

## CONNECTICUT

### Statutes for unit and item pricing.

**Sec. 21a-73. (Formerly Sec. 19-210c). Unit pricing: Definitions.** As used in sections 21a-73 to 21a-77, inclusive:

(a) "Commissioner" means Commissioner of Consumer Protection;

(b) "Consumer commodity" means any food, drug, device, cosmetic or other article, product, or commodity of any other kind or class, except drugs sold only by prescription, which is customarily produced for sale to retail sales agencies or instrumentalities for consumption by individuals, or use by individuals for purposes of personal care or in the performance of services ordinarily rendered in or around the household, and which usually is consumed or expended in the course of such consumption or use;

(c) "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, computed to the nearest whole cent or fraction thereof;

(d) "Unit of a consumer commodity" means any consumer commodity in packaged form upon which is affixed a statement indicating the quantity of such commodity contained in such package.

(1971, P.A. 856, S. 1; P.A. 88-66, S. 1; June 30 Sp. Sess. P.A. 03-6, S. 146(c); P.A. 04-189, S. 1.)

History: Sec. 19-210c transferred to Sec. 21a-73 in 1983; P.A. 88-66 defined "unit of a consumer commodity"; June 30 Sp. Sess. P.A. 03-6 replaced Commissioner of Consumer Protection with Commissioner of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004.

**Sec. 21a-74. (Formerly Sec. 19-210d). Seller to disclose unit and total price of consumer commodity.** (a) Any person who sells or offers or exposes for sale at retail any consumer commodity designated by the commissioner, in accordance with the provisions of section 21a-75, shall disclose to the consumer the unit and total price of such commodity as provided in subsection (b) of this section unless exempted pursuant to section 21a-76.

(b) Persons subject to the requirements of subsection (a) of this section shall disclose the unit price and total price to consumers by one or more of the following means: (1) 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 each unit of a consumer commodity; or (2) if the consumer commodity is so located that it is not conspicuously visible to the consumer, or is so located that the price information if displayed in accordance with subdivision (1) would not be conspicuously visible to the consumer, by a sign or list bearing such price information, conspicuously placed near the point of procurement; or (3) by such other means as the commissioner may by regulation provide.

(c) Any printed advertisement to aid, promote or assist, directly or indirectly, in the sale of any consumer commodity subject to the provisions of subsection (a) of this section, which printed advertisement compares or otherwise displays different sizes or measures of the same such commodity, shall not state the total price of such commodity unless such advertisement also states the unit price of such commodity.

(1971, P.A. 856, S. 2-4; P.A. 88-66, S. 2; P.A. 97-78, S. 1, 3.)

History: Sec. 19-210d transferred to Sec. 21a-74 in 1983; P.A. 88-66 changed the reference in Subsec. (b) from "the commodity itself" to "each unit of a consumer commodity"; P.A. 97-78 amended Subsec. (c) re printed advertisements which compare or display different sizes or measures of the same commodity, effective May 27, 1997.

**Sec. 21a-75. (Formerly Sec. 19-210e). Regulations. Hearings. Civil penalties for noncompliance.**

(a) The commissioner shall adopt regulations necessary to carry out the purposes of sections 21a-73 to 21a-77, inclusive, for the best interests of consumers and, in addition, shall by regulation: (1) Designate those consumer commodities 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 the unit of weight, measure, or count in terms of which the unit price of each consumer commodity designated under subdivision (1) shall be expressed, provided that no designated unit shall be such as to require persons subject to the provisions of subsection (a) of section 21a-74 to measure any consumer commodity solely for the purpose of complying with said section; (3) designate whether the unit price of each consumer commodity designated under subdivision (1) shall be expressed to the nearest whole cent or fraction thereof; (4) prescribe the means for the disclosure of price information upon determination that such means would be more effective than those prescribed in subdivision (1) or (2) of subsection (b) of said section 21a-74.

(b) The commissioner shall adopt regulations pursuant to the provisions of chapter 54.

(c) The commissioner shall hold a hearing in accordance with the provisions of chapter 54 whenever he has probable cause to believe, or whenever twenty-five or more citizens state in writing to him their belief, that a person has violated any of the provisions of sections 21a-73 to 21a-76, inclusive.

(d) Upon a finding that a person has violated any of the provisions of sections 21a-73 to 21a-76, inclusive, the commissioner may issue a warning citation or may impose a civil penalty of not more than one hundred dollars for the first offense and not more than five hundred dollars for each subsequent offense. Each violation with respect to all units of a particular consumer commodity on any single day shall be deemed a single offense.

(1971, P.A. 856, S. 5; P.A. 74-183, S. 226, 291; P.A. 76-436, S. 195, 681; P.A. 88-66, S. 3.)

History: P.A. 74-183 replaced circuit court with court of common pleas in Subsec. (c), effective December 31, 1974; P.A. 76-436 replaced "promulgate" with "adopt" in Subsec. (a), deleted reference to promulgating regulations and replaced "sections 4-41 to 4-50, inclusive" with "chapter 54" in Subsec. (b) and replaced "prosecuting attorney" with "assistant state's attorney" and "court of common pleas" with "superior court" and deleted "in the proper courts" in Subsec. (c), effective July 1, 1978; Sec. 19-210e transferred to Sec. 21a-75 in 1983; P.A. 88-66 provided that hearings would be held in accordance with chapter 54, deleting prior provisions re hearing procedures and added Subsec. (d) concerning the issuance of a warning or imposition of a civil penalty and designating each violation with respect to all units of a commodity on a single day as a single offense.

**Sec. 21a-76. (Formerly Sec. 19-210f). Exceptions.** The provisions of sections 21a-73 to 21a-77, inclusive, shall not apply to any owner-operated single retail store or to any store occupying a total retail sales area of not more than three thousand five hundred square feet.

(1971, P.A. 856, S. 6; P.A. 84-250, S. 1, 2.)

History: Sec. 19-210f transferred to Sec. 21a-76 in 1983; P.A. 84-250 excluded stores occupying a retail sales area of not more than 3,500 square feet from the requirements of unit pricing.

**Sec. 21a-77. (Formerly Sec. 19-210g). Criminal penalty.** Any person who violates any provision of sections 21a-73 to 21a-77, inclusive, shall be fined not more than two hundred dollars for the first offense and not more than one thousand dollars for each subsequent offense. Each violation with respect to all units of a particular consumer commodity on any single day shall be deemed a single offense.

(1971, P.A. 856, S. 7; P.A. 88-66, S. 4; P.A. 07-217, S. 95.)

History: Sec. 19-210g transferred to Sec. 21a-77 in 1983; P.A. 88-66 increased the maximum penalty from \$100 to \$200 for the first offense and from \$500 to \$1,000 for subsequent offenses; P.A. 07-217 made a technical change, effective July 12, 2007.

**Sec. 21a-78. (Formerly Sec. 19-210i). Shelf life pricing; definition; penalty.** Section 21a-78 is repealed, effective October 1, 1999.

(P.A. 75-601; P.A. 88-56; 88-364, S. 115, 123; P.A. 99-23, S. 2.)

**Sec. 21a-78a.** Transferred to Chapter 743h, Sec. 42-230.

**Sec. 21a-78b. Suspension of application. Monitoring by department.** Section 21a-78b is repealed, effective October 1, 1999.

(P.A. 96-220, S. 6, 7; P.A. 97-78, S. 2, 3; P.A. 99-23, S. 2.)

**Sec. 21a-79. (Formerly Sec. 19-210j). Universal product coding. Electronic shelf labeling. Electronic pricing. Marking of retail price. Exemptions. Electronic price higher than posted price for consumer commodity. Regulations. Penalties.** (a) For the purposes of this section (1) "consumer commodity" and "unit of a consumer commodity" have the same meaning as in section 21a-73, except that consumer commodity does not include alcoholic liquor, as defined in subdivision (3) of section 30-1, or a carbonated soft drink container; (2) "carbonated soft drink container" means an individual, separate, sealed glass, metal or plastic bottle, can, jar or carton containing a carbonated liquid soft drink sold separately or in packages of not more than twenty-four individual containers; (3) "universal product coding" means any system of coding that entails electronic pricing; (4) an electronic shelf labeling system is an electronic system that utilizes an electronic device attached to the shelf or at any other point of sale, immediately below or above the item, that conspicuously and clearly displays to the consumer the unit price and the price of the consumer commodity. Such electronic shelf labeling system reads the exact same data as the electronic cash register scanning system; and (5) an electronic pricing system is a system that utilizes the universal product coding bar code by means of a scanner in combination with the cash register to record and total a customer's purchases.

(b) (1) (A) Any person, firm, partnership, association or corporation that utilizes universal product coding in totaling a retail customer's purchases shall mark or cause to be marked each consumer commodity that bears a Universal Product Code with its retail price.

(B) Any person, firm, partnership, association or corporation that utilizes an electronic pricing system in totaling a retail consumer's purchases shall provide each consumer with an item-by-item digital display, plainly visible to the consumer as each universal pricing code is scanned, of the price of each consumer commodity or carbonated soft drink container, or both, selected for purchase by such consumer prior to accepting payment from such consumer for such commodity or container. The provisions of this subparagraph do not apply to any person, firm, partnership, association or corporation operating in a retail

sales area of not more than ten thousand square feet.

(2) The provisions of subparagraph (A) of subdivision (1) of this subsection shall not apply if: (A) The Commissioner of Consumer Protection, by regulation, allows for the utilization of electronic shelf labeling systems; (B) a retailer is granted approval to utilize an electronic shelf labeling system by the commissioner; (C) the retailer has demonstrated to the satisfaction of the commissioner that such electronic shelf labeling system is supported by an electronic pricing system that utilizes universal product coding in totaling a retail customer's purchases; and (D) the retailer has received approval for such an electronic pricing system by the commissioner.

(3) The provisions of subparagraph (A) of subdivision (1) of this subsection shall not apply if: (A) The retailer has met the conditions of subdivision (2) of this subsection; and (B) the retailer has received permission by the commissioner to suspend implementation of the electronic pricing system for a period not to exceed thirty days in order to allow the retailer or an agent acting on behalf of the retailer to reset, remodel, repair or otherwise modify such system at the retail establishment.

(4) The provisions of subparagraph (A) of subdivision (1) of this subsection shall not apply if: (A) The retailer applies and is approved for an exemption by the Commissioner of Consumer Protection, (B) the retailer demonstrates to the satisfaction of the commissioner that the retailer has achieved price scanner accuracy of at least ninety-eight per cent, as determined by the latest version of the National Institute of Standards and Technology Handbook 130, "Examination Procedures for Price Verification, as adopted by The National Conference on Weights and Measures", (C) the retailer pays an application fee, to be used to offset annual inspection costs, of three hundred fifteen dollars if the premises consists of less than twenty thousand square feet of retail space and six hundred twenty-five dollars if the premises consists of twenty thousand square feet or more of retail space, (D) the retailer makes available a consumer price test scanner approved by the commissioner and located prominently in an easily accessible location for each twelve thousand square feet of retail floor space, or fraction thereof, and (E) price accuracy inspections resulting in less than ninety-eight per cent price scanner accuracy are reinspected without penalty and the retailer pays a two-hundred-fifty-dollar reinspection fee.

(5) Notwithstanding any provision of this subsection, consumer commodities that are offered for sale and that are located on an end cap display within the retail sales area are not subject to the requirements specified under this subsection, provided any information that would have been available to a consumer pursuant to this section is clearly and conspicuously posted on or adjacent to such end cap. For purposes of this subdivision, "end cap display" means the location in the retail sales area that is at the immediate end of an aisle.

(6) Consumer commodities that are advertised in a publicly circulated printed form as being offered for sale at a reduced price for a minimum seven-day period need not be individually marked at such reduced retail price, provided such consumer commodities are individually marked with their regular retail price and a conspicuous sign is adjacent to such consumer commodities, which sign discloses: (A) The reduced retail price and its unit price; and (B) a statement that the item will be electronically priced at the reduced price by the cashier.

(7) If a consumer commodity is offered for sale and its electronic price is higher than the posted price, then one item of such consumer commodity, up to a value of twenty dollars, shall be given to the consumer at no cost. A conspicuous sign shall adequately disclose to the consumer that in the event the electronic price is higher than the posted retail price, one item of such consumer commodity shall be given to the customer at no cost.

(c) (1) The Commissioner of Consumer Protection may adopt regulations, in accordance with the provisions of chapter 54, concerning the marking of prices and use of universal product coding on each unit of a consumer commodity.

(2) The Commissioner of Consumer Protection may adopt regulations, in accordance with the provisions of chapter 54, designating not more than twelve consumer commodities that need not be marked

in accordance with subdivision (1) of subsection (b) of this section and specifying the method of providing adequate disclosure to consumers to insure that the electronic pricing of the designated consumer commodities is accurate. The commissioner may establish by regulation methods to protect consumers against electronic pricing errors of such designated consumer commodities and to insure that the electronic prices of such designated consumer commodities are accurate. Among the methods that the commissioner may consider are conditions similar to those set forth in subdivision (5) of subsection (b) of this section.

(d) The Commissioner of Consumer Protection, after providing notice and conducting a hearing in accordance with the provisions of chapter 54, may issue a warning citation or impose a civil penalty of not more than one hundred dollars for the first offense and not more than five hundred dollars for each subsequent offense on any person, firm, partnership, association or corporation that violates any provision of subsection (b) of this section or any regulation adopted pursuant to subsection (c) of this section. Any person, firm, partnership, association or corporation that violates any provision of subsection (b) of this section or any regulation adopted pursuant to subsection (c) of this section shall be fined not more than two hundred dollars for the first offense and not more than one thousand dollars for each subsequent offense. Each violation with respect to all units of a particular consumer commodity on any single day shall be deemed a single offense.

(P.A. 75-391, S. 1-4; P.A. 88-66, S. 5; P.A. 92-86; P.A. 95-342; P.A. 01-73, S. 1, 2; P.A. 02-43, S. 1; 02-82, S. 3; June 30 Sp. Sess. P.A. 03-6, S. 146(c); P.A. 04-189, S. 1; P.A. 05-86, S. 1; P.A. 06-66, S. 1; 06-196, S. 152; June Sp. Sess. P.A. 09-3, S. 283.)

History: Sec. 19-210j transferred to Sec. 21a-79 in 1983; P.A. 88-66 authorized issuance of warning citation and imposition of civil penalty; P.A. 92-86 amended Subsec. (a) by specifying that the definition of "consumer commodity" does not include alcoholic liquor as defined in Subdiv. (3) of Sec. 30-1 and by adding definitions of an "electronic shelf labeling system" and "electronic pricing system", amended Subsec. (b) to insert Subdiv. indicators, adding new Subdiv. (2) which detailed when the provisions of Subdiv. (1) would not apply, new Subdiv. (3) re commodities on sale at reduced prices and new Subdiv. (4), which provided that a commodity would be given to a customer upon demand at no cost if, at checkout, the electronic price was higher than the reduced retail price and amended Subsec. (c) to insert Subdiv. indicators, making technical change in Subdiv. (1) and adding provisions designated as Subdiv. (2) re adoption of regulations; P.A. 95-342 amended Subsec. (a) to exempt soft drink containers from the definition of "consumer commodity" and to add definition of "carbonated soft drink container" as Subdiv. (2), renumbering existing Subdivs. as necessary; P.A. 01-73 amended Subsec. (b) by designating existing Subdiv. (1) as Subdiv. (1)(A) and adding new Subdiv. (1)(B) re digital display and made conforming and technical changes throughout, effective October 1, 2002; P.A. 02-43 amended Subsec. (c)(2) by increasing from 10 to 12 the number of consumer commodities that need not be marked in accordance with Subsec. (b)(1); P.A. 02-82 amended Subsec. (b) by adding Subdiv. (2)(D) requiring retailer to receive approval for electronic pricing system by commissioner, by adding new Subdiv. (3) providing that price marking requirements of Subdiv. (1)(A) do not apply if retailer has met certain conditions, by renumbering existing Subdivs. (3) and (4) as Subdivs. (4) and (5) and by making technical changes in Subdivs. (1), (2) and (5); June 30 Sp. Sess. P.A. 03-6 replaced Commissioner of Consumer Protection with Commissioner of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004; P.A. 05-86 amended Subsec. (b) to add new Subdiv. (4) re commodities offered for sale on end cap displays and redesignate existing Subdivs. (4) and (5) as Subdivs. (5) and (6), respectively, and made technical changes in Subsec. (c), effective June 2, 2005; P.A. 06-66 amended Subsec. (b) by adding new Subdiv. (4) re exemptions, redesignating existing Subdivs. (4) to (6) as Subdivs. (5) to (7), respectively, removing provisions re electronic shelf labeling system in newly designated Subdiv. (5) and, in newly designated Subdiv. (7), removing reduced price provisions, adding posted price provisions, adding twenty-dollar value limit, modifying consumer notice to use term "posted" retail price and deleting "upon demand"; P.A. 06-196 made a technical change in Subsec. (d), effective June 7, 2006; June Sp. Sess. P.A. 09-3 amended Subsec. (b)(4) to increase fees.

**Sec. 21a-79a. Pilot program re test audit of alternative electronic retail pricing systems.** (a)

Notwithstanding the provisions of section 21a-79 and any regulations adopted under said section, the Commissioner of Consumer Protection may, within available appropriations, establish a pilot program for the test audit of alternative electronic retail pricing systems that maintain and display the item and unit price of consumer commodities, as defined in subsection (a) of section 21a-79. The commissioner shall select one or more retailers to participate in any such pilot program in accordance with the following requirements: A retailer participating in the pilot program shall conduct business from one or more stores in this state on October 1, 2001. The retailer shall submit to the commissioner a written request to participate in the pilot program and pay all costs associated with a test audit under such pilot program. The retailer or retailers shall implement a system to be test audited that, at a minimum, (1) maintains the retailer's current item prices and unit prices for each product in an electronic database, (2) prints shelf tags that meet all applicable requirements for item pricing and unit pricing in effect on October 1, 2001, and (3) operates in such a way that (A) price decreases are immediately transmitted directly to the point of sale, and (B) price increases are transmitted to the point of sale only after such shelf tags are posted and such posting has been verified in the electronic database.

(b) The commissioner may designate a private auditing organization to conduct any such test audit and shall charge the cost of such test audit to the selected retailer or retailers. No such test audit shall be conducted for a period exceeding twelve months. During the test audit, such store shall be exempt from the provisions of subdivision (1) of subsection (b) of section 21a-79 and any applicable regulations adopted under said section.

(c) The commissioner shall report the results of each test audit conducted under any such pilot program and any recommendations to the joint standing committee of the General Assembly having cognizance of matters relating to consumer protection not later than three months after the completion of such test audit. Such report shall include a copy of any audit report prepared by the commissioner or any such private auditing organization.

(P.A. 98-211, S. 3; P.A. 01-43; 01-195, S. 172, 181; June 30 Sp. Sess. P.A. 03-6, S. 146(c); P.A. 04-189, S. 1.)

History: P.A. 01-43 amended Subsec. (a) by changing "October 1, 1998," to "October 1, 2001," renumbering Subdivs. (3)(A) to (3)(C)(ii) as Subdivs. (1) to (3)(B) and making technical changes and amended Subsec. (b) by expanding applicability to multiple retailers and extending audit period from 6 months to 12 months; P.A. 01-195 made a technical change in Subsec. (a), effective July 11, 2001; June 30 Sp. Sess. P.A. 03-6 replaced Commissioner of Consumer Protection with Commissioner of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004.

**UNIVERSAL PRODUCT CODING/EXEMPTIONS FROM MARKING OF RETAIL PRICE**

**Sec. 21a-79-1. Definitions**

For purposes of Sections 21a-79-1 to 21a-79-7, inclusive, of these regulations, the following terms shall have the meanings indicated:

(a) "Retail Price" is the price marked on the consumer commodity at which said consumer commodity is to be sold to the customer;

(b) "Retailer" means any person, firm, partnership, association or corporation which utilizes universal product coding in totaling a retail customer's purchase; and  
(c) "Exempted Consumer Commodity" means a consumer commodity which has been exempted from the requirement that each item of such consumer commodity be marked with its retail price.  
(Amended October 25, 1993.)

**Sec. 21a-79-2. Unmarked consumer commodities**

Any consumer commodity not properly marked with the retail price or for which the retailer has not been granted an item price exemption in accordance with section 21a-79 (b) (4) of the Connecticut General Statutes, shall be removed from sale until properly marked.  
(Added effective May 23, 1988; Amended effective October 1, 2007.)

**Sec. 21a-79-3. Improperly marked or scanned consumer commodities**

(a) If the retail price posted or marked on the consumer commodity is higher than that displayed by the scanner, the lower price will prevail.  
(b) If the retail price posted or marked on the consumer commodity is lower than that displayed by the scanner, then one item of such consumer commodity, up to a value of twenty dollars, shall be given to the consumer at no cost.  
(Added effective May 23, 1988; Amended effective October 1, 2007.)

**Sec. 21a-79-4. Test scanning**

(a) Any person, firm, association or corporation which utilizes universal product coding in totaling a retail customer's purchases shall make available to the customer a scanner, capable of reading a universal product code bar, so as to allow the consumer an opportunity to personally identify the price of any item offered for sale. The specific scanner must be clearly identified as available for consumer use and may be one of several such devices utilized by consumers to actually purchase items from the retailer. The use of the consumer designated scanner may be limited during times of maximum register use, and the scanner designated for consumer use shall be the last scanner placed into service to register sales of items when a retailer determines that all scanning check-out registers must be in use.  
(b) If an item price exemption has been granted to a retailer in accordance with section 21a-79 (b) (4) of the Connecticut General Statutes, the retailer shall also make available a consumer price test scanner, approved by the commissioner and located prominently in an easily accessible location for each twelve thousand square feet of retail floor space, or fraction thereof.  
(Added effective May 23, 1988; Amended effective October 1, 2007.)

**UNIVERSAL PRODUCT CODING/EXEMPTIONS FROM MARKING OF RETAIL PRICE**

**Sec. 21a-79-5. Exempted consumer commodities**

The following consumer commodities need not be marked with their retail prices:

- (1) canned cat food;
  - (2) milk;
  - (3) powdered gelatin and pudding dessert mixes;
  - (4) canned tuna fish;
  - (5) fresh shell eggs;
  - (6) ice cream in one-half gallon, quart, and pint sizes;
  - (7) frozen concentrated juices and fruit drinks;
  - (8) toilet tissue packaged in single rolls;
  - (9) baby food packed in glass jars;
  - (10) individually packed candy and chewing gum offered for sale at cash register/checkout locations;
  - (11) salad dressings, in either bottles or packets; and
  - (12) refrigerated yogurt in half pint sizes (8 ounces) or less, sold individually or in packs.
- (Added effective October 25, 1993; Amended effective November 3, 2003.)

**Sec. 21a-79-6. Signs required to inform consumers of exemption and retail price**

(a) Exempted consumer commodities shall have a three-inch by five-inch sign conspicuously placed adjacent to the display of such consumer commodity, with a frequency of one sign for every six linear feet

of display, or fractional part thereof. Such sign shall: (1) contain a statement that the consumer commodity has been exempted from the requirement that each such consumer commodity be individually marked with its retail price, and that, in the event that an exempted consumer commodity registers at the cash register or checkout terminal at a retail price which is higher than the retail price as stated, one item of such exempted consumer commodity up to a value of twenty dollars, shall be given to the consumer at no cost; and (2) not contain any additional text, including but not limited to store or promotional slogans, names, or advertising. (b) Each exempted consumer commodity shall have its current retail price disclosed on a tag or label directly adjacent to the consumer commodity, on the shelf on which the commodity is displayed. For purposes of this subsection, the tag or label provided pursuant to Section 21a-74 (b) (1) of the Connecticut General Statutes shall be deemed to satisfy the requirements of this subsection. (Added effective October 25, 1993; Amended effective October 1, 2007.)

**Sec. 21a-79-7. Electronic pricing error. One item at no cost. Signage**

(a) In the event that any consumer commodity electronically scans at the cash register or checkout terminal at a retail price which is higher than the posted retail price, one item of such consumer commodity, up to a value of twenty dollars, shall be given to the consumer at no cost.

(b) The consumer shall be informed of the retailer's obligation to provide one item free up to a value of twenty dollars, by means of the conspicuous sign referred to in section 21a-79-6 (a) of the Regulations of Connecticut State Agencies or section 21a-79 of the Connecticut General Statutes, and a second conspicuous sign attached to each cash register or checkout terminal in a retailer's establishment. The sign attached to the cash register or checkout terminal shall be at least six inches by eight inches in size, easily readable by a consumer making a purchase at such cash register or checkout terminal, and shall not contain any additional text including but not limited to store or promotional slogans, names, or advertising, other than that required by section 21a-79 (b) 6 of the Connecticut General Statutes. As an alternative to such cash register or checkout terminal signs, the retailer may display a conspicuous sign, with minimum dimensions of 22 inches by 28 inches, at each public entrance within the store, which sign shall not contain any store or promotional slogans, names, or advertising and which shall read, in clear and conspicuous type, as follows:

"In the event that a consumer commodity scans at a higher price, you will be given one item of that consumer commodity free of charge up to a value of \$20.00. Credit will be given for items of higher value."

(Added effective October 25, 1993; Amended effective October 1, 2007.)

### **Unit Pricing of Consumer Commodities**

Sec. 21a-73. (Formerly Sec. 19-210c). Unit pricing: Definitions. As used in sections 21a-73 to 21a-77, inclusive:

(a) "Commissioner" means Commissioner of Consumer Protection;

(b) "Consumer commodity" means any food, drug, device, cosmetic or other article, product, or commodity of any other kind or class, except drugs sold only by prescription, which is customarily produced for sale to retail sales agencies or instrumentalities for consumption by individuals, or use by individuals for purposes of personal care or in the performance of services ordinarily rendered in or around the household, and which usually is consumed or expended in the course of such consumption or use;

(c) "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, computed to the nearest whole cent or fraction thereof;

(d) "Unit of a consumer commodity" means any consumer commodity in packaged form



upon which is affixed a statement indicating the quantity of such commodity contained in such package.

Sec. 21a-74. (Formerly Sec. 19-210d). Seller to disclose unit and total price of consumer commodity, (a) Any person who sells or offers or exposes for sale at retail any consumer commodity designated by the commissioner, in accordance with the provisions of section 21a-73, shall disclose to the consumer the unit and total price of such commodity as provided in subsection (b) of this section unless exempted pursuant to section 21a-76.

(b) Persons subject to the requirements of subsection (a) of this section shall disclose the unit price and total price to consumers by one or more of the following means: (1) 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 each unit of a consumer commodity; or (2) if the consumer commodity is so located that it is not conspicuously visible to the consumer, or is so located that the price information if displayed in accordance with subdivision (1) would not be conspicuously visible to the consumer, by a sign or list bearing such price information, conspicuously placed near the point of procurement; or (3) by such other means as the commissioner may by regulation provide.

(c) Any printed advertisement to aid, promote or assist, directly or indirectly, in the sale of any consumer commodity subject to the provisions of subsection (a) of this section, which printed advertisement compares or otherwise displays different sizes or measures of the same such commodity, shall not state the total price of such commodity unless such advertisement also states the unit price of such commodity.

Sec. 23 a-75. (Formerly Sec. 19-210e). Regulations. Hearings. Civil penalties for noncompliance. (a) The commissioner shall adopt regulations necessary to carry out the purposes of sections 21a-73 to 21a-77, inclusive, for the best interests of consumers and, in addition, shall by regulation: (1) Designate those consumer commodities 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 the unit of weight, measure, or count in terms of which the unit price of each consumer commodity designated under subdivision (1) shall be expressed, provided that no designated unit shall be such as to require persons subject to the provisions of subsection (a) of section 21a-74 to measure any consumer commodity solely for the purpose of complying with said section; (3) designate whether the unit price of each consumer commodity designated under subdivision (1) shall be expressed to the nearest whole cent or fraction thereof; (4) prescribe the means for the disclosure of price information upon determination that such means would be more effective than those prescribed in subdivision (1) or (2) of subsection (b) of said section 21a-74,

(b) The commissioner shall adopt regulations pursuant to the provisions of chapter 54.

(c) The commissioner shall hold a hearing in accordance with the provisions of chapter 54

whenever he has probable cause to believe, or whenever twenty-five or more citizens state in writing to him their belief, that a person has violated any of the provisions of sections 21a-73 to 21a-76, inclusive.

(d) Upon a finding that a person has violated any of the provisions of sections 21 a-73 to 21 a-76, inclusive, the commissioner may issue a warning citation or may impose a civil penalty of not more than one hundred dollars for the first offense and not more than five hundred dollars for each subsequent offense. Each violation with respect to all units of a particular consumer commodity on any single day shall be deemed a single offense.

**Sec. 21a-76. (Formerly Sec. 19-210f). Exceptions.** The provisions of sections 21a-73 to 21a-77, inclusive, shall not apply to any owner-operated single retail store or to any store occupying a total retail sales area of not more than three thousand five hundred square feet.

**Sec. 21a-77. (Formerly Sec. 19-210g). Criminal penalty.** Any person who violates any provision of sections 21 a-73 to 21a-77, inclusive, shall be fined not more than two hundred dollars for the first offense nor more than one thousand dollars for each subsequent offense. Each violation with respect to all units of a particular consumer commodity on any single day shall be deemed a single offense.

Sec. 21a-75-1. Definitions

- (a) "Commissioner," as used in these regulations, means the Commissioner of Consumer Protection,
- (b) "Consumer Commodity" means any food, drug, device, cosmetic, or other article, product, or commodity of any other kind or class, except drugs sold by prescription only, which is customarily produced for sale to retail sales agencies or instrumentalities for consumption by individuals, or use by individuals for purposes of personal care or in the performance of services ordinarily rendered in or around the household, and which usually is consumed or expended in the course of such consumption or use.
- (c) "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 unit of weight, measure or count, computed to the nearest whole cent or fraction thereof.
- (d) "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.
- (e) As used in these regulations, the terms food, drug, device and cosmetic are defined as in Section 21a-92 of the Connecticut General Statutes:
- (i) "Food" means (1) articles used for food or drink for man or animals, and (2) chewing gum, and (3) articles used for components of any such article;
- (ii) "Drug" 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; but shall not include devices or their components, parts or accessories;

(Mi) "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 other animals, or (2) to affect the structure or any function of the body of man or other animals:

(iv) "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.

Sec. 21a-75-2. Persons to whom regulations apply

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

(b) Owner-operated single retail stores are exempt from these regulations. An "owner-operated single retail store" shall meet the following requirements:

(i) The principle owner of the owner-operated single retail store must hold more than 50% of the ownership interest of the store and may not have any ownership Interest whatsoever in any other retail store in the State of Connecticut which sells consumer commodities covered under the unit pricing statute; and

(ii) At least one person who has an ownership interest in the store, or a member of his immediate family, must be employed at the premises of the store during all hours that the store is open to the public, or at least forty hours per week, whichever is less. For purposes of this section, "immediate family" means the owner's parent, son, daughter, husband, wife, brother or sister.

(Effective July 27, 1984; Amended July 28, 1992.)

Sec. 21a-75-3. Exempt products

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(a) Beverages subjected to or complying with packaging or labeling requirements imposed under the Federal Alcohol Administration Act.

(b) Products which are required to be marked individually with the cost per unit weight under the provisions of Section 42-1151 of the Connecticut General Statutes.

(c) Such consumer commodities which are sold in units of even pounds, pints/ quarts or gallons, and which have a retail price plainly marked thereon; but only the particular consumer commodities sold in such units shall be exempt.

(d) Different products co-mingled in one receptacle or package for the purpose of a one-price sale.

(e) Products sold in one size limit only.

(f) Snack foods such as cakes, candies, or chips, sold in packages under five ounces in weight.

(Effective July 27, 1984; Amended effective September 26, 1996.)

Sec. 21a-75-4. Method of disclosure

(a) All retail establishments subject to these regulations shall disclose the price per measure to the consumer by the attachment of a tag or label of any of the following colors on the item itself, or on the shelf or at any other point of sale immediately below the item, or above the item, so as to be conspicuously visible to the consumer. The permissible colors for such tag or label are red, blue, green, orange, yellow, or brown. The color white may be used in conjunction with any of these other colors, but white lettering on clear plastic or cellophane wrappers may not be used. In the alternative, a retailer may disclose the price per measure to the consumer by means of an electronic device, referred to in subsection (f) of this section, which must be placed on the shelf or at any other point of sale immediately below the item, or above the item, so as to be conspicuously visible to the consumer. Such electronic device shall utilize blue color for the retail price and orange color for the unit price.

(b) The tag, label or electronic device shall contain the following three elements:

(i) The words "Unit Price" shall appear as a heading, with the unit price always appearing above, or to the left of, the then-selling price;

(ii) The price per measure expressed in terms of dollars or cents as applicable, carried to three digits. If the price is over \$1.00, it is to be expressed to the nearest full cents, provided that the said price is rounded off from .005 and over to the next higher cents; and if .004 or less cent, it be carried to three digits. Examples: "25.3 per pound; \$1.67 per quart"; and

(iii) The applicable unit of weight or measure or count.

(c) The following additional information may appear on the tag, label or electronic device at the option of the individual retailer:

(i) The description of the commodity being sold by item and size;

(ii) In items such as paper products, the applicable "ply" count or thickness may be included; and

(iii) Such logistical information which the retail establishment requires, such as order codes, number of rows, or shelf capacity.

(d) If the consumer commodity is not conspicuously visible to the consumer or where the display space used for a particular consumer commodity is inadequate to set forth separate price legends, as required by these regulations, a list of the prices per measure shall be conspicuously posted at or near the point of sale or the point of display; or the price per measure may be stamped or affixed to the item itself.

(e) The price per measure 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 size less than pica type. When a retail food establishment employs display material at the point of sale and the retail price appears thereon in sizes larger than pica type, the unit price information required by these regulations shall conspicuously appear thereon and shall appear in size no less than pica type or 1/4 the size numerals used for the retail price, whichever is greater.

(f) An electronic shelf labeling system which uses electronic devices to only display the unit price information required by subsections (b), (c), and (d) of this section may be utilized with the approval of the commissioner. In seeking the commissioner's approval, a retailer must send in a written request for such approval, along with a description of the proposed electronic shelf labeling system. In deciding whether to approve the electronic shelf labeling system, the commissioner's review shall include but not be limited to the overall appearance of the device and its capacity to transmit the unit pricing information to consumers. If a retailer utilizes an electronic shelf labeling system, such system must be constructed and affixed in such a manner so as to prevent alteration or movement of the electronic device or display information by consumers.

(Effective July 27, 1984; Amended July 28, 1992; Amended effective September 26, 1996.)

#### Sec. 21a-75-5. Price per measure

(a) The price shall be designated as per pound or as per ounce, whichever offers the most meaningful basis of comparison for the consumer, on all commodities whose net quantity is customarily expressed in units of pounds or ounces or both, provided that the same unit of measure is used for the same commodity in all sizes sold in such retail establishment.

(b) The price shall be designated as per pint, quart or gallon or ounce or liter for commodities whose net quantity is expressed in units of pints, quarts, gallons or fluid ounces or ounces or liters, or a combination thereof, provided, that the same unit of measure is used for the same commodity in all sizes sold in such retail establishment.

(c) The price shall be designated as per 50 feet or per 100 square feet, or per 100 feet as appropriate, for commodities and items whose net quantity is customarily expressed in units of feet, inches, square feet or square yards, or per product measurement or whose net quantities are expressed in units of area or length provided, that the same unit of measure is used for the same commodity in all sizes sold in such retail establishment.

(d) The price shall be designated as per 1 unit or 50 units or 100 units of commodities, whose net quantity is expressed by a numerical count provided, that the same unit of measure is used for the same commodity in all sizes sold in such retail establishment.

#### Required Units of Measure for Unit Price Designation

The following list of products indicates the corresponding unit of measure which is required to be used in the designation of the unit price of such products by all retail food establishments subject to the unit price regulations. As a general rule, all dry bulk products are unit priced by the pound; all products sold in aerosol cans are unit priced by the pound; and the majority of the liquid products are unit priced by pints, quarts or gallons. There are several products on this list which may be unit priced by different units of measure, provided that the same unit of measure is used for the same commodity in all sizes sold in a single retail food establishment.

(Effective July 27, 1984; Amended effective September 26, 1996; February 2, 2007.)

**Sec. 21a 75 – 6. Products regulated**

(a) **Group 1:**

<u>Product</u>	<u>Unit of Measure</u>
Detergents:	
liquid	pint or quart or ounce or gallon
dry	pound or ounce
Household cleansers; waxes, polishes and deodorizers;	
liquid	pint or quart or gallon or ounce
dry	pound or ounce
aerosols	pound or ounce
Cereals	pound or ounce
Instant breakfast foods	pound or ounce
Butter	pound or ounce
Oleomargarine	pound or ounce
Coffee, instant and ground	pound or ounce
Cocoa, chocolate syrup	pint or quart or ounce or gallon if sold by volume pound or ounce if sold by weight
Tea:	
bags	per 50 or 100 units or per 1 count
bulk	pound or ounce
instant	pound or ounce
Jellies and Jams	pound or ounce
Peanut butter	pound or ounce
Mayonnaise	pint or quart or ounce or gallon
Paper products including napkins, paper towels and tissues	per 50 or 100 units or per 1 count 1 or 50 or 100 square feet/foot per 1 count
Aluminum wraps, plastic wraps and waxed paper	per 1 or 50 or 100 square feet/foot
Paper and plastic bags plates and cups	per 50 or 100 units

Product

Unit of Measure

Baby foods:	
Solids	pound or ounce
juices	pint or quart or ounce or gallons

(b) **Group 2:**

Fruits and vegetables:	
canned	pound or ounce
jarred	pound or ounce
boxed	pound or ounce
Juices	pint or quart or ounce or gallon
Shortenings	pound or ounce
Flours	pound or ounce
Cooking oils	pint or quart or ounce or gallon
Canned fish and canned meats	pound or ounce
Spaghetti, macaroni, noodles, and pasts products	pound or ounce
Soups, canned and dried	pound or ounce

(c) **Group 3:**

Frozen fruits and vegetables	pound or ounce
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Frozen juice	pint or quart or ounce or gallon if sold by volume
Pet foods	pound or ounce if sold by weight
Prepared baking mixes including cakes, pancakes and biscuits	pound or ounce
Ketchup and mustard	pint or quart or ounce or gallon if sold by volume
Tomato, spaghetti, and meat sauces	pound or ounce if sold by weight pint or quart or ounce or gallon if sold by volume
Pickles and relishes	pound ounce if sold by weight pint or quart or ounce or gallon if sold by volume
Snack foods, including potato chips and pretzels	pound or ounce if sold by weight
Bread and pastry products	pound or ounce
Bottled beverages carbonated and non-carbonated	Pint or quart or ounce or gallon
Flavored syrups and powdered drink mixes	Pint or quart or ounce or gallon if sold by volume
Cookies and crackers	Pound or ounce if sold by weight
Salad dressings: liquid	pint or quart or ounce or gallon
dry mixes	pound or ounce
Toothpaste	pound or ounce
Shaving creams	pound or ounce
Deodorants	pound or ounce
Shampoos	pint or quart or ounce or gallon
Cold cuts	pound or ounce
Fish products and meat	pound or ounce

(Effective July 28, 1992; amended September 26, 1996)

**Sec. 21a 75-7. Extension of time for compliance**

Any retail establishment which is unable to comply with these regulations may make written application to the Commissioner for permission to extend such time for compliance for a period not to exceed thirty days. Such retail establishment shall set forth, in as much detail as possible, the reasons for its inability to comply. The Commissioner may extend such period from time to time, upon such terms and conditions as may be deemed reasonable.

(Effective July 27, 1984)

**Sec. 21a – 75-8. 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.

(Effective July 27, 1984)

AN ACT CONCERNING AN ALTERNATIVE  
ELECTRONIC RETAIL PRICING SYSTEM PILOT PROGRAM.

Sec. 3. (NEW) (a) Notwithstanding the provisions of section 21a-79 of the general statutes and any regulations adopted under said section, the Commissioner of Consumer Protection may, within available appropriations, establish a pilot program for the test audit of alternative electronic retail pricing systems that maintain and display the item and unit price of consumer commodities, as defined in subsection (a) of section 21a-79 of the general statutes.

The commissioner shall select one or more retailers to participate in any such pilot program in accordance with the following requirements: (1) The retailer shall conduct business from one or more stores in this state on the effective date of this act; (2) the retailer shall submit to the commissioner a written request to participate in the pilot program and indicate in such written request the retailer's willingness to pay all costs associated with a test audit under such pilot program; and (3) the retailer shall implement a system to be test audited that, at a minimum, (A) maintains the retailer's current item prices and unit prices for each product in an electronic database, (B) prints shelf tags that meet all applicable requirements for item pricing and unit pricing in effect on the effective date of this act, and (C) operates in such a way that (i) price decreases are immediately transmitted directly to the point of sale, and (ii) price increases are transmitted to the point of sale only after such shelf tags are posted and such posting has been verified in the electronic database. (b) The commissioner may designate a private auditing organization to conduct any such test audit and shall charge the cost of such test audit to the selected retailer. No such test audit shall be conducted for a period exceeding six months. The retailer shall designate one store in which the test audit will be conducted. During the test audit, such store shall be exempt from the provisions of subdivision (1) of subsection (b) of section 21a-79 of the general statutes and any applicable regulations adopted under said section. (c) The commissioner shall report the results of each test audit conducted under any such pilot program and any recommendations to the joint standing committee of the General Assembly having cognizance of matters relating to consumer protection not later than three months after the completion of such test audit. Such report shall include a copy of any audit report prepared by the commissioner or any such private auditing organization. Approved June 8, 1998

Sec. 42-115l. Label to show price per unit. In addition to the declarations required by section 42-115k, any commodity in package form, the package being one of a lot containing random weights, measures or counts of the same commodity and bearing the total selling price of the package, shall bear on the outside of the package a plain and conspicuous declaration of the price per single unit of weight, measure or count.

Sec. 42-115n. Advertisement of price to show quantity. Whenever a commodity in package form is advertised in any manner and the retail price of the package is stated in the advertisement, there shall be closely and conspicuously associated with such statement of price a declaration of the basic quantity of contents of the package as is required by law or regulation to appear on the package; provided in connection with the declaration required under this section there shall be declared neither the qualifying term "when packed" nor any other words of similar import, nor such terms qualifying a unit of weight, measure or count as "jumbo", "giant", "full" and the like, that tend to exaggerate the amount of commodity in the package.