

# Title 6: Agriculture

## Chapter 37: Unit Pricing

### § 681. Definitions

As used in this chapter:

- (1) "Secretary" means the Secretary of Agriculture, Food and Markets.
- (2) "Consumer commodity" means any food, drug, device, or cosmetic and other article, product, or commodity of any other kind or class, except for drugs sold only by prescription:
  - (A) which are customarily produced for sale to retail sales agencies or instrumentalities for consumption by individuals, for use by individuals for purposes of personal care, or in the performance of services ordinarily rendered in or around the household; and
  - (B) which usually are consumed or expended in the course of such consumption or use.
- (3) "Unit price" of a consumer commodity means the retail price of a consumer commodity expressed in terms of the retail price of such commodity per such unit of weight, measure, or count as the Secretary designates, computed to the nearest whole cent or fraction thereof as the Secretary designates. (1971, No. 240 (Adj. Sess.), § 1; amended 2003, No. 42, § 2, eff. May 27, 2003.)

### § 682. Consumer information required

- (a) Every person who sells, offers for sale, or exposes for sale at retail any aluminum foil, bread, carbonated soft drinks, cereals, cooking oils, dog or cat food, facial tissues, fish, fowl, fruits, grains, meats, napkins, plastic food wrapping, vegetables, waxed paper, or other consumer commodity designated by the Secretary shall disclose to the consumer the unit price of the consumer commodity as provided in this chapter.
- (b) Every person who sells, offers for sale, or exposes for sale at retail any consumer commodity shall disclose to the consumer the total price of the consumer commodity as provided in this chapter. (1971, No. 240 (Adj. Sess.), § 2; amended 2003, No. 42, § 2, eff. May 27, 2003.)

### § 683. Means of disclosure

Persons subject to the requirements of section 682 of this title shall disclose the unit price and total price to consumers in one or more of the following appropriate ways:

- (1) if the consumer commodity is so located that it is not conspicuously visible to the consumer, or if the consumer commodity is so located that the price information if displayed in accordance with subdivision (2) of this section would not be conspicuously visible to the consumer, by a sign or list bearing the price information, conspicuously placed near the point of procurement; or

(2) by attachment of a stamp, tag, or label directly adjacent to the consumer commodity, on the shelf on which the commodity is displayed, or by stamping or affixing the price information on the commodity itself; or

(3) in accord with regulations adopted by the Secretary. (1971, No. 240 (Adj. Sess.), § 3, amended 2003, No. 42, § 2, eff. May 27, 2003.)

## § 684. Repealed. 1973, No. 50.

## § 685. Secretary's powers

The Secretary shall:

(1) Designate by regulation those consumer commodities in addition to the consumer commodities specifically enumerated in subsection 682(a) of this title as to which display of the unit price shall be required, upon a determination that such display will be in the best interests of consumers.

(2) Designate by regulation the unit of weight, measure, or count in terms of which the unit price of each consumer commodity shall be expressed, provided that no designated unit shall be such as to require persons subject to the provisions of subsection 682(a) of this title to measure any consumer commodity solely for the purpose of complying with subsection 682(a) of this title.

(3) Designate by regulation whether the unit price of each consumer commodity subject to the provisions of subsection 682(a) of this title shall be expressed to the nearest whole cent or to an appropriate fraction thereof.

(4) Exempt by regulation classes of retail establishments from any or all requirements of this chapter upon a determination that, because sales of consumer commodities regulated by this chapter are purely incidental to the business of such classes of retail establishments, compliance with this chapter is impracticable and unnecessary for adequate protection of consumers.

(5) Prescribe by regulation means for the disclosure of price information upon determination that they are more effective than those prescribed in section 683 of this title.

(6) Adopt any other regulations necessary to effectuate the provisions of this chapter, in accordance with the best interests of consumers.

(7) Adopt regulations addressing the method of price disclosure in the sale of home food service plans, including not only the price of the commodities sold, but the service costs or membership fees associated with such a purchase. These regulations shall take precedence over any uniform regulation adopted by the National Conference on Weights and Measures and published by the National Institute of Standards and Technology. (Added 1971, No. 240 (Adj. Sess.), § 5; amended 1991, No. 200 (Adj. Sess.); 2003, No. 42, § 2, eff. May 27, 2003.)

## § 686. Exceptions

The requirements of this chapter shall not apply to sales of consumer commodities:

(1) At a retail store with less than 7,000 square feet of floor space dedicated to the sale of consumer commodities. This exception shall not apply to the sales agencies or instrumentalities of a company having two or more sales agencies or instrumentalities as parts of that company.

(2) For use or consumption on the premises where sold. (1971, No. 240 (Adj. Sess.), § 6; amended 1989, No. 198 (Adj. Sess.), § 1, eff. Jan. 1, 1991.)

### § 687. Penalty

A person who violates this chapter shall be fined not more than \$500.00. (1971, No. 240 (Adj. Sess.), § 7.)