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Unit Pricing of Consumer Commodities

Sec. 21a-75-1. Definitions

(a) “Commissioner,” as used in these regulations, means the Commissioner of Consumer Protection.

(b) “Consumer Commodity” means any food, drug, device, cosmetic, or other article, product, or commodity of any other kind or class, except drugs sold by prescription only, which is customarily produced for sale to retail sales agencies or instrumentalities for consumption by individuals, or use by individuals for purposes of personal care or in the performance of services ordinarily rendered in or around the household, and which usually is consumed or expended in the course of such consumption or use.

(c) “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 unit of weight, measure or count, computed to the nearest whole cent or fraction thereof.

(d) “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.

(e) As used in these regulations, the terms food, drug, device and cosmetic are defined as in Section 21a-92 of the Connecticut General Statutes:

(i) “Food” means (1) articles used for food or drink for man or animals, and (2) chewing gum, and (3) articles used for components of any such article;

(ii) “Drug” 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; but shall not include devices or their components, parts or accessories;

(iii) “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 other animals, or (2) to affect the structure or any function of the body of man or other animals;

(iv) “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.

(Effective July 27, 1984)

Sec. 21a-75-2. Persons to whom regulations apply

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

(b) Owner-operated single retail stores are exempt from these regulations. An “owner-operated single retail store” shall meet the following requirements:

(i) The principle owner of the owner-operated single retail store must hold more than 50% of the ownership interest of the store and may not have any ownership

interest whatsoever in any other retail store in the State of Connecticut which sells consumer commodities covered under the unit pricing statute; and

(ii) At least one person who has an ownership interest in the store, or a member of his immediate family, must be employed at the premises of the store during all hours that the store is open to the public, or at least forty hours per week, whichever is less. For purposes of this section, “immediate family” means the owner’s parent, son, daughter, husband, wife, brother or sister.

(Effective July 28, 1992)

Sec. 21a-75-3. Exempt products

(a) Beverages subjected to or complying with packaging or labeling requirements imposed under the Federal Alcohol Administration Act.

(b) Products which are required to be marked individually with the cost per unit weight under the provisions of Section 42-115/ of the Connecticut General Statutes.

(c) Such consumer 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 consumer commodities sold in such units shall be exempt.

(d) Different products co-mingled in one receptacle or package for the purpose of a one-price sale.

(e) Products sold in one size limit only.

(f) Snack foods such as cakes, candies, or chips, sold in packages under five ounces in weight.

(Effective July 27, 1984; amended September 26, 1996)

Sec. 21a-75-4. Method of disclosure

(a) All retail establishments subject to these regulations shall disclose the price per measure to the consumer by the attachment of a tag or label of any of the following colors on the item itself, or on the shelf or at any other point of sale immediately below the item, or above the item, so as to be conspicuously visible to the consumer. The permissible colors for such tag or label are red, blue, green, orange, yellow, or brown. The color white may be used in conjunction with any of these other colors, but white lettering on clear plastic or cellophane wrappers may not be used. In the alternative, a retailer may disclose the price per measure to the consumer by means of an electronic device, referred to in subsection (f) of this section, which must be placed on the shelf or at any other point of sale immediately below the item, or above the item, so as to be conspicuously visible to the consumer. Such electronic device shall utilize blue color for the retail price and orange color for the unit price.

(b) The tag, label or electronic device shall contain the following three elements:

(i) The words “Unit Price” shall appear as a heading, with the unit price always appearing above, or to the left of, the then-selling price;

(ii) The price per measure expressed in terms of dollars or cents as applicable, carried to three digits. If the price is over \$1.00, it is to be expressed to the nearest full cents, provided that the said price is rounded off from .005 and over to the next higher cents; and if .004 or less cent, it be carried to three digits. Examples: “25.3 per pound; \$1.67 per quart”; and

(iii) The applicable unit of weight or measure or count.

(c) The following additional information may appear on the tag, label or electronic device at the option of the individual retailer:

(i) The description of the commodity being sold by item and size;

(ii) In items such as paper products, the applicable “ply” count or thickness may be included; and

(iii) Such logistical information which the retail establishment requires, such as order codes, number of rows, or shelf capacity.

(d) If the consumer commodity is not conspicuously visible to the consumer or where the display space used for a particular consumer commodity is inadequate to set forth separate price legends, as required by these regulations, a list of the prices per measure shall be conspicuously posted at or near the point of sale or the point of display; or the price per measure may be stamped or affixed to the item itself.

(e) The price per measure 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 size less than pica type. When a retail food establishment employs display material at the point of sale and the retail price appears thereon in sizes larger than pica type, the unit price information required by these regulations shall conspicuously appear thereon and shall appear in size no less than pica type or 1/4 the size numerals used for the retail price, whichever is greater.

(f) An electronic shelf labeling system which uses electronic devices to only display the unit price information required by subsections (b), (c), and (d) of this section may be utilized with the approval of the commissioner. In seeking the commissioner’s approval, a retailer must send in a written request for such approval, along with a description of the proposed electronic shelf labeling system. In deciding whether to approve the electronic shelf labeling system, the commissioner’s review shall include but not be limited to the overall appearance of the device and its capacity to transmit the unit pricing information to consumers. If a retailer utilizes an electronic shelf labeling system, such system must be constructed and affixed in such a manner so as to prevent alteration or movement of the electronic device or display information by consumers.

(Effective July 28, 1992; amended September 26, 1996)

Sec. 21a-75-5. Price per measure

(a) The price shall be designated as per pound or as per ounce, whichever offers the most meaningful basis of comparison for the consumer, on all commodities whose net quantity is customarily expressed in units of pounds or ounces or both, provided that the same unit of measure is used for the same commodity in all sizes sold in such retail establishment.

(b) The price shall be designated as per pint, quart or gallon or ounce or liter for commodities whose net quantity is expressed in units of pints, quarts, gallons or fluid ounces or ounces or liters, 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) The price shall be designated as per 50 feet or per 100 square feet, or per 100 feet as appropriate, for commodities and items whose net quantity is customarily expressed in units of feet, inches, square feet or square yards, or per product measurement or whose net quantities are expressed in units of area or length provided, that the same unit of measure is used for the same commodity in all sizes sold in such retail establishment.

(d) The price shall be designated as per 1 unit or 50 units or 100 units of commodities, whose net quantity is expressed by a numerical count provided, that the same unit of measure is used for the same commodity in all sizes sold in such retail establishment.

Required Units of Measure for Unit Price Designation

The following list of products indicates the corresponding unit of measure which is required to be used in the designation of the unit price of such products by all retail food establishments subject to the unit price regulations. As a general rule, all dry bulk products are unit priced by the pound; all products sold in aerosol cans are unit priced by the pound; and the majority of the liquid products are unit priced by pints, quarts or gallons. There are several products on this list which may be unit priced by different units of measure, provided that the same unit of measure is used for the same commodity in all sizes sold in a single retail food establishment. (Effective July 27, 1984; amended September 26, 1996, February 2, 2007)

Sec. 21a-75-6. Products regulated

(a) **Group 1:**

<u>Product</u>	<u>Unit Measure</u>
Detergents:	
liquid	pint or quart or ounce or gallon
dry	pound or ounce
Household cleansers, waxes, polishes and deodorizers:	
liquid	pint or quart or gallon or ounce
dry	pound or ounce
aerosols	pound or ounce
Cereals	pound or ounce
Instant breakfast foods	pound or ounce
Butter	pound or ounce
Oleomargarine	pound or ounce
Coffee, instant and ground	pound or ounce
Cocoa, chocolate syrups	pint or quart or ounce or gallon if sold by volume pound or ounce if sold by weight
Tea:	
bags	per 50 or 100 units or per 1 count
bulk	pound or ounce
instant	pound or ounce
Jellies and jams	pound or ounce
Peanut butter	pound or ounce
Mayonnaise	pint or quart or ounce or gallon
Paper products including nap- kins, paper towels and tissues	per 50 or 100 units or per 1 count or per 1 or 50 or 100 square feet/foot per 1 count
Aluminum wraps, plastic wraps and waxed paper	per 1 or 50 or 100 square feet/foot
Paper and plastic bags, plates and cups	per 1 or 50 or 100 units or per 1 count
Baby foods:	
solids	pound or ounce
juices	pint or quart or ounce or gallon

(b) **Group 2:**

Fruits and vegetables:	
canned	pound or ounce
jarred	pound or ounce
boxed	pound or ounce
Juices	pint or quart or ounce or gallon
Shortenings	pound or ounce
Flours	pound or ounce
Cooking oils	pint or quart or ounce or gallon
Canned fish and canned meats	pound or ounce
Spaghetti, macaroni, noodles and pasta products	pound or ounce
Soups, canned and dried	pound or ounce

(c) **Group 3:**

Frozen fruits and vegetables	pound or ounce
Frozen juice	pint or quart or ounce or gallon if sold by volume
	pound or ounce if sold by weight
Pet foods	pound or ounce
Prepared baking mixes including cakes, pancakes and biscuits	pound or ounce
Ketchup and mustard	pint or quart or gallon if sold by volume
	pound or ounce if sold by weight
Tomato, spaghetti and meat sauces	pint or quart or ounce or gallon or pound if sold by volume
	pound or ounce if sold by weight
Pickles and relishes	pint or quart or ounce or gallon or pound if sold by volume
	pound or ounce if sold by weight
Snack foods, including potato chips and pretzels	pound or ounce
Bread and pastry products	pound or ounce
Bottled beverages	
carbonated and non-car- bonated	Pint or quart or ounce or gallon or liter
Flavored syrups and powdered drink mixes	pint or quart or gallon or ounce or liter if sold by volume
	pound or ounce if sold by weight
Cookies and crackers	pound or ounce
Salad dressings:	
liquid	pint or quart or ounce or gallon
dry mixes	pound or ounce
Toothpaste	pound or ounce
Shaving creams	pound or ounce
Deodorants	pound or ounce
Shampoos	pint or quart or ounce or gallon
Cold cuts	pound or ounce
Fish products and meat	pound or ounce

(Effective July 28, 1992; amended September 26, 1996, February 2, 2007)

Sec. 21a-75-7. Extension of time for compliance

Any retail establishment which is unable to comply with these regulations may make written application to the Commissioner for permission to extend such time for compliance for a period not to exceed thirty days. Such retail establishment shall set forth, in as much detail as possible, the reasons for its inability to comply. The Commissioner may extend such period from time to time, upon such terms and conditions as may be deemed reasonable.

(Effective July 27, 1984)

Sec. 21a-75-8. Responsibility for compliance

In the event of a violation of these regulations, the owner, the manager, or the person in charge of such retail establishment, and the person employing such manager or person in charge, where applicable, shall be deemed to be responsible for compliance by such retail establishment with the requirements of these regulations.

(Effective July 27, 1984)