

Truth-in-Labeling Hits the Garden Center

*Prodded by Regulators,
Plant Sellers Boost Disclosure;
Getting Rid of 'Cheater Pots'*

By BART ZIEGLER

CONSUMERS CAN SHOP for gas by the price per gallon, cheese by the price per pound and toothpaste by the price per ounce. Starting this year, shoppers for the first time will be able to compare some garden plants in much the same fashion.

Retailers sell plants in a hodgepodge of container shapes and sizes. Many of them, from tiny four-packs of marigolds to big tubs of hydrangeas, don't give any indication as to how much roots and soil they hold. And you can't always tell which is bigger by simply eyeballing the pots. Yet, how much the pot holds is important because that usually equates roughly to how large the plant's roots are. A larger "root ball" usually means a plant is more mature, and more mature plants will make a bigger impression, faster, in a garden or planter.

Now, plant companies—prodded by regulators—are beginning to add actual pot-volume information to their labels. The regulations, which are part of federal law and are overseen by local weights

and-measures authorities, have been on the books for decades but have rarely been enforced in the plant world. They require any product label to state the true amount of contents. Some plants with the new labels are starting to appear in stores this spring but industry executives don't expect widespread compliance until a year from now.

The move aims not only to fix incomplete labeling, but also to correct labels about pot sizes that are blatantly misleading. These practices have been common in the gardening industry for years.

Many flowers are sold in a "six-inch pot," for

example. But that merely describes the diameter of the top, not how deep the container is or its bottom diameter—making it impossible to know the actual quantity of soil and roots inside.

Other containers are advertised as "12-inch hanging petunia baskets" or "one gallon potted azaleas." But, in fact, the hanging basket may have a diameter of, say, 11½ inches, while the "one gallon" container may not even hold three quarts, let alone the four it should contain. These lax practices in the horticulture world have led some wholesale container suppliers to boldly refer to some of their wares as "cheater pots."

Since they now need to redo labels anyway, some plant sellers are taking the opportunity to do far more with them.

Home Depot Inc., for instance, is rolling out a line of flowers and vegetables called Viva! that comes in colorful pots resembling Ben & Jerry's ice-cream containers. The pots give far more information about growing the plant—such as how deep to plant it and detailed watering directions—than most of the small plant tags that have been the industry standard. The new pots also list the containers' true volume.

People in the garden business have known about the labeling issue for years, but it was viewed as an accepted practice. The industry even has a term for these below-true-measure pots: "trade" gallons and "trade" quarts. It became an issue in 2003 when one consumer complained to

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Pennsylvania authorities. He had bought a "10-inch" hanging basket that wasn't 10-inches across.

Pennsylvania's weights-and-measures authorities threatened to crack down on the state's plant retailers but agreed to give the industry a transition period, after trade groups argued that it would be impossible to relabel millions of pots overnight.

The use of containers that aren't true to their stated size goes back decades. After World War II, commercial plant growers bought gallon-size, military-surplus metal fruit cans to use as pots, says Jonathan Bardzik, director of membership and marketing at the American Nursery & Landscape Association, a trade group. Then someone came up with the idea of crimping the cans' bottoms so empty ones could be stacked for shipping. "At that point they no longer were true gallons but they continued to refer to them as gallons," he says. The practice carried over as plant pots started to be made out of plastic.

The regulatory crackdown shows how the ornamental plant industry is maturing as "big box" retailers such as Home Depot and Lowe's Cos. take a growing share of the garden market. Because plant growers and garden retailers were largely mom-and-pop businesses until recent years, the industry managed to evade requirements such as those contained in the 1971 federal Uniform Weights and Measures law.

Eventually, the new labeling push could prompt the industry to adopt a uniform range of pot sizes of, say, one true pint, one quart, two quarts and one gallon. That could

allow consumers to do real comparison shopping for plants. But meantime, to comply with the law as soon as possible, most plant growers and retailers are expected simply to affix new labels stating the actual contents on existing pots, so an old "one gallon" pot may now be labeled "2.88 quarts."

Some in the plant industry argue that the actual volume of a container isn't the most important consideration for shoppers. More important, they say, is the quality of a plant and how it has been treated. A bushy, healthy primrose in a slightly below-true-size one-quart pot may actually be a better buy than one in a true-quart container that wasn't watered properly or isn't as mature.

Moreover, few consumers buy plants by container size with the exception, perhaps, of hanging baskets and shrubs. "I don't hear them say they want a six-inch pot," says Bob Jacobson, Home Depot's senior director of live plants. Instead, "they want what's in season, and what's looking good."

But regulators say it's a matter of principle: If a pot says "one quart" then it must hold a quart. "It's not anything different than any other product sold," says Thomas Coleman, coordinator of weights and measures at the National Institute of Standards and Technology, a federal agency that got involved after the Pennsylvania complaint.

