



FARMERS MARKETS IOWA WEIGHTS AND MEASURES REGULATIONS

Iowa farmers markets are governed by the same weights and measures regulations as applied to all other retail business establishments. Compliance with Iowa's weights and measures regulations is an integral part of fair trade for both businesses and consumers.

Iowa Code, Iowa Administrative Rules, an applicable National Institute of Standards and Technology (NIST) Handbooks protect consumers and retailers by ensuring that weighing and measuring devices meet a high standard of quality and accuracy.

Failure to comply with Iowa Code and Rules may result in penalties. However, IDALS feels the first step in maintaining a fair market place is to educate and provide assistance to sellers to enable compliance. No question is too big or small, don't hesitate to call IDALS for personalized assistance.

The mission of the Iowa Department of Agriculture and Land Stewardship (IDALS) Weights and Measures Bureau is to *maintain equity in the marketplace by improving the accuracy of measurements, enhance consumer protection, promote fair competition, and facilitate economic growth and trade.*

FREQUENTLY ASKED QUESTIONS

Q. If I sell products by weight, what kind of scale do I need?

A. Only scales that are "National Type Evaluation Program"(NTEP) certified can be licensed for commercial trade. The scale must have a NTEP Certificate of Conformance (COC) Number on the scale body. Furthermore, if a scale is marked "Not Legal For Use In Trade", the scale will cannot be licensed for commercial trade. It is illegal to sell by weight using an uncertified scale. Examples of scales that are not legal for trade include baby scales, bathroom scales, restaurant portion scales, postal scale and kitchen utility scale.

Q. Where can I buy a scale?

A. NTEP scales can be purchased from a variety of vendors, including local scale companies as well as online sources. A scale doesn't have to be brand new – no matter the age, an accurate scale that is NTEP certified can be licensed. Contact the Weights and Measures Bureau for assistance.

Q. Where, and how often, do I get my scale licensed?

A. Scales must be licensed on an annual basis by IDALS, expiring on December 31st. A scale license is nontransferable & nonrefundable.

- a) If scale is purchased from a licensed scale service company licensed in Iowa, work with the scale company to complete a *Scale Application for Weighing and Measuring Device License Form*, <http://www.iowaagriculture.gov/weightAndMeasures/forms/ScaleApplication.pdf>. The scale service company must calibrate the scale and complete the Placed in Service Report form and send it to IDALS. The scale can be used until and IDALS Weight and Measures Inspector can schedule an inspection to certify the scale, and place a "licensed for commercial use" sticker on scale.

- b) If you purchase from a catalog and or an online source, you must complete a *Scale Application for Weighing and Measuring Device License Form* and send to IDALS. <http://www.iowaagriculture.gov/weightAndMeasures/forms/ScaleApplication.pdf>. Then, contact the IDALS Weights and Measures Bureau to schedule time for an inspector to certify the scale. If the scale meets requirements, the scale will be certified, stickered "licensed for commercial use" and you can start using the scale. If scale does **not** meet the requirements or is not accurately calibrated, the scale will be tagged "condemned until repaired" and the "licensed for commercial use" sticker will **not** be placed on, or removed as necessary.
- c) Important points:
- You must contact an Iowa licensed scale service company to calibrate scale the scale.
 - A licensed scale service company shall calibrate scale and complete *Placed in Service Report*.
 - No fees are charged for initial or a re-inspection of the scale.
 - If scale does not meet requirements after second inspection, fees may be charged for additional inspections.
 - IDALS Weights and Measures inspectors **cannot** make repairs or calibrations.
 - You do not have to calibrate your scale each time you move it. You may want to have a 'check standard' that you can test the accuracy of your scale when you set it up.

Q. What is cost for licensing a scale?

A. Fees for licensing scales are based on scale capacity.

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| ▪ 0 thru 500 lbs. | \$9.00 |
| ▪ 501 thru 5,000 lbs. | \$16.50 |
| ▪ 5,001 thru 50,000 lbs. | \$46.50 |

You cannot use *qualifying terms* to describe the quantity of goods being sold. Examples include 'about', 'more than', 'greater than', 'at least', 'almost', 'nearly'.

Q. How do I sell prepackage items?

A. Packaged sales occur when the product is weighed before sale and packaged with a quantity statement on the package. Examples include a 5-pound bag of potatoes or a 2-pound bag of green beans.

Scales used for prepackaging products do not have to meet the accuracy and licensing requirements of the Iowa weights and measures regulations. The focus is on the packaged product – the contents of the package must weigh, at a minimum, what it is labeled.

There are requirements for what must be on the label. All prepackaged products must be conspicuously marked in the English language in legible letters of not less than eight point, heavy gothic caps on the principal label with the following items:

1. The true name, brand, or trademark of the article.
2. The quantity of the contents in terms of weight, measure, or numerical count.
3. The name and place of business of the manufacturer, packer, importer, dispenser, distributor, or dealer.
4. There must be a distinct contrast between the color of the letters and the background.

Q. What methods can I utilize to sell my products?

A. There are varying requirements for selling various products. Use the following guidelines.

- a) Liquids. The standard measure for liquids is derived from the standard gallon. The gallon is divided by two to as to make half-gallons, quarts, pints, half-pints, and gills. A barrel is 31.5 gallons, and two barrels are a hogshead.
- b) Dry goods. The standard measure for substances other-than-liquids is the standard half-bushel. The cubic inch capacity of the half-bushel is divided by two to make the peck, half-peck, quarter-peck, quart, pint, and half-pint measures.

- c) Weight. The standard measure of weight is derived from troy weights. The pound is divided into sixteen equal parts called ounces; the hundred-weight shall consist of one hundred pounds.

Method of Sale for Fresh Fruits & Vegetables					
Commodity	Weight	Count	Head or Bunch	Dry Measure (any size)	Dry Measure (1 quart or larger)
Artichoke	X	X			
Asparagus	X		X		
Avocado		X			
Banana	X	X			
Beans (<i>green, yellow, etc.</i>)	X				X
Brussels Sprouts (<i>loose</i>)	X				
Brussels Sprouts (<i>on stalk</i>)			X		
Cherries	X			X	X
Coconuts	X	X			
Corn on the Cob		X			X
Dates	X				
Eggplant	X	X			
Figs	X				
Grapes	X				
Melons (<i>cut in pieces</i>)	X				
Mushrooms (<i>small</i>)	X				X
Mushrooms (<i>Portobello, large</i>)	X	X			
Okra	X				
Peas	X				X
Peppers (<i>bell and other varieties</i>)	X	X			X
Pineapples	X	X			
Rhubarb	X				
Tomatoes (<i>except cherry/grape</i>)	X	X	X		X
General Commodity Groups					
Berries & Cherry/Grape Tomatoes	X			X	
Citrus Fruits	X	X			X
Edible Bulbs (<i>onions, garlic, leeks, etc.</i>)	X	X	X		X
Edible Tubers (<i>Irish potatoes, sweet potatoes, ginger, horseradish, etc.</i>)	X				X
Flower vegetables (<i>broccoli, cauliflower, brussel sprouts, etc.</i>)	X		X		
Gourd Vegetables (<i>cucumbers, squash, melons, etc.</i>)	X	X			X
Leaf Vegetables (<i>lettuce, cabbage, celery, etc.</i>)	X		X		
Leaf Vegetables (<i>parsley, herbs, loose greens, etc.</i>)	X		X	X	
Pitted fruits (<i>peaches, plums, prunes, etc.</i>)	X	X			X
Pome Fruits (<i>apples, pears, mangoes, etc.</i>)	X	X			X
Root Vegetables (<i>turnips, carrots, radishes, etc.</i>)	X		X		

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