

## C. Uniform Unit Pricing Regulation

as adopted by  
The National Conference on Weights and Measures\*

### 1. Background

The Uniform Unit Pricing Regulation (UPR) (renamed in 1983) provides a national approach to the subject for those jurisdictions choosing to adopt such a regulation. The traditional approach of the Conference in drafting Uniform Regulations has been to design specific implementing Regulations for the enforcement of the broader requirements of the Uniform Weights and Measures Law. Given the authority of Sections 12.(c) and (d), and the mandate of Section 16. of this Law, as well as the trend in unit pricing, both voluntary and mandatory, the UPR is considered appropriate. Unit pricing has been a concern of the weights and measures official and has been required for random weight packages for a long time.

In 1993, the NCWM was contacted by several weights and measures jurisdictions and retail trade associations who requested that the UPR be updated to add new commodity groups and pricing requirements. The comments indicated that many commodity groups for non-food products were not included in the table and that some of the required units may not be appropriate for many of the new products being sold in stores. Another concern was that the UPR specified pricing only on the basis of price per pound on most products sold by weight. This has resulted in some jurisdictions not enforcing the requirements on stores that voluntarily unit price on the basis of price per ounce instead of price per pound. The NCWM agreed that the UPR should be revised to encourage wider adoption and use of the uniform regulation and that provisions for unit pricing in metric units should be included.

At the 1997 Annual Meeting, the NCWM adopted revisions to the regulation to permit retail stores that voluntarily provide unit pricing to present prices using various units of measure.

The NCWM eliminated the table of product groupings because it is difficult to keep it current and inclusive, so some newer products were not included under the uniform requirements. The table was replaced with requirements that specify that the unit price is to be based on price per ounce or pound, or price per 100 grams or kilogram, if the packaged commodity is labeled by weight. For example, the proposed revisions would require the unit price for soft drinks sold in various package sizes (e.g., 12 fl oz cans through 2 L bottles) to be uniformly and consistently displayed in terms of either price per fluid ounce, price per quart, or price per liter. The NCWM also increased the price of commodities exempted from unit pricing from 10 cents to 50 cents. The NCWM believed these revisions would ensure that unit pricing information facilitates value comparison between different package sizes and/or brands offered for sale in a store.

The NCWM also considered several comments on this item from members of the U.S. Metric Association (USMA). Most of these comments suggested that the UPR be amended to require unit pricing in metric units and permit U.S. customary unit pricing to be provided voluntarily. When it developed the proposed revisions, the NCWM included guidelines for both U.S. customary and metric unit pricing and believes this is the correct approach to implementing metric revisions in the regulation. The NCWM would like to make it clear that the UPR applies only when stores voluntarily provide unit pricing information. Its purpose is to provide a standard that retailers must follow to ensure that consumers will have pricing information that helps them make value comparisons. The decision to provide unit price information in metric or U.S. customary units rests with retailers who will respond to consumer preference. The NCWM believes that consumer preference will be the deciding factor as to when and how quickly metric unit pricing is used in the marketplace. Therefore, the NCWM does not support amendments to include mandatory provisions in the UPR as these provisions would take the decision to go to metric unit pricing out of the hands of consumers and retailers. Finally, the NCWM does not want to include any requirement that may discourage retailers from voluntarily providing unit price information.

(Amended 1997)

*\*The National Conference on Weights and Measures (NCWM) is supported by the National Institute of Standards and Technology (NIST) in partial implementation of its statutory responsibility for “cooperation with the states in securing uniformity in weights and measures laws and methods of inspection.”*

## **2. Status of Promulgation**

The table beginning on page 10 shows the status of adoption of the Uniform Unit Pricing Regulation.

## Uniform Unit Pricing Regulation

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## Uniform Unit Pricing Regulation

### Section 1. Application

Except for random and uniform weight packages that clearly state the unit price in accordance with existing regulations, any retail establishment providing unit price information for packaged commodities shall provide the unit price information in the manner prescribed herein.

### Section 2. Terms for Unit Pricing

The declaration of the unit price of a particular commodity in all package sizes offered for sale in a retail establishment shall be uniformly and consistently expressed in terms of:

- (a) Price per kilogram or 100 g, or price per pound or ounce, if the net quantity of contents of the commodity is in terms of weight.
- (b) Price per liter or 100 mL, or price per dry quart or dry pint, if the net quantity of contents of the commodity is in terms of dry measure or volume.
- (c) Price per liter or 100 mL, or price per gallon, quart, pint, or fluid ounce, if the net quantity of contents of the commodity is in terms of liquid volume.
- (d) Price per individual unit or multiple units if the net quantity of contents of the commodity is in terms of count.
- (e) Price per square meter, square decimeter, or square centimeter, or price per square yard, square foot, or square inch, if the net quantity of contents of the commodity is in terms of area.

### Section 3. Exemptions

- (a) Small Packages. – Commodities shall be exempt from these provisions when packaged in quantities of less than 28 g (1 oz) or 29 mL (1 fl oz) or when the total retail price is 50 cents or less.
- (b) Single Items. – Commodities shall be exempt from these provisions when only one brand in only one size is offered for sale in a particular retail establishment.
- (c) Infant Formula. – For “infant formula,” unit price information may be based on the reconstituted volume. “Infant formula” means a food that is represented for special dietary use solely as a food for infants by reason of its simulation of human milk or suitability as a complete or partial substitute for human milk.
- (d) Variety and Combination Packages. – Variety and Combination Packages as defined in Section 2.9 and Section 2.10 in the Uniform Packaging and Labeling Regulation <sup>[NOTE 1, page 145]</sup> shall be exempt from these provisions.

*NOTE 1: See “Uniform Packaging and Labeling Regulation.”*

### Section 4. Pricing

- (a) The unit price shall be to the nearest cent when a dollar or more.
- (b) If the unit price is under a dollar, it shall be listed:
  - (1) to the tenth of a cent; or

(2) to the whole cent.

The retail establishment shall have the option of using (b)(1) or (b)(2), but shall not implement both methods.

The retail establishment shall accurately and consistently use the same method of rounding up or down to compute the price to the whole cent.

### **Section 5. Presentation of Price**

- (a) In any retail establishment in which the unit price information is provided in accordance with the provisions of this regulation, that information may be displayed by means of a sign that offers the unit 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 consumer commodity.
- (b) Where a sign providing unit price information for one or more sizes or brands of a given commodity is used, that sign shall be displayed clearly and in a non-deceptive manner in a central location as close as practical to all items to which the sign refers.
- (c) If a single sign or tag includes the unit 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;
  - (3) the total retail sales price; and
  - (4) the price per appropriate unit, in accordance with Section 2. Terms for Unit Pricing.

### **Section 6. Uniformity**

- (a) If different brands or package sizes of the same consumer commodity are expressed in more than one unit of measure (e.g., soft drinks are offered for sale in 2 L bottles and 12 fl oz cans), the retail establishment shall unit price the items consistently.
- (b) When metric units appear on the consumer commodity in addition to other units of measure, the retail establishment may include both units of measure on any stamps, tags, labels, signs, or lists.

### **Section 7. Effective Date**

This regulation shall become effective on \_\_\_\_\_, 20\_\_.

Given under my hand and the seal of my office in the City of \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Signed \_\_\_\_\_

(Amended 1997)