

Kentucky

363.750 Advertisement containing price also to contain 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, that, where the law or regulation requires a dual declaration of net quantity to appear on the package, only the declaration that sets forth the quantity in terms of the smaller unit of weight or measure (the declaration that is required to appear first and without parentheses on the package) need appear in the advertisement; and provided further, that there shall not be included as part of the declaration required under this section such qualifying terms as "when packed," "minimum," "not less than," or any other terms of similar import, nor any term qualifying a unit of weight, measure, or count (for example, "jumbo," "giant," "full," and the like) that tends to exaggerate the amount of commodity in the package. History: Created 1970 Ky. Acts ch. 264, sec. 26.

363.760 Misrepresentation of price prohibited -- Handling of fractions of cent. 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 (1/2) the height and width of the numerals representing the whole cents. History: Created 1970 Ky. Acts ch. 264, sec. 28.

302 KAR 80:010. Examination procedure for price verification. RELATES TO: KRS 363.510, 363.991(4) STATUTORY AUTHORITY: KRS 363.590(1) NECESSITY, FUNCTION, AND CONFORMITY: KRS 363.590(1)(a) authorizes the Director of the Division of Regulation and Inspection to promulgate administrative regulations establishing standards of net weight, measure, or count. This administrative regulation establishes a procedure to verify pricing practices to ensure that consumers are charged a correct price for items they purchase. This administrative regulation establishes procedures through the use of randomized and stratified sampling procedures used in routine inspections to ensure that consumers are charged the correct price for items they purchase. Section 1. All scanners shall comply with requirements of National Institute of Standards and Technology Handbook 130, Uniform Laws and Regulations in the Areas of Legal Metrology and Fuel Quality, Chapter V, Examination Procedure for Price Verification (PPV). Section 2. Any retail establishment not meeting a ninety-eight (98) percent compliance rate of errors not in favor of the customer shall be assessed an administrative penalty of not less than \$100 and not more than \$500 per inspection based on the severity of the violation. Section 3. Incorporation by Reference. (1) "Uniform Laws and Regulations in the Areas of Legal Metrology and Fuel Quality", 2019, is incorporated by reference. (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the office of the Department of Agriculture, Division of Regulation and Inspection, 107 Corporate Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. (29 Ky.R. 597; Am. 940; eff. 10-9-2002; 46 Ky.R. 626, 1112; eff. 10-7-2019.)