

HAWAII

HRS Chapter 486-116.

§486-116 Misrepresentation of price. Whenever any commodity or service is bought or sold, or is offered, exposed, or advertised for sale or purchase, by weight, measure, or count, the price shall not be misrepresented, nor presented in any manner calculated or tending to mislead or deceive an actual or prospective purchaser or seller. The price of consumer commodities, when offered for sale at retail, shall be clearly displayed and shall reflect the retail price at which the public may, without special credentials or other requirements, purchase the commodities. The price displayed and the price actually charged the purchaser shall be identical unless a prior agreement has been reached between the buyer and the seller or the price charged is lower than the price displayed. Whenever an advertised, posted, or labeled price per unit of measure includes a fraction of a cent, all numerals expressing the fraction shall be prominently displayed and the numeral or numerals expressing the fraction shall be immediately adjacent to and of the same general design and style as the whole numeral or numerals of the price per unit as established by rule of the board. [L 1991, c 153, pt of §6; am L 1993, c 54, §10; am L 1998, c 192, §4]

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TITLE 4 DEPARTMENT OF AGRICULTURE
SUBTITLE 7 DIVISION OF MEASUREMENT STANDARDS
CHAPTER 91
UNIT PRICING OF CONSUMER COMMODITIES

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Historical note: This chapter is based substantially upon Section 9.700 of Rule 9.000/486-71, entitled "Unit Pricing of Consumer Commodities," of the Division of Measurement Standards. [Eff. 2/11/74; R 12/26/81]

§4-91-1 Severability. If any provision of this chapter is held invalid, the invalidity shall not affect the remainder of this chapter and, to this end, the provisions of this chapter are severable. [Eff. 12/26/81] (Auth: HRS §486-9) (Imp: HRS §486-9)

§4-91-2 Violation. Any person omitting the required acts or committing the proscribed acts, or who supplies or offers for sale a commodity which is not in full compliance with the requirements of this chapter, shall be in violation of this chapter and subject to the provisions of chapter 486, Hawaii Revised Statutes. [Eff. 12/26/81] (Auth: HRS §486-9) (Imp: HRS §§486-9, 486-16, 486-30)

§4-91-3 Applicability. This chapter applies to the unit pricing of consumer commodities offered for retail sale:

(1) As mandated by section 486-21, Hawaii Revised Statutes;

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(2) To packages of which the net measure is standardized by industry practice or rule of the director;

(3) To packages of which the unit price is voluntarily displayed by the retailer; and

(4) To the unit of measure to be employed in each program.

[Eff. 12/26/81] (Auth: HRS §486-9) (Imp: HRS §§486-9, 486-20, 486-21)

§4-91-4 Method of unit pricing. The commodities listed herein shall bear the price per single unit of measure as prescribed:

Commodity Program Unit of Price

- (1) Candy voluntary per pound or ounce
 - (2) Cereals voluntary per pound or ounce
 - (3) Cheese, natural and processed mandatory per pound
 - (4) Coffee, tea and cocoa voluntary per pound or ounce
 - (5) Cookies and crackers voluntary per pound or ounce
 - (6) Cooking oils and shortening voluntary per quart, fluid ounce, pound, or ounce
 - (7) Deodorants, personal voluntary per ounce
 - (8) Dry detergents, soap powder voluntary per pound or ounce and household
 - (9) Foil, film and other rolls of voluntary per fifty square feet wrapping (except gift wrap)
 - (10) Fruits and vegetables mandatory per pound or (Provided that any display individual unit involving "per/each" as a unit price, must contain only produce of a given size and grade, so as to facilitate value comparison)
 - (11) Fruit and vegetable juices voluntary per quart or fluid and drinks ounce
 - (12) Hair preparations voluntary per ounce
 - (13) Jams, jellies, preserves and voluntary per pound or ounce peanut butter
 - (14) Liquid detergents, household voluntary per quart of fluid cleaners and disinfectants ounce
 - (15) Liquid soups and condensed voluntary per pound or quart liquid soups
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- (16) Meat, poultry, and seafood mandatory per pound
 - (17) Pet food voluntary per pound
 - (18) Relishes and condiments voluntary per pound or ounce
 - (19) Rice voluntary per pound
 - (20) Salad dressing voluntary per quart of fluid ounce
 - (21) Sanitary paper products voluntary per fifty square feet or, if by count, per unit; including ply
 - (22) Shaving preparations voluntary per ounce
 - (23) Soft drinks voluntary per quart or fluid ounce
 - (24) Syrups, table and topping voluntary per pound or quart or fluid ounce
 - (25) Toilet water and colognes voluntary per ounce
 - (26) Toothpaste voluntary per ounce
- [Eff. 12/26/81] (Auth: HRS §486-9) (Imp: HRS §§486-9, 486-19, 486-21)
§4-91-5 Exemptions. Any commodity listed under §4-91-4 shall be exempt when:
- (1) Packaged in quantities of less than one ounce (avoirdupois or fluid); or
 - (2) The total retail price is less than ten cents; or
 - (3) There is only one brand in only one size appearing in a particular establishment.
- [Eff. 12/26/81] (Auth: HRS §486-9) (Imp: HRS §§486-9, 486-19, 486-21)

§4-91-6 Pricing. The unit price information shall be displayed to at least the nearest tenth of one cent when less than one dollar, and to the nearest cent when a dollar or more. [Eff. 12/26/81] (Auth: HRS §486-9) (Imp: HRS §§486-9, 486-11, 486-25)

§4-91-7 Presentation of price. (a) In any retail establishment in which unit price information is provided in accordance with the provisions of this section, the information may be displayed by means of:

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(1) A sign which offers the unit price for one or more brands or sizes of a given commodity; or

(2) A sticker, stamp, sign, label, or tag, affixed to the shelf upon which the commodity is displayed; and

(3) A sticker, stamp, sign, label, or tag, affixed to the consumer commodity itself.

(b) If a single sign or tag does not provide the unit price information for more than one brand or size of a given commodity, then the following information shall be provided:

(1) The identity;

(2) The brand name;

(3) The quantity of the packaged commodity if more than one package size per brand is displayed;

(4) The total sale price; and

(5) The price per appropriate unit, in accordance with §4-91-4.

(c) Where a sign providing unit price information for one or more sizes or brands of a given commodity is used, the sign shall be located centrally as close as practical to all items to which the sign refers, and the unit price information displayed thereon shall be presented in a clear, distinct, and non-deceptive manner. [Eff.

12/26/81] (Auth: HRS §486-9) (Imp: HRS §§486-9, 486-21, 486-25)