

NEW HAMPSHIRE

Cross References

438:26-a Grocery Stores; Prices

- I. In this section, the term “grocery store” means an establishment or section of an establishment where food and food products are offered to the consumer and intended for off-premise consumption. The term includes delicatessens that offer prepared food in bulk quantities only. The term does not include establishments which handle only prepackaged, non-potentially hazardous foods; roadside markets that offer only fresh fruits and fresh vegetables for sale; food service establishments; or food beverage vending machines.
- II. Any person who offers items for sale in a grocery store shall mark clearly upon the package of each item sold in packaged form the price of such item, or shall place under the shelf containing the item a uniform shelf tag, or a larger sign indicating item price.
- III. A uniform shelf tag shall include:
 - (a) The regular price of each individual item. The price numbers shall be at least 7/16 of an inch in height;
 - (b) The unit price; and
 - (c) The name of the item or description of the item.
- IV. The following items shall not require individual prices:
 - (a) Cold beverages
 - (b) Snack items packaged in individual sizes and designed for immediate consumption.
- V. The commissioner shall adopt rules, pursuant to RSA 541-A, regarding:
 - (a) The pricing of items by grocery stores under this section.
 - (b) The definition of snack items excepted from the requirements of this section under subparagraph IV(b).

History

Source. 1990, 120:1, eff Jan. 1, 1991

Cross References

Requirements relating to indication of prices on packages generally, see RSA 438:22, 24.

Agr 1407.03 Pricing of Items by Grocery Stores.

- (a) "Grocery Stores" for the purpose of this section means any establishment as defined in RSA 438:26-a.
- (b) "Cold Beverage" for the purpose of this section means prepackaged liquid items, including ice cream products, artificially cooled to temperatures of less than 40 degrees F (4.4 degrees C), whether sold individually or in clusters of more than one.
- (c) "Snack Items" for the purpose of this section means any prepackaged food item in quantities of 4 ounces (113 grams) or less or any prepackaged beverage item in quantities of 2 liters or less and designed for immediate consumption.

(d) All grocery stores shall post the prices of their commodities in accordance with RSA 438:26-a.

(e) Snack items and cold beverages may be priced individually or priced using a shelf tag in accordance with RSA 438:26-a, II.

(f) Snack items and cold beverage displays containing more than one item of a similar commodity, such as candy bars or ice cream novelties, may be priced using a placard or shelf tag, adjacent to the display, which lists the price of each or all the items in a particular display, notwithstanding random quantities or measure. Ice cream novelties shall include ice cream bars, ice pops, ice cream sandwiches, ice cream cones or other ice cream products similar in nature.