

Beaumont Products, Inc.

January 17, 2014

Mr. David A. Sefcik
National Institute of Standards and Technology
Weights and Measurers Division
Laws and Metric Group
Stop 2600
Gaithersburg, Maryland USA 20899-2600

Dear David:

Thank you for putting the BOV meeting together and for allowing my company to put forth our case. I have read your summary which you published on January 16th and I must weigh in with a dissenting opinion because I was not, and I am not, "on-board" with your conclusions and recommendations. I can state unequivocally that it was not a "unanimous agreement that weight should be required as the method of sale for all pressurized containers, regardless of technology".

Beaumont Products is opposed to requiring a weight declaration for our BOV products for the following reasons:

1. We have been using the Fluid Ounce "Method of Sale" on our products for over 20 years, without any consumer complaints.
2. Our product is not an aerosol, and should use the Method of Sale applied to all other liquids, i.e. Fluid Ounce (mL) declarations.
3. To use the Aerosol Method of Sale (Weight) is a disservice to consumers because it blurs the differences between Aerosols and our products.
4. To use Weight as a Method of Sale puts us at a competitive disadvantage vs. Aerosols because we are not selling gas. In fact, 30% (or more) an Aerosol's declared weight is from its gas propellant. A BOV's net weight declaration would not be inflated by its propellant/gas because there is none in the product.
5. Our product has a density of .84 so if our liquid product was declared on a weight basis, the consumer would see a 14% decrease in content.

6. The translation of the content decrease would require changes in the retailers “shelf strips” communicating a 14% Price Increase to the Trade and to Consumers. For example, our 7 oz. retail “Unit Price Shelf Strip” would change as follows:

Retail Price	Currently Cost per Fl. Oz.	If labeled by Wt. Cost per Oz.	Shelf Strip Cost Increase
\$8.95	\$1.28	\$1.52	+14%.

As stated during our meeting on January 9th. The overarching Method of Sale for our product, from the Fair Packaging and Labeling Act, Paragraph 500.7 is:

“...The net quantity of contents statement shall be in terms of fluid measure if the commodity is liquid, or in terms of weight or mass if the commodity is solid, semi-solid, or viscous or a mixture of solid and liquid ...”.

It is Aerosols, not liquids which were giving an exception (from the NIST Handbook 130 – section 10.3) from the “liquid” declaration requirement because it is impossible to capture the liquid payload dispensed by an Aerosol because of the action of the gas propellant.

As demonstrated at our meeting, it is easy to measure the liquid content of our product, so we do not need (nor want) the “Aerosol Exemption” from the Fair Packaging and Labeling Act, Paragraph 500.7.

Mr. Charles Carroll, of the Massachusetts Division of Standards, presented the simplest, most practical solution to the issue at the beginning of the meeting: “By clearly declaring the BOV package as a “Non-Aerosol, Pressurized Container the inspector would be alerted to apply a different testing methodology”.

The only real objection to our non-Aerosol declaration, voiced at our meeting, was from the CSPA and the National Aerosol Association and was based on their concern for the consumer’s safety in not recognizing a BOV as a pressurized container. If this is their only concern, we have ameliorated that issue with the clear declaration on our package “Caution: Contents under Pressure”.

I recognize that there is a compound issue here 1) “Method of Sale” and 2) the Definition of Aerosols/Pressurized containers/Barrier Packaging/BOV’s; and that the NIST has “jurisdiction’ over only the Method of Sale part of the issue, where the real crux of the issue is in the definition of Pressurized Packaging.

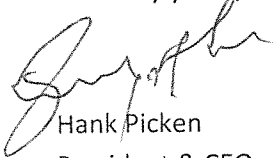
For over 3 years the CSPA and the National Aerosol Association have demonstrated an unwillingness to recognize BOV’s as non-Aerosols so it is very unlikely that the “industry” will be able to agree on

“terminology”. If this critical definition/distinction is not in the purview of the NIST, please direct us to the appropriate agency(s).

And, if you would be kind enough to make sure this letter is circulated to the appropriate parties and that it be read at the next NCWM meeting.

Thank you for your consideration.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Hank Picken", written over the typed name.

Hank Picken
President & CEO
Beaumont Products, Inc.

cc: Raymond E. Johnson, Jr. – New Mexico Department of Agriculture
Megan Gray –Federal Trade Commission