

## **VIRGIN ISLANDS**

### **§ 171. Misrepresentations; display of price**

(a) Whenever any commodity or service is sold, or is offered, exposed 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 an actual or prospective purchaser. 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 prominently displayed and the numeral or numerals expressing the fraction shall be immediately adjacent to, of the same general design and style as, and at least one-half the height and width of the numerals representing the whole cents.

(b) The packaged commodities listed in subsection (c) of this section which are necessary for personal, family or household use, shall not be offered for sale at retail, unless there is posted in a conspicuous place at or near the point of sale, the price per ounce, inch, pint, or other applicable unit of measurement of the contents and the total sale price. Any packaged commodity whose net weight is one whole unit or two units and which has the retail price plainly marked thereon, shall be exempt from the requirements of this section. Any person who violates the provisions of this subsection shall be subject to an administrative fine imposed pursuant to the provisions of section 3(4) of this title, except that the amount shall be not less than \$50.00 nor more than \$300.00. Each commodity not properly labeled shall be considered a separate violation. The Director shall submit an annual report to the Governor and Legislature relative to action taken by him pursuant to this subsection.

(c) The packaged commodities which shall not be sold in retail stores unless there is posted, as provided in subsection (b) of this section, the price per unit shall include:

(1) Canned and bottled vegetables and fruits which do not require refrigerated storage.

(2) Canned and bottled real and imitation vegetable and fruit juices, which do not require refrigerated storage.

(3) Canned and bottled tomatoes, tomato sauce, tomato paste, tomato puree and other related tomato products which do not require refrigerated storage.

(4) Canned and bottled baby foods which do not require refrigerated storage.

(5) Cooking and salad oils.

(6) Canned and bottled salmon, tuna and sardines which do not require refrigerated storage.

(7) Jams, jellies and preserves.

(8) Peanut butter.

(9) Carbonated beverages.

(10) Coffee, instant and regular.

- (11) Dog and cat food.
- (12) Breakfast cereals (does not include corn meal, rice, maize).
- (13) Cake, pie crust and other pastry mixes.
- (14) Macaroni, spaghetti and other pasta products (does not include prepared or pre-flavored convenience pasta foods).
- (15) Paper towels, napkins, facial tissues, plates, paper cups and toilet paper.
- (16) Dishwashing and laundry soaps and detergents.
- (17) Scouring powder.
- (18) Bread.
- (19) Meat.
- (20) Poultry.
- (21) Fish.
- (22) Dairy products.
- (23) Eggs.
- (24) Fruits and vegetables.
- (25) Baked beans.
- (26) Rice, corn meal and maize.

(d) Price per measure shall be expressed as follows:

(1) Price per ounce, for commodities whose net quantity is stated in units of ounces or pounds, and whose total weight is less than one pound.

(2) Price per pound for commodities whose net quantity is stated in units of pounds and whose total weight exceeds one pound.

(3) Price per un

(4) Price per fluid ounce for commodities sold by fluid ounces, pints, quarts or gallons, or combinations thereof.

(5) Prices per foot, yard, per square foot, or per square yard, for commodities whose net quantities are stated in units of length or area.

(e) All required price information shall be clear and conspicuous and shall be on a stamp, tag or label, directly above, below, adjacent to, or on the consumer commodity to which it relates, in such a manner as to clearly indicate the commodity to which it applies.

(f) The stamp, tag or label shall include the unit price on the left side of a horizontal label, or on the lower part of a vertical label, and shall state the unit being utilized. The total selling price shall be included on the right side of a horizontal label, or the upper portion of a vertical label.

(g) The packaged commodities listed in subsection (c) of this section, to which these provisions apply, shall be periodically reviewed by the Director who shall, by regulation, make additions thereto where he determines that additional commodities are necessary for personal, family or household use.

(h) The provisions of subsections (b) and (f) of this section shall not apply to any business establishment whose gross receipts from all sources in the preceding calendar year did not exceed \$1,000,000.

—Added May 13, 1973, No. 3431, § 4, Sess. L. 1973, p. 108; amended Feb. 26, 1974, No. 3524, § 1, Sess. L. 1974, p. 24; Nov. 28, 1975, No. 3772, §§ 1, 2, Sess. L. 1975, p. 208; Oct. 8, 1992, No. 5817, § 12, Sess. L. 1992, p. 154.

### **§ 176. Certain price increases prohibited**

(a) Price increases for consumer goods previously offered for sale to consumers are prohibited.

(b) Definitions—as used in this section:

- (1) “Retail establishment” means a store selling primarily items packaged individually, including food.
- (2) “Consumer goods” means tangible items that are used or brought for use primarily for personal, family, or household purposes.
- (3) “Offered for sale” means any attempt by advertisement or other means to induce consumers to purchase consumer goods by placing the consumer goods on display in a retail establishment.

(c) Limitations:

- (1) Where consumer goods were offered for sale at a reduced price immediately prior to the contemplated price increase, this section shall not apply if the price at which the consumer goods are sold does not exceed the price at which such consumer goods were offered for sale immediately prior to the sale at reduced prices.
- (2) When retail establishments offer consumer goods for sale and such goods are displayed at more than one price, through the use of signs or displays or by any other method, then the lower price shall control.
- (3) No retail establishment shall offer or display consumer goods for retail sale unless such goods or the shelf on which they are displayed indicates the purchase price of such goods.

—Added Jan. 24, 1975, No. 3666, § 2, Sess. L. 1974, p. 302; amended Feb. 1, 2001, No. 6391, § 2(a)(6), Sess. L. 2000, p. 435.