

NEW MEXICO

This rule was filed as 21 NMAC 16.6.

TITLE 21 AGRICULTURE AND RANCHING
CHAPTER 16 AGRICULTURAL WEIGHTS AND MEASURES
PART 6 PRICE REPRESENTATIONS

21.16.6.1 ISSUING AGENCY: New Mexico State University, New Mexico Department of Agriculture, MSC 3189, P. O. Box 30005, Las Cruces, New Mexico 88003-8005, Telephone: (505) 646-3007

[N, 7/1/97; Recompiled 12/31/01]

21.16.6.2 SCOPE: All retailers of consumer commodities.

[N, 7/1/97; Recompiled 12/31/01]

21.16.6.3 STATUTORY AUTHORITY: Granted to the board of regents of New Mexico state university under the Weights and Measures Law, Chapter 57, Article 17, Sections 1 through 19, New Mexico Statutes Annotated, 1978 Compilation.

[7/1/97; Recompiled 12/31/01]

21.16.6.4 DURATION: Permanent

[N, 7/1/97; Recompiled 12/31/01]

21.16.6.5 EFFECTIVE DATE: July 1, 1997

[N, 7/1/97; Recompiled 12/31/01]

21.16.6.6 OBJECTIVE: This part establishes the price representation requirements for all retail sales displays of consumer commodities sold by weight, measure, or count.

[7/1/97; Recompiled 12/31/01]

21.16.6.7 DEFINITIONS: [RESERVED]

21.16.6.8 [RESERVED]

21.16.6.9 PRICE REPRESENTATIONS: All retail sales displays of consumer commodities sold by weight, measure, or count shall include price information as provided below. It shall be the responsibility of the person or firm selling or offering the commodity for sale to furnish correct price information.

A. Whenever an advertised, posted, or labeled price per unit of weight, measure, or count includes a fraction of a cent, all elements of the fraction shall be immediately adjacent to, of the same general design and style, and at least one-half (1/2) the height and width of the numerals representing the whole cent.

B. Price information may be displayed by means of a sign, which offers the price for one or more brands and/or sizes of a given commodity, by means of a sticker, stamp, sign, label, or tag affixed to the shelf upon which the commodity is displayed, or by means of a sticker, stamp, sign, label, or tag affixed to the commodity itself.

C. Where a sign providing price information for one or more sizes or brands of a given commodity is used, that sign shall be provided clearly and in a nondeceptive manner in a central location as close as practical to all items to which the sign refers.

D. If a single sign or tag does provide the price information for more than one brand or size of a given commodity, the following information shall be provided:

(1) The identity and the brand name of the commodity;

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

displayed; and

(3) The total retail sales price.
[7/1/97; Recompiled 12/31/01]

21.16.6.10 [RESERVED]

HISTORY OF 21.16.6 NMAC:

Pre-NMAC History: The material in this Part was derived from that previously filed with the State Records Center and Archives under:

NMDA Rule No. DOA 73-5, Regulator Order No. 5, Method of Sale, filed 5/15/73.

NMDA Rule No. 73-5, Amendment No. 1, Regulatory Order No. 10, Fuelwood, Price Representation, filed 9/15/75.

NMDA Rule No. 95-9, Price Representations, filed 11/14/95.

History of Repealed Material: [RESERVED]

"THESE ARE NOT OFFICIAL RULES OF THE STATE OF NEW MEXICO UNDER THE PROVISIONS OF 14-4-7.1 AND 14-4-7.2 NMSA 1978. THE NEW MEXICO STATE RECORDS CENTER AND ARCHIVES ADVISES POTENTIAL USERS OF THESE RULES THAT THEY MAY NOT BE CORRECT, COMPLETE OR CURRENT. FOR AN OFFICIAL COPY OF A NEW MEXICO RULE CONTACT THE ISSUING AGENCY OR THE NEW MEXICO STATE RECORDS CENTER AND ARCHIVES, STATE RULES DIVISION, 1205 CAMINO CARLOS REY, SANTA FE, NM 87505, (505) 476-7907."

1. Weights and Measures Law

Chapter 57, Article 17, Sections 12 and 15, New Mexico Statutes Annotated, 1978 Compilation.

Sections:

57-17-12. Declarations on packages; declarations of unit price on random packages.

57-17-15. Misrepresentation of price.

57-17-12. Declarations of packages: declarations of unit price on random packages.

A. Except as otherwise provided by law or regulation of the board, a commodity in package form shall bear on the outside of the package a definite, plain and conspicuous declaration of net quantity of the contents in terms of weight, measure or count, and in the case of any package not sold on the premises where packed, the name and place of business of the manufacturer, packer or distributor; and the identity of the commodity in the package, unless the same can easily be identified through the wrapper or container.

B. In addition to the declarations required by this section, any package being one of a lot containing random weights 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.

57-17-15. Misrepresentation of price.

Whenever a commodity or service is sold, offered or advertised for sale by weight, measure or count, the price shall not be misrepresented, nor shall the price be represented in any manner calculated or tending to mislead or deceive a purchaser.