

RHODE ISLAND

UNIT PRICING Licensing Law (R.I.G.L. Title 6, Chapter 31)

CHAPTER 31 UNIT PRICING CHAPTER 6-31 Unit Pricing Index Of Sections

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§ 6-31-1 Definitions. – As used in this chapter:

(1) "Consumer commodity" means any food, drug, device, or cosmetic and other article, product, or commodity of any other kind or class, except for drugs sold only by prescription, which:

(i) Are customarily produced for sale to retail sales agencies or instrumentalities for consumption by individuals, for use by individuals for purposes of personal care or in the performance of services ordinarily rendered in or around the household; and

(ii) Usually are consumed or expended in the course of the consumption or use.

(2) "Director" means the director of business regulation.

(3) "Retail price" means the price at which the consumer commodity is sold to the ultimate customer.

(4) "Sale at Retail" means sale of a consumer commodity to the ultimate customer.

(5) "Total price" of a consumer commodity means the full purchase price of a consumer commodity without regard to units of weight, measure, or count.

(6) "Ultimate customer" is a person who purchases a product other than for resale.

(7) "Unit price" of a consumer commodity means the retail price of a consumer commodity expressed in terms of the retail price of the commodity per the unit of weight, measure, or count as the director designates, computed to the nearest whole cent or fraction thereof as the director designates.

§ 6-31-2 Consumer information required. – (a) Every person who sells, offers for sale, or exposes for sale at retail any aluminum foil, bread, carbonated soft drinks, cereals, cooking oils, dog or cat food, facial tissues, fish, fowl, fruits, grains, meats, napkins, plastic food wrapping, vegetables, waxed paper, or other consumer commodity designated by the director, shall disclose to the consumer the unit price of the consumer commodity as provided in this chapter.

(2) The same unit of weight, measure, or count shall be utilized to express the unit price of different sizes or brand names of the same or similar consumer commodities. All stamps, tags, or labels expressing the total price shall be standardized within each place of business, and shall set forth the cents from dollars by use of a decimal point, different type or type size, or a cents sign.

(b) Every person who sells, offers for sale, or exposes for sale at retail any consumer commodity shall disclose to the consumer the total price of the consumer commodity as provided in this chapter.

(c) Wherever meat, poultry, fish, fresh vegetables, and fresh fruit are sold by a measure of weight and are packaged or wrapped for sale by a retailer in advance of being sold, offered for sale, or exposed for sale, an accurate computing scale of adequate capacity shall be placed in a conspicuous accessible location so the buyer may weigh the product which is being purchased.

§ 6-31-3 Means of disclosure. – Persons subject to the requirements of § 6-31-2 shall disclose the unit price and total price to consumers in one or more of the following appropriate ways:

(1) If the consumer commodity is so located that it is not conspicuously visible to the consumer, or if the consumer commodity is so located that the price information, if displayed in accordance with subdivision (2), would not be conspicuously visible to the consumer, by a sign or list bearing the price information conspicuously placed near the point of procurement; or

(2) 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 the commodity itself; provided however, that upon each commodity shall be stamped or affixed the total price of the commodity in arabic numerals, if and when a computerized system is used; or

(3) In accord with regulations promulgated by the director.

6-31-4. [Repealed]

Repealed Sections. Former § 6-31-4 (P.L. 1972, ch. 15, § 1), concerning advertising, was repealed by P.L. 1990, ch. 392, § 1, effective July 12, 1990.

§ 6-31-5 Director's powers. – (a) The director shall do all of the following:

(1) Designate by regulation those consumer commodities in addition to the consumer commodities specifically enumerated in § 6-31-2(a) as to which display of the unit price shall be required, upon a determination that the display will be in the best interest of consumers;

(2) Designate by regulation the unit of weight, measure, or count in terms of which the unit price of each consumer commodity shall be expressed, provided that no designated unit shall be such as to require persons subject to the provisions of § 6-31-2(a) to measure any consumer commodity solely for the purpose of complying with § 6-31-2(a);

(3) Designate by regulation whether the unit price of each consumer commodity subject to the provisions of § 6-31-2(a) shall be expressed to the nearest whole cent or to an appropriate fraction thereof;

(4) Exempt by regulation classes of retail establishments from any or all requirements of this chapter upon a determination that because sales of consumer commodities regulated by this chapter are purely incidental to the business of the classes of retail establishments, compliance with this chapter is impracticable and unnecessary for adequate protection of consumers; provided, however, that any person, firm, corporation, or other business entity with less than eight (8) full time employees shall be exempt from the provisions of this chapter;

(5) Prescribe by regulation means for the disclosure of price information upon determination that they are more effective than those prescribed in § 6-31-3; and

(6) Promulgate any other regulation necessary to effectuate the provisions of this chapter in accordance with the best interests of consumers.

(b) The director shall give public notice of his or her intention to promulgate regulations pursuant to subsection (a) and shall receive the opinions of interested parties on the regulations. Regulations shall take effect thirty (30) days from the date on which the notice is given.

(c) The director shall hold hearings whenever he or she has probable cause to believe, or whenever twenty-five (25) or more citizens state in writing to the director their belief that the actions of any person subject to the provisions of this chapter have evidenced a pattern of noncompliance with any or all of those provisions. Pursuant to the hearings, to which the suspected violator shall be invited with written notice at least ten (10) days before the hearing is held, the director shall, upon a finding that a pattern of noncompliance has been shown:

(1) Issue a warning citation; or

(2) Report any pattern of noncompliance to the attorney general who shall cause appropriate proceedings to be instituted in the proper courts.

§ 6-31-6 Penalties. – Any person whose actions evince a pattern of noncompliance with any or all provisions of this chapter shall be punishable by imprisonment for a term not exceeding six (6) months or by a fine of not more than five hundred dollars (\$500), or by a fine only of not more than five hundred dollars (\$500).

State of Rhode Island and Providence Plantations
DEPARTMENT OF BUSINESS REGULATION
Division of Commercial Licensing
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Providence, RI 02903
Commercial Licensing Regulation 13 – Unit Pricing

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Section 1 Purpose

Pursuant to the provisions of R.I. Gen. Laws § 42-35-1 *et seq.*, the Director of the Department of Business Regulation hereby adopts the following Regulations on implementation of the Unit Pricing Act, adopted by the General Assembly in the 1972 session, and further determines that the consumer commodities to be regulated are set forth in Section 5 of the following regulations:

Section 2 Definitions

(a) "Consumer commodity" means any food, drug, device, or cosmetic and other article, product, or commodity of any other kind or class, except for drugs sold only by prescription:

- (i) which are customarily produced for sale to resale agencies or instrumentalities for consumption by individuals, for use by individuals for purposes of personal care or in the performance of services ordinarily rendered in or around the household, and
- (ii) which usually are consumed or expended in the course of such consumption or use.

(a) "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 as the Director designates, computed to the nearest whole cent or fraction thereof as the Director designates.

Section 3 Exemptions

Sellers at retail need not comply with the provisions of these Regulations as to the following packaged commodities:

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- (a) Medicine sold by prescription only;
- (b) Beverages subject to or complying with packaging or labeling requirements imposed under the Federal Alcohol Administration Act;
- (c) Such packaged 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 packaged commodity sold in such units shall be exempt;
- (d) Consumer commodities sold by any retail establishment operated by any person, firm, corporation or other business entity with less than five (5) full-time employees and less than two (2) retail outlets.

Section 4 Means of Disclosure

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

(a) Attachment of an orange stamp, tag, or label on the item itself, or directly under or over the item on the shelf on which the item is displayed, and conspicuously visible to the consumer, such orange stamp, tag or label carrying the following data and no other:

- (i) The words "Unit Price" as a heading.
- (ii) The designation of the price per measure shall be expressed in terms of dollars or cents, as applicable, carried to three (3) digits. If the price is over \$1.00, it may be expressed to the nearest full cent, provided that said price is rounded off from .005 and over to the next higher cent, and if .004 or less down to the next lower cent, but that if it is expressed in cents, it be carried to three (3) digits. Example: "25.3¢ per pound; \$1.67 per quart."
- (iii) The description of the packaged commodity by item and size of unit being sold may also be included thereon at the option of the retail establishment.
- (iv) In such items as paper products, which are manufactured in numbers of folds showing in addition to such other information as may be required hereunder, the applicable "ply" count or thicknesses, customarily designated as "ply" by such packaged commodities.
- (v) Except that the retail establishment shall not be required to comply with the provisions of paragraph 3(a) as to color and 3(c) as to size of type, where the

product or commodity carries a pre-printed retail price on its package,

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provided, that the unit price appears thereon in a size no smaller than that used for the retail price.

(b) If the packaged commodity is not conspicuously visible to the consumer, a list of the price per measure conspicuously placed near the point of purchase, or a sign or list of price per measure posted at or near the point of display, or by stamping or affixing the price per measure on the packaged commodity itself, provided that the data, color code and size requirements of paragraph 3(a) and (c) are met.

(c) The size of the print of the legend required under the provisions of paragraph 3(a) and 3(b) and in any other place within the retail establishment, where the price of commodities regulated hereunder is displayed, the price per measure shall be displayed in type no smaller than that used for the price of the item, but in no event shall such price per measure appear in a size less than 6/16" in height; provided, that, if any retail establishment is unable to meet the minimum size requirements, set forth herein, such retail establishment may apply to the Director of the Department of Business Regulation for permission to use a size and type no less than pica size for such periods of time as the Director of the Department of Business Regulation may deem to be reasonable.

(d) Provided, that when the retail establishment employs display material and the retail price appears thereon in sizes larger than 6/16", the unit price required hereunder may appear in a size no less than 6/16" or 1/4 the size used for the retail price, whichever is greater.

(e) When the display space used for the packaged commodity is inadequate to set forth separate price legends as required hereunder, and where price designations are not customarily used for the commodities, the retailer may set forth such legends as are required hereunder on display cards or other material used for the display of prices for such commodities. The display of unit price shall appear on an orange background, be conspicuously visible, and the size of type used for the legend shall be no less than the size of the type used for the price of such packaged commodity.

Section 5 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 pint, quart or gallon for commodities whose net quantity is customarily expressed in units of pints, quarts, gallons or fluid ounces, 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.

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(c) Price per 50 feet or per 50 square feet, as appropriate, for commodities and items whose net quantity is customarily expressed in units of feet, inches, square feet or square yards, or whose net quantities are expressed in units of area or length.

(d) Price per 100 units of commodities, whose net quantity is expressed by a numerical count, PROVIDED, that, where the contents of the packaged commodities are expressed by a measure other than count, either by weight, fluid measure, area, or length, the unit price per measure may be expressed either as a price per measure under the provisions of paragraphs 4(a), (b) or (c), or by count, provided further, that the same unit of measure is used for the same commodity in all sizes in such retail establishment.

(e) For those products or commodities, which are universally sold in sizes less than three (3) ounces, the price per measure may be designated as the price per ounce, provided that the same unit of measure is used for the same commodity in all sizes in such retail establishment.

Section 6 Packaged Commodities Regulated

(a) The following commodities shall be labeled in accordance with these Regulations no later than October 1, 1972. Thereafter, such commodities may not be sold in retail

stores subject to these Regulations unless the conditions of these Regulations shall have been met.

Detergents

Household cleansers, waxes, deodorizers

Cereals

Instant breakfast foods

Butter

Oleomargarine

Coffee, instant and ground

Cocoa

Tea

Jellies, jams and sandwich spreads, honey

Cooking oils

Grains

Fruits, vegetables, and juices - canned, jarred, boxed

Pet foods

Baby foods

Shortenings

Flour

Baking mixes and supplies

Canned fish and meats

Sanitary paper products, such as napkins, paper towels, tissues, etc.

Aluminum and plastic wraps and foils, waxed paper

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Spaghetti, noodles and pasta products

Ketchup - mustards - sauces

* Snack foods, such as potato chips, pretzels, etc.

Soups - canned and dry mixes

Frozen fruits, vegetables, and juices

Bread and pastry products

Bottled beverages - carbonated and non-carbonated

Flavored syrups and powdered drink mixes

Cookies and crackers

Salad Dressings

Toothpaste

Deodorants

Shampoos

Shaving Cream

* Only when sold in packages of five ounces (5 oz.) or more in weight.

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