

State of Rhode Island and Providence Plantations
DEPARTMENT OF BUSINESS REGULATION
Division of Commercial Licensing
233 Richmond Street
Providence, RI 02903

Commercial Licensing Regulation 13 -Unit Pricing

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Section 1 **Authority**

This Regulation is promulgated in accordance with R.I.G.L. §§ 6-31-1 *et seq.* and 42-14-17.

Section 2 **Purpose**

The purpose of this Regulation is to implement the provision of R.I.G.L. §§ 6-31-1 *et seq.*

Section 3 **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, which:
 - (i) are customarily produced for sale to retail 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) usually are consumed or expended in the course of such consumption or use.

- (b) "Director" means the director of business regulation or his or her designee.

- (c) "Retail price" means the price at which the consumer commodity is sold to the ultimate customer.
- (d) "Sale at Retail" means sale of a consumer commodity to the ultimate customer.
- (e) "Total price" of a consumer commodity means the full purchase price of a consumer commodity without regard to units of weight, measure, or count.
- (f) "Ultimate customer" is a person who purchases a product other than for resale.
- (g) "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 4 ***Exemptions***

Retail sellers need not comply with the provisions of this Regulations for the following packaged consumer 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) Those consumer commodities sold in units of whole pounds, pints, quarts, or gallons, and not a fraction thereof which have a retail price plainly marked thereon; but only the particular consumer commodity sold in such units shall be exempt; and
- (d) Consumer commodities sold by any retail establishment operated by any person, firm, corporation or other business entity with fewer than eight (8) full-time employees and less than two (2) retail outlets.

Section 5 ***Means of Disclosure***

All retail establishments subject to this Regulation shall disclose to consumers the price per measure of consumer commodities 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 to carry 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 consumer commodity by item and size of unit being sold may also be included thereon at the option of the retail establishment.
 - (iv) For items such as paper products, which are manufactured in numbers of folds which number is shown in addition to the other information as may be required hereunder, the applicable "ply" count or thicknesses, customarily designated as "ply" by such consumer commodities.
 - (v) The retail establishment shall not be required to comply with the provisions of paragraph 4(a) as to color and 4(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) When the consumer 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 consumer commodity itself, provided that the data, color code and size requirements of paragraph 4(a) and (c) are met.
 - (c) The size of the print of the legend required under the provisions of paragraph 4(a) and 4(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 may deem to be reasonable.
 - (d) When the retail establishment uses 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 consumer commodity is inadequate to set forth separate price legends as required hereunder, and/or 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 6 Price Per Measure

The price per measure required to be disclosed under this Regulation shall be:

- (a) Price per pound for consumer commodities whose net quantity is customarily expressed in units of pounds or ounces or both.
- (b) Price per pint, quart or gallon for consumer 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 consumer 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 consumer commodities, whose net quantity is expressed by a numerical count, provided, that, where the contents of the consumer 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 consumer 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 7 Packaged Commodities Regulated

- (a) The following consumer commodities shall be labeled in accordance with this Regulations. Such consumer commodities may not be sold in retail stores subject to these Regulations unless the conditions of this Regulation has 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.

Section 8 **Severability**

If any provision of this Regulation or the application thereof to any person or circumstances is held invalid or unconstitutional, the invalidity or unconstitutionality shall not affect other provisions or applications of this Regulation which can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this Regulation are severable.

Section 9 **Effective Date**

This Regulation and the amendments thereto shall be effective as indicated below.

EFFECTIVE DATE:	September 12, 1972
REFILED:	December 19, 2001
AMENDED:	April 24, 2006