

UNIT PRICING REGULATION

Statutory Authority: 6 V.S.A. Chapter 37

Section 1: Definitions

- (a) "Point of sale" as used in these regulations, means the point at which consumer commodities are offered and displayed for retail sale in such a manner that the consumer may examine and select commodities for purchase without the assistance of sales personnel.
- (b) "Food" means (1) articles used for food or drink for man or animals, (2) chewing gum, and (3) articles used for components of any such article.
- (c) "Drugs" means (1) articles recognized in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States or official national formulary, or any supplement to any of them; (2) articles intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals; (3) articles, other than food, intended to affect the structure or any function of the body of man or any other animal; and (4) articles intended for use as a component of any articles specified in this subsection (5) but shall not include devices or their components, parts or accessories.
- (d) "Device" means instruments, apparatus and contrivances, including their components, parts, and accessories, intended (1) for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or animals, or (2) to affect the structure or any function of the body of man or animals.
- (e) "Cosmetic" means (1) articles intended to be rubbed, poured, sprinkled or sprayed on, introduced into, or otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting attractiveness or altering the appearance, and (2) articles intended for use as a component of any such articles; except that such term shall not include soap.

Section II: Persons to Whom Regulation

If required by law, any person who sells, offers or exposes for sale at retail any of the consumer commodities or products designated in Section 6 of these regulations shall disclose to the consumer the price per unit of weight, measure or count and the total price thereof, as required by Section 4 of these regulations.

Section III: Exempt Products

- (a) Drugs sold only by prescription
- (b) Beverages subject to , or complying with, packaging or labeling requirements imposed under the Federal Alcoholic Administration Act.
- (c) Such packaged commodities which are required to be marked individually with the cost per unit of weight under the provisions of Vermont Weights & Measures Laws, Title 9, Vermont Statutes

Annotated, Section 2673. (Random weight packages)

- (d) Products where all brands of a commodity are sold in one size only, and which have a retail price plainly marked thereon.
- (e) Different brands or products co-mingled in one receptacle for the purpose of a one-priced sale.
- (f) Package contains one ounce or less in weight or fluid ounces.
- (g) Bread, bakery products and meat products which are in one pound packages showing the retail price.
- (h) Cups, plates, wrapping paper, candy, etc., which is intended for holiday use and is not carried or sold during non-holiday periods.

Section IV: Means of Disclosure

All retail establishments subject to these regulations shall expose the price per measure to consumers in the following manner:

- (a) An orange label (with information other than that required in section (b) to be in other color or colors, immediately below the item or above the item on the shelf so as to be conspicuously visible to the consumer, except on health and beauty aids, meat products and bakery products the unit price may be printed on package or applied with a label such as a gun type label. Where shelf labeling is not feasible, the unit price shall be printed on or attached on the individual packages except on off shelf displays, (such as end displays) a sign may be used. If the unit price is on the product itself, it may be in any color or colors as long as it is clear and conspicuous. Preprinted packages showing unit price shall conform to section 4(b), but are permitted in a color other than orange providing the color contrasts conspicuously with the background.
- (b) The tag or label shall contain the following four elements:
 - (1) The words "Unit Price" shall appear as a heading with the unit price always appearing to the left of the then selling price, except that on gun-type labels it shall appear to the left or top, and except that on prepackaged cold cuts it may be omitted and the unit price may be on the bottom.
 - (2) The price per measure expressed in terms of dollars and cents, as applicable, carried to three digits if the unit price is under \$1.00 (Example: .253 per pound or 25.3 cents per pound) and if the unit price is over \$1.00, it is to be expressed to the nearest full cent. (Example: \$1.665 shall be displayed as \$1.67) (Example: \$1.664 shall be displayed as \$1.66).
 - (3) The applicable unit of weight or measure or count.
 - (4) The description of the commodity being sold by item and size.
- (c) The following additional information may appear on the tag or label at the option of the individual retailer:
 - (1) In items such as paper products, the applicable "ply" count or thickness shall be included.
 - (2) Such logistical information which the retail establishment requires, such as order codes,

numbers of rows, or shelf capacity.

- (d) The price per measure on a shelf label, when a shelf label is required, shall be displayed in type no smaller than that used for the retail price of the item but in no event shall the price per measure appear in a size less than 1/4 INCH. No asterisks shall be used to form numbers.

When products to be regulated appear other than on the shelf such as end displays, baskets, etc. they shall be unit priced on the package with a label or a gun type label or the unit price shall conspicuously appear on a sign in a size no smaller than 1/4 INCH or one-fourth the size numerals used for the retail price, whichever is greater. The sign must be in compliance with Section (b).

Where the unit price is on the package itself or on a label such as a gun type label the unit price must be at least in a size of pica type or larger.

Where a shelf label refers to identical products, or the different flavors, etc. of the same product having the same selling price or more than four feet of shelving, a shelf label must be shown for every four feet or fraction thereof.

If the retail price on the display materials is the same as the unit price label on the shelf or the package, the unit price does not have to be shown again on the display material. If the display material gives a retail price other than on the unit price label on the shelf or on the package, then, the display materials must show the unit price in compliance with Section (b).

- (e) If the items other than those required are unit priced, they must be in compliance with these regulations.

Section V: Price per Measure

The price per measure required to be disclosed under these regulations shall be:

- (a) Price per pound for commodities whose net quantity is customarily expressed in units of pounds or ounces or both.
- (b) Price per quart for commodities whose net quantity is customarily expressed in units of pints, quarts, gallons, or fluid ounces, or a combination thereof.
- (c) Price for 50 square feet when its net quantity is customarily expressed in square inches, square feet, or square yards.
- (d) Price per 100 units of commodities, whose net quantity is expressed by a numeral count.

Section VI: Products Regulated

The following list of commodities indicates the corresponding unit of measure which is required to be used in the designation of such unit price of such commodities by all retail establishments subject to the unit price regulations:

PRODUCT
Aluminum, plastic, freezer paper, wax paper
Baby foods: - solids, juices
Bags - sandwich, trash, lunch, freezer

Bird and animal foods over 4 oz.
Bottled beverages (non-carbonated)
Bread and bread products
Candy, individual bars over 2 oz. and decorative toppings
Carbonated soft drinks (on contents only)
Cereals
Cheese, cheese spreads
Chinese dinners and related items
Cocoa, chocolate syrups
Coffee, instant, ground and whole beans
Cooking oils
Crackers and cookies
Fish, shell fish (fresh, if not random-wt. package, processed, including spreads; dried, canned, frozen, bagged)
Flavored syrups, maple syrup
Flours and dry mixes
Fowl - all kinds of poultry (fresh, if not random-wt. package, processed, including spreads; dried, canned, frozen, bagged)
Fruits (canned, jarred, boxed, frozen, bagged) other than fresh
Grains
Health and beauty aids: -liquids -creams -pastes -ointments -aerosols -lozenges -tablets -capsules -powders
Household cleaners, waxes, polishes, deodorizers: - liquid - dry - aerosols - solids
Instant breakfast foods
Instant potato flakes and granules
Jellies, jams, sugar-based spreads and honey
Juices (canned, frozen, bottled, cartons)
Ketchup, mustard and sauces
Mayonnaise and salad dressings
Meats (fresh, if not random-wt. package; processed, including spreads, dried, canned, frozen, bagged)
Mixes to be used with meat, fish, and poultry over 4 oz.
Non-dairy creamers (dry)
Nuts, dried peas or beans
Paper products, including napkins, towels, tissues, plates and cups
Pastry products (fresh, frozen) over 5 oz.
Pickles and relishes
Prepared baking mixes including cake, pancake, bread, frosting and icing
Peanut butter
Saccharin or other sweeteners
Sandwich spreads

Sanitary napkins, tampons
Snack foods, including potato chips, pretzels, crackers, dips, etc.
Soaps, detergents, bleaches and other laundry products: - solid - liquid - dry - aerosols
Solid shortenings
Soups, canned
Spaghetti, macaroni, noodles and pasta products
Sugar - plain, colored or seasoned
Tea: - bags - bulk - instant, - including pre-sweetened
Tomato, spaghetti and meat sauces
Vegetables (canned, jarred, boxed, frozen, bagged)

Unit Measure for Regulated Products:

The unit of measure shall be the same as displayed on the package.

If sold by weight, the unit price shall be by the pound.

If by fluid measure, the unit price shall be by the quart.

If by square feet, the unit price shall be by 50 square feet.

If sold by count, the unit price shall be by 100 count.

Section VII: Responsibility for Compliance

In the event of a violation of these regulations, the owner, the manager, or the person in charge of such retail establishment, and the person employing such manager or person in charge, where applicable, shall be deemed to be responsible for compliance by such retail establishment with the requirements of these regulations.