



# Advisory

to: CONSUMER PRODUCT  
MANUFACTURERS, DISTRIBUTORS,  
and RETAILERS

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## CONSUMER PRODUCT DATE CODING

This advisory is to remind the consumer product industry of their regulatory obligations in California. Manufacturers with products regulated by the Antiperspirants/Deodorants and consumer product articles of Subchapter 8.5, California Code of Regulations (CCR), Title 17 are required to display the date of production or a code indicating this date on their product or package. If the alternative code-dating is used, a report explaining the code must be filed with the Air Resources Board (ARB). The Title 17 text describing these requirements and their deadline criteria is reproduced below.

The Consumer Products Standards of Title 17, CCR, Subchapter 8.5, Article 2, Section 94509 (c) states:

Notwithstanding the provisions of Section 94509 (a), a consumer product manufactured prior to each of the effective dates specified for that product in the Table of Standards may be sold, supplied, or offered for sale for up to eighteen months after each of the specified effective dates. This subsection (c) does not apply to any product with a specified effective date of 1/1/93 that is sold, supplied, or offered for sale in the Bay Area Air Quality Management District. This subsection (c) also does not apply to any consumer product which does not display on the product container or package the date on which the product was manufactured, or a code indicating such date.

The Consumer Products administrative requirements of Title 17, CCR, Subchapter 8.5, Article 2, Section 94512 are in part:

(b) **Code-Dating.** Each manufacturer of a consumers product subject to section 94509 (a) or 94509 (h) shall clearly display on each consumer product container or package, the day, month, and year on which the product was manufactured, or a code indicating such date. This date or code shall be displayed on each consumer product container or package no later than twelve months prior to the effective date of the applicable standard specified in section 94509. The requirements of this provision shall not apply to personal fragrance products of 2 milliliters or less, which are offered to consumers free of charge for the purpose of sampling the product.

(c) If a manufacturer uses a code date indicating the date of manufacture, for any consumer product subject to section 94509 (a) or 94509 (h) an explanation of the code must be filed with the Executive Officer of the ARB no latter than twelve months prior to the effective date of the applicable standard specified in section 94509.

The Antiperspirants and Deodorants Standards of Title 17, CCR, Subchapter 8.5, Article 1, Section 94502 (f) states:

Notwithstanding the provisions of Section 94502 (a), an antiperspirant or deodorant product manufactured prior to each of the effective dates specified for that product in the Table of Standards may be sold, supplied, or offered for sale for up to eighteen months after each of the specified effective dates. In addition, an aerosol antiperspirant or deodorant product manufactured prior to any compliance date specified by the Executive Officer pursuant to section 94502 (e) (2) may be sold, supplied, or offered for sale up to eighteen months after the specified compliance date. This subsection (f) does not apply to any antiperspirant or deodorant product which does not display on the product container or package the date on which the product was manufactured, or a code indicating such date.

The Antiperspirants and Deodorants administrative requirements of Title 17, CCR, Subchapter 8.5, Article 1, Section 94504 are in part:

(a) Labeling. No later than three months after the effective date of this article, each manufacturer of an antiperspirant or deodorant subject to this article shall display on each container of antiperspirant or deodorant, the date on which the product was manufactured, or a code indicating such date. If a manufacturer uses a code indicating the date of manufacture, an explanation of the code must be filed with the Executive Officer in advance of the code's use by the manufacturer.

The following categories of products must be dated or have code date reports:

Aerosol Cooking Sprays	Glass Cleaners*
Air Fresheners*	Hair Mousses
Antiperspirants and Deodorants	Hair Styling Gels
Automotive Brake Cleaners	Hairsprays*
Automotive Windshield Washer Fluids*	Household Adhesives
Bathroom and Tile Cleaners	Insecticides
Carburetor-Choke Cleaners	Insect Repellents
Charcoal Lighter Material	Laundry Prewashes
Dusting Aids	Laundry Starch Products
Engine Degreasers*	Nail Polish Removers
Fabric Protectants	Oven Cleaners*
Floor Polishes and Waxes	Personal Fragrance Products
Furniture Maintenance Products	Shaving Creams
General Purpose Products	

All consumer products must have the date or the date code that was reported to the ARB on them one year prior to the effective date of the product category standard. For products registered under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA; 7 U.S.C. Section 136-136y) all effective dates are one year later than the non-FIFRA products in the same category. If a product is not dated or coded, it may be in violation of both VOC standards and administrative requirements.

There are 18 month sell-through periods for products manufactured before their effective dates. In order to use the sell-through period, manufacturers are required to display the date of production or a code date indicating this date on each consumer product or package. There is no sell-through in the Bay Area Air Quality Management District (BAAQMD) for the six consumer product categories effective January 6, 1993 and marked with an \* above.

As the regulations are now written, new consumer product standards and date/code-dating requirements will occur periodically until 2000. The prospect of having a non-complying product on the shelf in California (especially if that product is not dated) needs to be watched carefully. Compliance is your responsibility. This is even more critical given recent changes in the penalties structure of the California Health and Safety Code in Sections 39674, 42400-42400.3, and 42402-42402.3 increasing the dollar amounts of civil and criminal liabilities and adding a strict liability clause.

The following is a list of frequently asked questions and the ARB's reply.

**Q:** If I am manufacturing a reformulated product to comply with the new California VOC standard do I need to date my product?

**A:** Yes. The date/code-dating requirements apply to all consumer products

**Q:** May I use the batch codes printed on the container for the purpose of code-dating products?

**A:** If the batch code is for a specific day, month, and year we will accept a report listing the batch code key for code-dating purposes.

**Q:** If I have not submitted code-dating information to the ARB in the one year prior to the effective date of the standard deadline will it be accepted late?

**A:** If the report is not submitted one year prior to the effective date of the applicable standard you are clearly in violation of the regulation. We will accept late reports but consider this a less serious offence than discovering a non-dated/non-code reported product on the shelf.

**Q:** Who is responsible for product code dating compliance?

**A:** The party named on the label is responsible for product dating. However, if a product is not dated it does not qualify for the sell-through provision and must meet the applicable VOC standards. Section 94509 (a) of the Consumer Products regulation states: "... no person shall sell, supply, offer for sell, or manufacture for sale in California any consumer product which, at the time of sale or manufacture, contains volatile organic compounds in excess of the limits specified ..." This section places responsibility on the party named on the label, but if the manufacturer has taken "reasonable prudent precautions to assure that the consumer product is not distributed to California" as per Title 17, CCR, Subchapter 8.5, Article 2, Section 94510, compliance obligations may apply to distributors, and or retailers.

**Q:** May my distributor or a retailer label a product or package with a date or date code?

**A:** No. Not only should the date or date-code be a permanent part of the product container or package created at the time of production, but a distributor or retailer cannot determine accurate production dates.

**Q:** Will the information we give the ARB be kept confidential?

**A:** A request for confidential status should accompany information reported to the ARB if you would like this distinction.

**Q:** Should FIFRA products have a date or code date?

**A:** CCR, Title 17, Section 94510 (e) states that the code dating administrative requirements do not apply to FIFRA products. However, if a FIFRA product is using the sell-through period it must comply with the date/code-dating obligation.

**Q:** May I report sequential batch codes as code keys?

**A:** Sequential batch codes satisfy the date code key requirements if we can determine the month and year of manufacture using the key while looking at the code on the product package or container and you are able to give us the exact day of manufacture for all batch numbers.

The following manufacturers/contract fillers have submitted date code key reports:

Aerosol Services Company Inc.	CD-2 Products	Compar
Aerosol Systems Inc.	CRC Industries Inc.	Conair Corp.
Alberto Culver	California Concept Corporation	Conair Packaging Company
Alemite CD-2 Company	Calvin Klein	Contentinential Hair Products
Alexandra De Markoff Limited	Carme	Cook
Almay Inc.	Carter Products	Cosmair Inc.
Alleghany Pharmacal Corporation	Carroll Company	Creative Products of Rossville Inc.
Amway	Castrol	Cumberland-Swan Inc.
Armstrong	Chanel	Cyclo Industries Inc.
Atlas	Chemisico	Dana Perfumes Corp.
Atochem North America	Chem-pak Inc.	Davis, E. Inc.
Attractions Inc.	Chesebrough Ponds USA Co.	Davis and Gilbert
Aura	Christian Doir Products	Demert and Doughtry Inc.
Avon	Charles Revson Inc.	Design Master Color Tool Inc.
Aware Products Company	Charles of the Ritz Group Ltd.	Dep Corporation
Barcolene Pennchamp	Chuckles Inc.	Designers Research Labs
Bell Chemical Company	Claire	Dial Company
Block Drug Company	Clorox	Del Chemical
Bristol Myers Products	Colonia	Dow Brands
Buckeye International Inc.	Command Performances	Drackett

E.T. Brown Drug Co.  
Ecara International  
Eagle One  
Elizabeth Arden  
Estee Lauder Inc.  
Fel-Pro Chemical Products L.P.  
Fantastic Sam's  
First Brands Corporation  
Flare  
Framesi USA Inc.  
Formula Corporation  
Focus 21 International  
Focus 21 International  
Fuller, H.B. Company  
Gelle' International Ltd.  
Georgette Klinger Inc.  
Gillette Medical Evaluation Lab.  
Graham Webb  
Griffin Bros. Inc.  
H & H Laboratories  
HOC Home Oil Company  
Hair Specifics  
Hako Group  
Hayashi for Hair Inc.  
Helene Curtis  
Hoffman Beauty Supply  
Henkel KGaA  
Houbigant  
Hydrosol Inc.  
ISO  
Image Laboratories  
Institute of Trichology  
J.I. Holcomb Mfg. Company  
Jheri Redding Products Company  
John Paul Mitchell Systems  
K Mart  
Kenra Laboratories  
Kent Industries  
Key Distributors  
Knight Oil Company  
L and F  
L'Anza Research International  
Loctite Corporation

Liz Claborne Cosmetics  
Luster Products Inc.  
3M Personal Care Products Lab.  
MQ  
Malco Products Inc.  
Mary Kay Cosmetics  
Matrix Essentials Inc.  
Maxim's  
MEM Company Inc.  
Mennen Company  
Micro-gen Equipment Corporation  
Milles Laboratories  
Mobile Carburetor & Choke Cleaner  
Multi Clean  
Munichem  
National Brands  
Naturelle Inc.  
Neutrogena Corp.  
Nexxus Products Company  
Northern Labs Inc.  
Noxell  
Nu Skin International  
Old World Automotive Products  
Orange Mate  
Pantresse  
Parfumes Parquet  
Pennzoil Products Company  
Pfizer  
Pierre Fabre  
Platex Family Products  
Premier Autoware  
Premier Industrial Products Corp.  
Prestige Fragrances Ltd.  
Procter and Gamble  
Professional Products Division  
Quaker State  
Qualis Inc.  
Quintessence  
Radiator Specialty  
Redken Laboratories  
Redmond Products  
Regis  
Revlon

Realistic Professional Products  
Rickett & Coleman  
Rite Off  
Riva International  
Roberts  
Rotanium  
Roux Laboratories Inc.  
Rusk  
SC Johnson & Son  
Safeway  
Scruples Professional Salon Products  
Scotts Liquid Gold  
Sears  
Sebastian International  
Sebring Products  
Seymour of Sycamore Inc.  
Shear Talent  
Shirlo Inc.  
Shiseido  
Smith Kline Beecham  
Specialty Beauty Products  
Sprayon Products  
St. Ives Laboratories  
Stainsafe  
Stanhome Inc.  
Stanhome Industrial Division Products  
Stanley Home Products  
Sunrise Industries/Environmental Scientific  
Surco Products Inc.  
Target  
Thymes Ltd.  
Trak  
Trigon Corporation  
Tru-Test Manufacturing Company  
Tsumura International  
Unocal  
Vital Care North America  
Wickes  
Williamsville Products  
Woolworth's, F.W.  
Wella USA  
Whink  
Zotos International

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