

VERMONT

Vermont Unit Pricing Law & Regulation

Title 6, V.S.A., Chapter 37

§ 681. Definitions

As used in this chapter:

- (1) "Secretary" means the secretary of agriculture, food and markets.
- (2) "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:
 - (A) which 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
 - (B) which usually are consumed or expended in the course of such consumption or use.
- (3) "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 secretary designates, computed to the nearest whole cent or fraction thereof as the secretary designates. (1971, No. 240 (Adj. Sess.), § 1; amended 2003, No. 42, § 2, eff. May 27, 2003.)

§ 682. 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 secretary shall disclose to the consumer the unit price of the consumer commodity as provided in this chapter.
- (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. (1971, No. 240 (Adj. Sess.), § 2; amended 2003, No. 42, § 2, eff. May 27, 2003.)

§ 683. Means of disclosure

Persons subject to the requirements of section 682 of this title 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) of this section 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; or

(3) in accord with regulations adopted by the secretary. (1971, No. 240 (Adj. Sess.), § 3, amended 2003, No. 42, § 2, eff. May 27, 2003.)

§ 684 REPEALED. 1973, No. 50

§ 685. Secretary's powers

The secretary shall:

(1) Designate by regulation those consumer commodities in addition to the consumer commodities specifically enumerated in subsection 682(a) of this title as to which display of the unit price shall be required, upon a determination that such display will be in the best interests 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 subsection 682(a) of this title to measure any consumer commodity solely for the purpose of complying with subsection 682(a) of this title;

(3) Designate by regulation whether the unit price of each consumer commodity subject to the provisions of subsection 682(a) of this title 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 such classes of retail establishments, compliance with this chapter is impracticable and unnecessary for adequate protection of consumers;

(5) Prescribe by regulation means for the disclosure of price information upon determination that they are more effective than those prescribed in section 683 of this title;

(6) Adopt any other regulations necessary to effectuate the provisions of this chapter, in accordance with the best interests of consumers; and

(7) Adopt regulations addressing the method of price disclosure in the sale of home food service plans, including not only the price of the commodities sold, but the service costs or membership fees associated with such a purchase. These regulations shall take precedence over any uniform regulation adopted by the National Conference on Weights and Measures and published by the National Institute of Standards and Technology. (1971, No. 240 (Adj. Sess.), § 5; amended 1991, No. 200 (Adj. Sess.); 2003, No. 42, § 2, eff. May 27, 2003.)

§ 686. Exceptions

The requirements of this chapter shall not apply to sales of consumer commodities:

(1) at a retail store with less than 7,000 square feet of floor space dedicated to the sale of consumer commodities. This exception shall not apply to the sales agencies or instrumentalities of a company having two or more sales agencies or instrumentalities as parts of that company.

(2) for use or consumption on the premises where sold. (1971, No. 240 (Adj. Sess.), § 6; amended 1989, No. 198 (Adj. Sess.), § 1, eff. Jan. 1, 1991.)

§ 687. Penalty

A person who violates this chapter shall be fined not more than \$500.00. (1971, No. 240 (Adj. Sess.), § 7.)

State of Vermont Department of Agriculture, Food & Markets

UNIT PRICING REGULATION

1. DEFINITIONS

- (a) "Point of sale" as used in these regulations, means the point at which consumer commodities are offered and displayed for retail sale in such a manner that the consumer may examine and select commodities for purchase without the assistance of sales personnel.
- (b) "Food" means
 - (1) articles used for food or drink for man or animals,
 - (2) chewing gum, and
 - (3) articles used for components of any such article.
- (c) "Drugs" means
 - (1) articles recognized in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States or official national formulary, or any supplement to any of them;
 - (2) articles intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals;
 - (3) articles other than food, intended to affect the structure or any function of the body of man or any other animal; and
 - (4) articles intended for use as a component of any articles specified in this subsection
 - (5) but shall not include devices or their components, parts or accessories.
- (d) "Device" means instruments, apparatus and contrivances, including their components, parts, and accessories, intended
 - (1) for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or animals, or
 - (2) to affect the structure of any function of the body of man or animals.
- (e) "Cosmetic" means

- (1) articles intended to be rubbed, poured, sprinkled or sprayed on, introduced into, or otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting attractiveness or altering the appearance, and
- (2) articles intended for use as a component of any such articles; except that such term shall not include soap.

2. PERSONS TO WHOM REGULATIONS APPLY

If required by law, any person who sells, offers or exposes for sale at retail any of the consumer commodities or products designated in Section 6 of these regulations shall disclose to the consumer the price per unit of weight, measure or count and the total price thereof, as required by Section 4 of these regulations.

3. EXEMPT PRODUCTS

- (a) Drugs sold by prescription
- (b) Beverages subject to, or complying with, packaging or labeling requirements imposed under the Federal Alcoholic Administration Act.
- (c) Such packaged commodities which are required to be marked individually with the cost per unit of weight under the provisions of Vermont Weights & Measures Laws, Title 9, Vermont Statutes Annotated, Section 2673. (Random weight packages)
- (d) Products where all brands of a commodity are sold in one size only, and which have a retail price plainly marked thereon;
- (e) Different brands or products co-mingled in one receptacle for the purpose of a one-priced sale.
- (f) Package contains one ounce or less in weight or fluid ounces.
- (g) Bread, bakery products and meat products which are in one pound packages showing the retail price.
- (h) Cups, plates, wrapping paper, candy, etc., which is intended for holiday use and is not carried or sold during non-holiday periods.

4. MEANS OF DISCLOSURE

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

- (a) An orange label with information other than that required in section (b) to be in other color or colors, immediately below the item or above the item on the shelf so as to be conspicuously visible to the consumer, except on health and beauty aids, meat products and bakery products the unit price may be printed on package or applied with a label such as a gun type label. Where shelf labeling is not feasible, the unit price shall be printed on or attached on the individual packages except on off shelf displays, (such as end displays) a sign may be used. If the unit price is on the product itself, it may be in any color or colors as long as it is clear and conspicuous. Preprinted packages showing unit price shall conform to section 4(b), but are permitted in a color other than orange providing the color contrasts conspicuously with the background.
- (b) The tag or label shall contain the following four elements:
 - (1) The words "Unit Price" shall appear as a heading with the unit price always appearing to the left of the selling price, except that on gun-type labels it shall appear to the left or top, and except that on prepackaged cold cuts it may be omitted and the unit price may be on the bottom.
 - (2) The price per measure expressed in terms of dollars and cents, as applicable, carried to three digits if the unit price is under \$1.00(Example: .253 per pound or 25.3 cents per pound) and if the unit price is over \$1.00, it is to be expressed to the nearest full cent. (Example: \$1.665 shall be displayed as \$1.67)(Example: \$1,664 shall be displayed as \$1.66).
 - (3) The applicable unit of weight or measure or count.
 - (4) The description of the commodity being sold by item and size.
- (c) The following additional information may appear on the tag or label at the option of the individual retailer;

- (1) In items such as paper products, the applicable “ply” count or thickness shall be included.
- (2) Such logistical information which the retail establishment requires, such as order codes, numbers of rows, or shelf capacity.
- (d) The price per measure on a shelf label, when a shelf label is required, shall be displayed in type no smaller than that used for the retail price of the item but in no event shall the price per measure appear in a size less than ¼ inch. No asterisks shall be used to form numbers.

When products to be regulated appear other than on the shelf such as end displays, basket, etc. they shall be unit priced on the package with a label or a gun type label or the unit price shall conspicuously appear on a sign in a size not smaller than ¼ inch or one-fourth the size numerals used for the retail price, whichever is greater. The sign must be in compliance with Section (b).

Where the unit price is on the package itself or on a label such as a gun type label the unit price must be at least in a size of pica type or larger.

Where a shelf label refers to identical products, or the different flavors, etc. of the same product having same selling price or more than four feet of shelving, a shelf label must be shown for every four feet or fraction thereof.

If the retail price on the display materials is the same as the unit price label on the shelf or the package, the unit price does not have to be shown again on the display material. If the display material gives a retail price other than on the unit price label on the shelf or on the package, then, the display materials must show the unit price in compliance with Section (b).

- (e) If the items other than those required are unit priced, they must be in compliance with these regulations.

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 quart for commodities whose net quantity is customarily expressed in units of pints, quarts, gallons, or fluid ounces, or a combination thereof.
- (c) Price for 50 square feet when its net quantity is customarily expressed in square inches, square feet, or square yards.
- (d) Price per 100 units of commodities, whose net quantity is expressed by a numeral count.

6. **PRODUCTS REGULATED**

The following list of commodities indicates the corresponding unit of measure which is required to be used in the designation of such unit price of such commodities by all retail establishments subject to the unit price regulations:

PRODUCT

UNIT MEASURE

Aluminum, plastic, freezer paper
wax paper

The unit of measure shall be the same as displayed on the package.

Baby foods: - solids, juices
Bags – sandwich, trash, lunch
freezer
Bird and animal foods over 40 ozs.

If sold by weight, the unit price be by the pound.

Bottled beverages (non-carbonated)

If by fluid measure, the unit shall be by the quart.

Bread and bread products	If by square feet, the unit price shall be by square feet.
Candy, individual bars over 2 oz. and decorative toppings	If sold by count, the price shall be 100 count.
Carbonated soft drinks (on contents only)	Where a dual declaration is shown involving count, the unit price shall be by the count.
Cereals	
Cheese, cheese spreads	
Chinese dinners and related items	
Cocoa, chocolate syrups	
Coffee, instant, ground and whole beans	
Cooking oils	
Crackers and cookies	
Fish, shell fish (fresh, if not random-wt. pkg., processed, including spreads; dried, canned, frozen, bagged)	
Flavored syrups, maple syrup	
Flours and dry mixes	
Fowl – all kinds of poultry (fresh, if not random-wt. pkg., processed, including spreads; dried, canned, frozen, bagged)	
Fruits (canned, jarred, boxed, frozen bagged) other than fresh	
Grains	
Health and beauty aids:	-liquids -creams -pastes -ointments -aerosols -lozenges -tablets -capsules -powders
Household cleaners, waxes, polishes, deodorizers:	-liquid -dry -aerosols -solids
Instant breakfast foods	
Instant potato flakes and granules	
Jellies, jams, sugar-based spreads and honey	
Juices (canned, frozen, bottled, cartons)	
Ketchup, mustard and sauces	

