

B. Uniform Regulation for the Method of Sale of Commodities

2.XX. Tractor Hydraulic Fluid.

2.XX.1. Products for Use in Lubricating Tractors. – Tractor hydraulic fluids shall meet at least one current and or verifiable original equipment manufacturer’s requirements for ~~those respective~~ tractors ~~or have demonstrated performance claims to be suitable for use in those tractors.~~ A list of current and verifiable specifications can be found under “References” on NCWM’s homepage. Where a fluid can be licensed against an original equipment manufacturer’s specification, evidence of current licensing by the marketer is acceptable documentation of performance against the specification. In the absence of a license from the original equipment manufacturer, adherence to the original equipment manufacturer’s recommended requirements shall be assessed after testing per relevant methods available to the lubricants industry and the ~~state~~ regulatory agency. Suitability ~~for~~ use claims shall be based upon appropriate field, bench, and/or rig testing. Any manufacturer of a tractor hydraulic fluid making suitable-for-use claims shall provide, upon request by a duly authorized representative of the Director, credible documentation of such claims. If the product performance claims published by a blender and/or marketer are based on the claim(s) of one or more additive suppliers, documentation of the claims ~~may be requested in confidence~~ shall be provided upon request to by a duly authorized representative of the Director. Supporting data ~~may~~ shall, upon request, be supplied directly to the Director’s office by the additive supplier(s).

2.XX.1.1. Conformance. – Conformance of a fluid per Section 2.XX.1. Products for Use in Lubricating Tractors does not absolve the obligations of a fluid licensee with respect to the licensing original equipment manufacturer or the original equipment manufacturer’s licensing agent(s), where relevant.

2.XX.1.2. Tractor Hydraulic Fluid Additives. – Any material offered for sale or sold as an additive to tractor hydraulic fluids shall be compatible with the tractor hydraulic fluid to which it is added, and shall meet all performance claims as stated on the label or published on any website referenced by the label. Any manufacturer of any such product sold ~~in this state~~ shall provide, upon request by a duly authorized representative of the Director, documentation of any claims made on their product label or published on any website referenced by the label.

2.XX.2. Labeling and Identification of Tractor Hydraulic Fluid. – Tractor hydraulic fluids shall be labeled or identified as described below.

2.XX.2.1. Container Labeling. – The label on a container of tractor hydraulic fluid shall not contain any information that is false or misleading. Containers include bottles, cans, multi-quart or liter containers, pails, kegs, drums, and intermediate bulk containers (IBCs). In addition, each container of tractor hydraulic fluid shall be labeled with the following:

- (a) the brand name;
- (b) the name and place of business of the manufacturer, packer, seller, or distributor;
- (c) the words “Tractor Hydraulic Fluid,” which may include words such as “Hydraulic Fluid for Agricultural Applications” or “Universal Tractor Transmission Oil”;
- (d) the primary claim or claims met by the fluid and reference to where any supplemental claims may be viewed (e.g., website reference). Performance claims ~~include but are not limited to~~ are those set by original equipment manufacturers;
- (e) any obsolete equipment manufacturer specifications should be clearly identified as “obsolete” and accompanied by the following warning on the front package label in clearly legible font size and color:

Caution: ~~This specification~~ Some of the specifications are ~~is~~ no longer deemed active by the original equipment manufacturer. Significant harm to the transmission, hydraulic system, seals, final drive or axles is possible when using this product: in applications in which it is not intended.

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- (f) an accurate statement of the quantity of the contents in terms of liquid measure.

2.XX.2.2. Identification on Documentation. – Tractor hydraulic fluid sold in bulk shall be identified on the manufacturer, packer, seller, or distributor invoice, bill of lading, shipping paper, or other documentation with the information listed below:

- (a) the brand name;
- (b) the name and place of business of the manufacturer, packer, seller, or distributor;
- (c) the words “Tractor Hydraulic Fluid,” which may include words such as “Hydraulic Fluid for Agricultural Applications” or “Universal Tractor Transmission Oil”;
- (d) the primary claim or claims met by the fluid and reference to where any supplemental claims may be viewed (e.g., website reference). Performance claims ~~include but are not limited to~~ are those set by original equipment manufacturers;
- (e) any obsolete equipment manufacturer specifications should be clearly identified as “obsolete” and accompanied by the following warning on the front package label in clearly legible font size and color:

Caution: ~~This specification is~~ Some of the specifications are no longer deemed active by the original equipment manufacturer. Significant harm to the transmission, hydraulic system, seals, final drive or axles is possible when using ~~this product~~ in applications in which it is not intended.

The above warning is not required if the fluid claims to meet current original equipment manufacturer's specifications and refers to thereby preceding specifications.

- (f) an accurate statement of the quantity of the contents in terms of liquid measure.

2.XX.2.3. Identification on Service Provider Documentation. – Tractor hydraulic fluid installed from a bulk tank at time of service shall be identified on the customer invoice with the information listed below:

- (a) the brand name;
- (b) the name and place of business of the service provider;
- (c) the words “Tractor Hydraulic Fluid,” which may include words such as “Hydraulic Fluid for Agricultural Applications” or “Universal Tractor Transmission Oil”;
- (d) the primary claim or claims met by the fluid and reference to where any supplemental claims may be viewed (e.g., website reference). Performance claims ~~include but are not limited to~~ are those set by original equipment manufacturers;
- (e) any obsolete equipment manufacturer specifications should be clearly identified as “obsolete” and accompanied by the following warning on the front package label in clearly legible font size and color:

Caution: ~~This specification is~~ Some of the specifications are no longer deemed active by the original equipment manufacturer. Significant harm to the transmission, hydraulic system, seals, final drive or axles is possible when using ~~this product~~ in applications in which it is not intended.

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(f) an accurate statement of the quantity of the contents in terms of liquid measure.

2.XX.2.4. Bulk Delivery. – When the tractor hydraulic fluid is sold in bulk, an invoice, bill of lading, shipping paper, or other documentation must accompany each delivery. This document must identify the fluid as defined in Section 2.XX.2.2. Identification on Documentation.

2.XX.2.5. Storage Tank Labeling. – Each storage tank of tractor hydraulic fluid shall be labeled with the following:

(a) the brand name;

(b) the primary performance claim or claims met by the fluid or reference to where these claims may be viewed (for example, website reference). Performance claims are include but are not limited to those set by original equipment manufacturers and standards setting organizations such as SAE and are acknowledged by reference.

2.XX.3. Documentation of Claims Made Upon Product Label. – Any manufacturer, packer, or distributor of any product subject to this article and sold ~~in this state~~ shall provide, upon request of duly authorized representatives of the Director, credible documentation of any claim made upon their product label, including claims made on any website referenced by said label. If the product performance claims published by a blender and/or marketer are based on the claim(s) of one or more additive suppliers, documentation of the claims may be requested in confidence by shall be provided upon request to a duly authorized representative of the Director. Supporting data may shall, upon request, be supplied directly to the Director's office by the additive supplier(s).