distributor, packer, or manufacturer; and the product's net quantity on the label. Combination and variety packages, such as gift baskets and seasonal samplers, have specific requirements in addition to the general labeling requirements under Wisconsin Administrative Code ATCP 90.

Variety packages

Packaged products are considered "variety packages" if they contain reasonably similar commodities.

Examples of variety packages:

- Fruit basket containing several kinds of fruit
- Sampler box of various cheeses
- Variety pack of cereal

Variety package labels must declare the total quantity of the commodity in the package, such as the net weight, volume, or count.

In addition to the total quantity, variety package labels may also declare individual declarations for each type of commodity contained in the package. These individual declarations are not required, but it is encouraged to provide additional information wherever useful to the consumer.

Combination packages

Packaged products are considered "combination packages" if they contain dissimilar commodities.

Examples of combination packages:

- Gift basket containing wine, fruit, and cheese
- Seasonal gift box of assorted cheeses, sausage, and crackers

Combination package labels must declare the quantity of each portion of dissimilar commodities. Similar commodities within the package can be declared with a single quantity, such as the total cheese net weight as one declaration, total fruit net weight as a second, and total wine net volume as a third.

(over)

General labeling requirements

- Declaration of Product Identity -- A package must clearly and conspicuously identify the commodity it contains. The commodity must be identified by its common name, legal name, or other appropriate description readily understood by consumers.
- Declaration of Product Responsibility -- Packages of consumer commodities sold any place other than the premises where the commodity was packaged must be clearly and conspicuously labeled with:
 - The name of the responsible person
 - The business address of the responsible person
 - The connection of the responsible person to the commodity
- Declaration of Net Quantity -- Packages must bear a declaration of net quantity, determined by the method of sale for that product (i.e. count, weight, or volume).
 - Combination and variety packages are exempt from:
 - The requirement for the declaration of net quantity to be in the bottom 30% of the principal display panel. (Wis. Admin. Code § ATCP 90.07(2))
 - The requirement for the area immediately surrounding a declaration of net quantity to be free of other printed information. (Wis. Admin. Code § ATCP 90.07(5))
 - The minimum height of number and letters requirements under Wis. Admin. Code § ATCP 90.07(6)(a).
 - Combination and variety packages do not require a declaration of net quantity if one of the following applies:
 - The commodity is sold by count and the package only contains one unit of that commodity, or a small combination of items that are customarily sold together as a single unit and understood by customers as constituting a single unit, such as a model airplane kit.
 - The commodity is sold by count and the package contains 6 or fewer units and the number of units can be easily counted by consumers without opening the package.
 - The commodity is exempt from quantity disclosure under Wis. Admin. Code chapter ATCP 91.