§ 1500.121 Labeling requirements; prominence, placement, and conspicuously.

(a)(1) Background and scope. Section 2(p)(1) of the Federal Hazardous Substances Act (FHSA) or "the Act''), 15 U.S.C. 1261(p)(1), requires that hazardous substances bear certain cautionary statements on their labels. These statements include: signal words; affirmative statements of the principal hazard(s) associated with a hazardous substance; the common or usual name, or chemical name, of the hazardous substance; the name and place of business of the manufacturer, packer, distributor, or seller; statements of precautionary measures to follow; instructions, when appropriate, for special handling and storage; the statement "Keep Out of the Reach of Children" or its practical equivalent; and, when appropriate, first-aid instructions. Section 2(p)(2) of the Act specifies that all such statements shall be placed on the label as follows:

(i) Horizontal placement of labeling statements. Except for the name and place of business of the manufacturer, packer, distributor, or seller, all other cautionary material shall be placed on the label as follows:

(ii) Cautionary material, cautionary labeling, and cautionary labeling required by the Act mean all items of labeling information required by sections 2(p)(1) of the FHSA (repeated in 16 CFR 1500.3(b)(14)(i) or by the regulations which require additional labeling under section 3(b) of the Act.

(iii) Display panel means any surface of the immediate container, and of any outer container or wrapping, which bears labeling.

(iv) Principal display panel means the portion(s) of the surface of the immediate container, and of any outer container or wrapping, which bear(s) the labeling designed to be most prominently displayed, shown, presented, or examined under conditions of retail sale. (See paragraph (c)(1) of this section.)

(v) Type size means the actual height of the printed image of each upper case or capital letter as it appears on the label of a hazardous substance. (See paragraph (c)(2) of this section.)

(vi) Signal word means the appropriate word "DANGER," "WARNING," or "CAUTION," as required by sections 2(p)(1)(C) or (D) of the Act.

(vii) Statement of principal hazard(s) means that wording descriptive of the principal or primary hazard(s) associated with a hazardous substance required by section 2(p)(1)(E) of the Act. Some examples of such statements are "HARMFUL OR FATAL IF SWALLOWED," "VAPOR HARMFUL," "FLAMMABLE," and "SKIN AND EYE IRRITANT."

(viii) Other cautionary material means all labeling statements, other than "signal words" or "statement(s) of principal hazard(s)," required by the Act or by regulations issued under the Act.

(b) Prominent label placement. To satisfy the requirement of the Act that cautionary labeling statements shall appear "prominently" on the label of a hazardous substance, all such statements shall be placed on the label as follows:

(i) Horizontal placement of labeling statements. Except for the name and place of business of the manufacturer, packer, distributor, or seller, all other cautionary material shall be placed on the label as follows:

(ii) Cautionary material, cautionary labeling, and cautionary labeling required by the Act mean all items of labeling information required by sections 2(p)(1) of the FHSA (repeated in 16 CFR 1500.3(b)(14)(i) or by the regulations which require additional labeling under section 3(b) of the Act.

(iii) Display panel means any surface of the immediate container, and of any outer container or wrapping, which bears labeling.

(iv) Principal display panel means the portion(s) of the surface of the immediate container, and of any outer container or wrapping, which bear(s) the labeling designed to be most prominently displayed, shown, presented, or examined under conditions of retail sale. (See paragraph (c)(1) of this section.)

(v) Type size means the actual height of the printed image of each upper case or capital letter as it appears on the label of a hazardous substance. (See paragraph (c)(2) of this section.)

(vi) Signal word means the appropriate word "DANGER," "WARNING," or "CAUTION," as required by sections 2(p)(1)(C) or (D) of the Act.

(vii) Statement of principal hazard(s) means that wording descriptive of the principal or primary hazard(s) associated with a hazardous substance required by section 2(p)(1)(E) of the Act. Some examples of such statements are "HARMFUL OR FATAL IF SWALLOWED," "VAPOR HARMFUL," "FLAMMABLE," and "SKIN AND EYE IRRITANT."

(viii) Other cautionary material means all labeling statements, other than "signal words" or "statement(s) of principal hazard(s)," required by the Act or by regulations issued under the Act.
§ 1500.121 place of business of the manufacturer, packer, distributor, or seller, all cautionary material required by the Act shall appear in lines that are generally parallel to any base on which the package rests as it is designed to be displayed for sale or, on display panels other than the principal display panel, in lines generally parallel to all other labeling on that panel. This requirement does not apply to labeling on collapsible tubes, cylindrical containers with a narrow diameter, or F-type containers where both the “front” and “back” of the container are principal display panels. (See paragraph (e) of this section.)

(2) Principal display panel labeling. (1) All items of cautionary labeling required by the Act may appear on the principal display panel on the immediate container and, if appropriate, on any other container or wrapper. See paragraph (b)(4) of this section for requirements and exceptions for labeling outer containers and wrappings.

(i) The signal word, the statement of principal hazard(s), and, if appropriate, instructions to read carefully any cautionary material that may be placed elsewhere on the label.

(A) Where the principal display panel of the immediate container consists of a lid, cap, or other item which may be separated from the immediate container and discarded, the container shall be deemed to have a second principal display panel elsewhere on the immediate container which must bear, at a minimum, the signal word, statement of principal hazard(s), and instructions, if appropriate, to read any cautionary material which may be placed elsewhere on the label.

(3) Prominent label placement—other display panel labeling. All items of cautionary labeling required by the Act which do not appear on the principal display panel shall be placed together on a display panel elsewhere on the container. The name and place of business of the manufacturer, packer, distributor, or seller may appear separately on any display panel. Where cautionary material appears on a display panel other than the principal display panel, the principal display panel shall bear the statement “Read carefully other cautions on the panel,” or its practical equivalent. [A description of the location of the other panel is to be inserted in the blank space.]

(4) Outer container or wrappings. All cautionary labeling appearing on the immediate container of a hazardous substance shall also appear on any outer container or wrapping used in the retail display of the substance, in the same manner as required for the immediate container. Those cautionary labeling statements appearing on the immediate container which are clearly legible through any outer container or wrapper used in retail display need not appear on the outer container or wrapping itself. (See section 2(n)(1) of the Act.)

(5) Placement of the word “Poison” and the skull and crossbones symbol. The word “poison” and, when appropriate, the skull and crossbones symbol shall appear on the label of a hazardous substance as follows:

(i) If a hazardous substance is “highly toxic,” as defined in §1500.3(c)(1) and section 2(h)(1) of the FHSA, the label must bear the word “poison” in accordance with section 2(p)(1)(H) of the Act.
in addition to the signal word “DANG-
GER,” and must also bear the skull and crossbones symbol. Some products,
under §1500.14(b) of the regulations,
may, in addition to any required signal
word, be required to bear the word
“poison” and the skull and crossbones
symbol because of the special hazard
associated with their ingredients. In
both instances, the word “poison” and
the skull and crossbones symbol need
not appear on the principal display
panel on the container, unless all other
cautionsary labeling required by the
Act appears on the principal display
panel. The word “poison” and the skull
and crossbones symbol, when required,
must appear either together with other
cautionsary labeling on a display panel
other than the principal display panel
or together with the signal word and
statement(s) of principal hazard on the
principal display panel.

(ii) Where, pursuant to a regulation
issued under section 3(b) of the Act, the
label of a hazardous substance requires
the word “poison” instead of a signal
word, the word, “POISON” shall appear
in capital letters on the principal dis-
play panel, together with the state-
ment(s) of the principal hazard. Certain
substances for which the word “poi-
son” is required instead of any signal
word are listed in §1500.129.

(c) Conspicuousness—type size and
style. To satisfy the requirement that
cautionsary labeling statements under
the Act be conspicuous and legible,
such statements shall conform to the
following requirements:

(1) Area of principal display panel. The
area of the principal display panel is
the area of the side or surface of the
immediate container, or of the side or
surface of any outer container or wrap-
ning, that bears the labeling designed
to be most prominently displayed,
shown, presented, or examined under
conditions of retail sale. This area is
not limited to the portion of the sur-
face covered with labeling; rather, it
includes the entire surface. Flanges at
the tops and bottoms of cans, conical
shoulders of cans, handles, and shoul-
ders and necks of bottles and jars are
excluded in measuring the area. For
the purposes of determining the proper
type size for cautionary labeling, the
area of the principal display panel (or
other panel bearing cautionary label-
ing, under paragraph (c)(2)(ii) of this
section) is to be computed as follows:

(i) In the case of a rectangular pack-
age, where one entire side is the prin-
cipal display panel, the product of the
height times the width of that side
shall be the area of the principal dis-
play panel.

(ii) In the case of a cylindrical or
nearly cylindrical container or tube on
which the principal display panel ap-
pers on the side, the area of the prin-
cipal display panel shall be 40 percent
of the product of the height of the con-
tainer times its circumference.

(iii) In the case of any other shape of
container, the area of the principal dis-
play panel shall be 40 percent of the
total surface of the container, exclud-
ing those areas, such as flanges at tops
and bottoms, specified in paragraph
(c)(1) above. However, if such a con-
tainer presents an obvious principal
display panel (such as an oval or hour-
glass shaped area on the side of a con-
tainer for dishwashing detergent), the
area to be measured shall be the entire
area of the obvious principal display
panel.

(2) Type-size requirements. (i) The term
type size refers to the height of the ac-
tual printed image of each upper case
or capital letter as it appears on the
label. The size of cautionary labeling
shall be reasonably related to the type
size of any other printing appearing on
the same panel, but in any case must
meet the minimum size requirements
in table 1.

(ii) When an item of labeling is re-
quired to be in a specified type size, all
upper case, or capital, letters must be
at least equal in height to the required
type size, and all other letters must be
the same style as the upper case or
capital letters. Unless otherwise speci-
fied in the regulations (examples ap-
pear at §§1500.14(b)(6), 1512.19, 1508.9,
and part 1505), the type size of all cau-
tionsary statements appearing on any
display panel shall comply with the
specifications in table 1 when the area
of the display panel is measured by the
method in paragraph (c)(1) above:
<table>
<thead>
<tr>
<th>Area of principal display panel in square inches</th>
<th>0–2</th>
<th>&gt;2–5</th>
<th>&gt;5–10</th>
<th>&gt;10–15</th>
<th>&gt;15–30</th>
<th>&gt;30</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type size in inches *</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Signal word **</td>
<td>%1/4</td>
<td>%1/6</td>
<td>%3/8</td>
<td>%5/32</td>
<td>%1/8</td>
<td>%5/32</td>
</tr>
<tr>
<td>Statement of hazard</td>
<td>%1/4</td>
<td>%5/32</td>
<td>%1/6</td>
<td>%3/8</td>
<td>%5/32</td>
<td>%1/8</td>
</tr>
<tr>
<td>Other cautionary material ***</td>
<td>%5/32</td>
<td>%5/32</td>
<td>%1/6</td>
<td>%1/6</td>
<td>%5/32</td>
<td>%1/8</td>
</tr>
</tbody>
</table>

> means "greater than."

* minimum height of printed image of capital or upper case letters.

** including the word "poison" when required instead of a signal word by Section 3(b) of the Act (§ 1500.129).

*** size of lettering for other cautionary material is based on the area of the display panel on which such cautionary material appears.

(iii) If all of the required cautionary labeling does not appear on the principal display panel, the statement to "Read carefully other cautions on the panel," or its practical equivalent, must appear in, as a minimum, the same type size as that required in table 1 for the other cautionary material which appears elsewhere on the label of a hazardous substance. The size of the cautionary labeling that does not appear on the principal display panel is determined by the area of the panel on which it does appear.

(3) Type style—proportion. The ratio of the height of a capital or uppercase letter to its width shall be such that the height of the letter is no more than 3 times its width.

(4) Signal word and statements of hazard—capital letters. The signal word, the word "poison" if required instead of a signal word (see §1500.129), and the statement of principal hazard or hazards shall be in capital letters.

(5) Multiple statement of hazard—type size and style. All statements of principal hazard or hazards on a label shall appear in the same size and style of type, and shall appear in the same color or have the same degree of boldness.

(6) Accompanying literature containing directions for use. Where literature accompanying the package of a hazardous substance has directions for use, written or otherwise, section 2(n) of the Act requires the literature to bear cautionary labeling.

(i) All such cautionary labeling shall be in reasonable proximity to any direction for use and shall be placed together within the same general area.

(ii) The type size of such cautionary labeling shall be reasonably related to the type size of any other printed matter in the accompanying literature and must be in conspicuous and legible type by typography, layout, or color with other printed matter on the label. The signal word and statement of principal hazard or hazards shall appear in capital letters.

(d) Conspicuousness—contrast. To satisfy the requirement that cautionary labeling statements appear in conspicuous and legible type which is in contrast by typography, layout, or color with the other printed matter on the label, such statements shall conform to the following requirements:

(1) Color. Where color is the primary method used to achieve appropriate contrast, the color of any cautionary labeling statement shall be in sharp contrast with the color of the background upon which such a statement appears. Examples of combinations of colors which may not satisfy the requirement for sharp contrast are: black letters on a dark blue or dark green background, dark red letters on a light red background, light red letters on a reflective silver background, and white letters on a light gray or tan background.

(2) Interference with conspicuousness—labeling design, vignettes, or other printed material. For cautionary information appearing on panels other than the principal display panel, the label design, the use of vignettes, or the proximity of other labeling or lettering shall not be such that any cautionary labeling statement is obscured or rendered inconspicuous.

(e) Collapsible metal tubes. Collapsible metal tubes containing hazardous substances shall be labeled so that all cautionary labeling required by the Act appears as close to the dispensing end of the container as possible. The placement and conspicuousness of these statements shall conform to the provisions of paragraphs (b), (c), and (d) of this section.
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(f) Unpackaged hazardous substances. Where practicable, unpackaged hazardous substances intended, or distributed in a form suitable, for use in or around a household or by children shall be labeled so that all items of information required by the Act appear upon the article itself. In instances where this is impracticable (for example, because of the size or nature of the article), the required cautionary labeling must be displayed by means of a tag or other suitable material that is no less than five square inches in area and is securely affixed to the article so that the labeling will remain attached throughout conditions of merchandising and distribution to the ultimate consumer. The placement and conspicuousness of all cautionary labeling appearing on such a tag or material, or on an unpackaged article, shall conform to the provisions of paragraphs (b), (c), and (d) of this section. For the purposes of determining the proper type size to use on a tag or other material, the area of one side of the tag or other material shall be the area of the principal display panel.

(g) Exemptions. All requirements of the Act are satisfied by compliance with this §1500.121. However, exemptions can be granted under section 3(c) of the Act and §1500.83, or under the provisions of another statute should this section be incorporated in regulations under another statute. Section 1500.82 contains the requirements for exemption requests under the Federal Hazardous Substances Act.

(h) Effective date. The provisions of this rule apply to hazardous substances bearing labels printed after December 30, 1985. Labels printed prior to the effective date of this rule may be applied until not later than December 28, 1987. This rule applies to all hazardous substances to which labels are applied after December 28, 1987.

[49 FR 50883, Dec. 28, 1984]

§ 1500.123 Condensation of label information.

Whenever the statement of the principal hazard or hazards itself provides the precautionary measures to be followed or avoided, a clear statement of the principal hazard will satisfy the requirements of section 2(p)(1) (E) and (F) of the act (repeated in §1500.3(b)(14)(i) (E) and (F)). When the statement of precautionary measures in effect provides instruction for first-aid treatment, the statement of the precautionary measures will satisfy the requirements of section 2(p)(1) (F) and (G) of the act (repeated in §1500.3(b)(14)(i) (F) and (G)).

§ 1500.125 Labeling requirements for accompanying literature.

When any accompanying literature includes or bears any directions for use (by printed word, picture, design, or combination thereof), such placard, pamphlet, booklet, book, sign, or other graphic or visual device shall bear all the information required by section 2(p) of the act (repeated in §1500.3(b)(14)).

§ 1500.126 Substances determined to be "special hazards."

Whenever the Commission determines that for a particular hazardous substance intended or packaged in a form suitable for use in the household or by children, the requirements of section 2(p) of the act (repeated in §1500.3(b)(14)) are not adequate for the protection of the public health and safety because of some special hazard, the Commission, by an appropriate order in the FEDERAL REGISTER, shall specify such reasonable variations or additional label requirements that it finds are necessary for the protection of the public health and safety. Such order shall specify a date that is not less than 90 days after the order is published (unless emergency conditions stated in the order specify an earlier