

State of Rhode Island and Providence Plantations
DEPARTMENT OF BUSINESS REGULATION

Division of Commercial Licensing

233 Richmond Street

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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:

- (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,

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.

- (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

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.

EFFECTIVE DATE: September 12, 1972
REFILED: December 19, 2001