

October 29, 1975

I. Promotional Displays which customarily contain products of a single manufacturer.

A. Units which, excluding interchangeable "header cards", are not more than two feet in height, width or depth.

1. Where the unit itself has no company or brand advertising, the unit shall not be construed to be "advertising display area". The unit shall not be considered to contain company or brand advertising where it merely contains statements such as "cigarettes", "serve yourself", "free offer", "buy the carton", "buy the pack", "thank you", etc.

2. Where the unit itself has company or brand advertising, the "advertising display area" of each side of the unit containing printed or graphic material shall be measured by the maximum width and height of that side as if in a single plane vertical to the floor and each such side shall be construed to be a separate "advertising display area".

B. Units which, excluding interchangeable "header cards", exceed two feet in height, width or depth.

Each side of the unit shall be construed as a separate "advertising display area" (except for sides of units not designed to be seen by consumers such as the back or bottom) and it shall be measured by the maximum width and height of that side as if in a single plane vertical to the floor.

C. Interchangeable header cards and other advertising material affixed to units shall not be counted as part of the "advertising display area" of such units, but shall be construed as separate advertisements and shall contain a warning statement, if required, in a size appropriate to the header card or other advertising material in question.

D. Where the "advertising display area" of a unit is curved, the area shall be measured by the maximum width and height as viewed in a single plane vertical to the floor. On curved surfaces the warning statement shall be construed to be "clear and conspicuous" if it is positioned so that under normal circumstances it is visible to consumers from any normal position. Where at least two warning statements of proper size appear on a unit, they shall be construed as being "clear and conspicuous" regardless of whether one or both of them are visible from any particular position.

II. Racks, Package Dispensers, etc. which customarily contain products of more than one manufacturer.

A. Where the unit itself contains no permanent company or brand advertising matter, the unit shall not be construed to be "advertising display area". The unit shall not be considered to contain company or brand advertising where it merely contains statements such as "cigarettes", "serve yourself", "buy the carton", "buy the pack", "thank you", etc.

B. Where the unit itself contains company or brand advertising, the "advertising display area" shall be construed to only include surfaces containing printed or graphic material related to the company or brand advertising and shall not be construed to include areas containing product.

C. Individual brand identifiers shall be treated as separate advertisements and no warning statement shall be required thereon unless the brand identifier has an area in excess of 36 sq.in.

III. Promotional Materials which have curved or multiple surfaces not used to contain products.

A. The "advertising display area" of curved surfaces containing company or brand advertising shall be measured by using the maximum area ordinarily visible from any one position e.g. one half the surface area of a cylinder or sphere. The warning statement shall be construed to be "clear and conspicuous" if it is positioned so that under normal circumstances it is visible to consumers from any normal position. Where at least two warning statements of proper size appear on a piece, they shall be construed as being "clear and conspicuous" regardless of whether one or both of them are visible from any particular position.

B. The "advertising display area" of a piece of promotional material which has more than one surface containing company or brand advertising shall be measured by adding the areas of each side containing advertising which under normal circumstances is visible from one position. The warning statement shall be

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construed to be "clear and conspicuous" if it is positioned so that under normal circumstances, it is visible to consumers from any normal position. For example, with a four sided rectangular piece, a maximum of two sides would normally be visible. Thus, the area of the two visible sides would be added to obtain the "advertising display area" for purposes of determining the size of the warning statement and the warning statement would appear on the two largest sides.

IV. Displays of product not in containers shall not be construed as "advertising display area" regardless of the size or location of the display. Advertisements used in conjunction with such displays shall bear a warning statement, if required, appropriate in size to the individual advertisement in question.

V. Functional items such as change mats, change trays, "welcome" signs, etc.

A. Where the piece contains no brand advertising, no warning statement shall be required.

B. Where the piece contains brand advertising, the "advertising display area" shall be construed as the entire area of that side of the piece which contains the brand advertising unless the brand advertising is clearly separated from the rest of the area of that side by clear border lines in which event only the area within the border line shall be counted.