

**Mulch & Soil Council**  
**Voluntary Product Certification Program**  
**Statements of Uniform Interpretation & Policy (SUIP)**



**Revised: October 2020**

**SUIP #1: Dual Certification Category Claims**

No multiple category certifications shall be allowed. Products with dual certification category claims, i.e. mulch and soil amendment, will be certified only for the primary product category as determined by the Certification Director in accordance with the product name and use instructions. (October 2017)

**SUIP #2: Single Named Wood Species Claims**

Products claiming a single named wood species shall be comprised of 100% of that species, minus up to 10% investigational allowance, as determined by wood anatomy analysis of the measurable quantity of a representative sample of the product. (October 2017)

**SUIP #3: Generic Mulch Ingredient Labels:**

Generic mulch products (e.g., John's Shredded Mulch) may include in their ingredient statements the designation:

1. Contents: Forest Products, [if always virgin wood] Or
2. Contents: Reprocessed (Recycled) Wood Products, [if always reprocessed wood]
3. Contains: Forest Products And/Or Recycled Wood (if periodically either or both)  
(May 2018)

**SUIP #4: Private Label Certification:**

The owner of a private product label shall be responsible for determining if the product is certified. If certified, all product manufacturers, including co-packers, shall conform to certification requirements for that label. (October 2018)

**SUIP#5: Limits on Retesting:**

After a product fails its initial audit and one audit retest (tests #1 and #2), the manufacturer may submit a revised sample/reformulation (test #3). If the product fails test #3, the manufacturer is notified not to reorder product bags with the logo without resolution of the problem, and the company may submit one last revised sample/reformulation (test #4) for testing. If the product fails test #4, the product is decertified and may not be recertified for one year from the date of the final test failure. (July 2019)

**SUIP #6 — Fractional Cu Ft Measures <1 cu ft**

The Mulch & Soil Council recognizes that a net quantity statement in fractional cu ft quantities less than 1 cu ft in a market where products are dominated by cu ft measures above 1 cu ft is a wide-spread practice in the mulch & soil industry. This measure provides more consistent, understandable, accurate and adequate price and quantity comparisons for consumers than the largest whole unit (dry qt) measures specified under UPLR Section 6.3. Products less than 1 cu ft have been expressed in fractional cu ft industry wide for almost 2 decades. We accept that the above describes an equitable **industry trade custom** that would fall under the exception to UPLR Section 6.3 under Table 6.4 note stating:

*However, if there exists a firmly established general consumer usage and trade custom (many manufacturers and retailers for almost 2 decades) with respect to the terms used in expressing a declaration of quantity of a particular commodity, such a declaration of quantity may be expressed in its traditional terms, provided such traditional declaration gives accurate and adequate information as to the quantity of the commodity. (October 2020)*

### **SUIP #7 — Dry Quart Packages >1 cu ft (25.7 dry qt)**

The Mulch & Soil Council recognizes that nurseries and garden centers historically utilize planting containers in both diameter dimensions (4", 6", 8", 10", 12", etc.) AND volume in terms of 1, 2, 3, 5 and more GALLONS as a standard industry practice in selling to consumers. Soil products labeled in dry quarts have long been provided to assist end users in determining how much product is needed to fill gardening containers in dry quart and gallon quantities.

The quantity and size of containers used by consumers has grown over the past 30 years and over 20 years ago retailers increased their demand for larger packages in dry quart quantities to help consumers estimate the amount of soil products needed and to facilitate an accurate comparison of quantity and price among similar products. Soil products packaged in 8, 10, 16, and 20 dry qt for small or single container projects have been complimented by 30, 40, 50 and 64 dry qt packages for multiple container and large container projects identified in dry gallon volumes.

Accordingly, the Mulch & Soil Council recognizes that soil products packaged in quantities greater than 1 cu ft (25.7 Dry Qt):

- Provide consumers with an easy comparison and translation for the nursery industry's standard use of "gallon" quantity containers
- Provide an understandable, equitable and customary sales comparison demanded by the retail industry
- Are an exception to UPLR Section 6.2 provisions for "largest whole" measure as a long-standing and accepted ***industry trade custom*** under the note to UPLR Section 6.4; Table 6.4. (October 2020)