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## Universal Product Coding/Marking of Retail Price

### Sec. 21a-79-1. Definitions

For purposes of Sections 21a-79-1 to 21a-79-7, inclusive, of these regulations, the following terms shall have the meanings indicated:

(a) "Retail Price" is the price marked on the consumer commodity at which said consumer commodity is to be sold to the customer;

(b) "Retailer" means any person, firm, partnership, association or corporation which utilizes universal product coding in totaling a retail customer's purchase; and

(c) "Exempted Consumer Commodity" means a consumer commodity which has been exempted from the requirement that each item of such consumer commodity be marked with its retail price.

(Effective October 25, 1993)

### Sec. 21a-79-2. Unmarked consumer commodities

Any consumer commodity not properly marked with the retail price or for which the retailer has not been granted an item price exemption in accordance with section 21a-79 (b) (4) of the Connecticut General Statutes, shall be removed from sale until properly marked.

(Effective May 23, 1988; amended October 1, 2007)

### Sec. 21a-79-3. Improperly marked or scanned consumer commodities

(a) If the retail price posted or marked on the consumer commodity is higher than that displayed by the scanner, the lower price will prevail.

(b) If the retail price posted or marked on the consumer commodity is lower than that displayed by the scanner, then one item of such consumer commodity, up to a value of twenty dollars, shall be given to the consumer at no cost.

(Effective May 23, 1988; amended October 1, 2007)

### Sec. 21a-79-4. Test scanning

(a) Any person, firm, association or corporation which utilizes universal product coding in totaling a retail customer's purchases shall make available to the customer a scanner, capable of reading a universal product code bar, so as to allow the consumer an opportunity to personally identify the price of any item offered for sale. The specific scanner must be clearly identified as available for consumer use and may be one of several such devices utilized by consumers to actually purchase items from the retailer. The use of the consumer designated scanner may be limited during times of maximum register use, and the scanner designated for consumer use shall be the last scanner placed into service to register sales of items when a retailer determines that all scanning check-out registers must be in use.

(b) If an item price exemption has been granted to a retailer in accordance with section 21a-79 (b) (4) of the Connecticut General Statutes, the retailer shall also make available a consumer price test scanner, approved by the commissioner and located prominently in an easily accessible location for each twelve thousand square feet of retail floor space, or fraction thereof.

(Effective May 23, 1988; amended October 1, 2007)

## Universal Product Coding/Exemptions from Marking of Retail Price

### Sec. 21a-79-5. Exempted consumer commodities

The following consumer commodities need not be marked with their retail prices:

- (1) canned cat food;
- (2) milk;

- (3) powdered gelatin and pudding dessert mixes;
- (4) canned tuna fish;
- (5) fresh shell eggs;
- (6) ice cream in one-half gallon, quart, and pint sizes;
- (7) frozen concentrated juices and fruit drinks;
- (8) toilet tissue packaged in single rolls;
- (9) baby food packed in glass jars;
- (10) individually packed candy and chewing gum offered for sale at cash register/checkout locations;
- (11) salad dressings, in either bottles or packets; and
- (12) refrigerated yogurt in half pint sizes (8 ounces) or less, sold individually or in packs.

(Effective October 25, 1993; amended November 3, 2003)

### **Sec. 21a-79-6. Signs required to inform consumers of exemption and retail price**

(a) Exempted consumer commodities shall have a three-inch by five-inch sign conspicuously placed adjacent to the display of such consumer commodity, with a frequency of one sign for every six linear feet of display, or fractional part thereof. Such sign shall: (1) contain a statement that the consumer commodity has been exempted from the requirement that each such consumer commodity be individually marked with its retail price, and that, in the event that an exempted consumer commodity registers at the cash register or checkout terminal at a retail price which is higher than the retail price as stated, one item of such exempted consumer commodity up to a value of twenty dollars, shall be given to the consumer at no cost; and (2) not contain any additional text, including but not limited to store or promotional slogans, names, or advertising.

(b) Each exempted consumer commodity shall have its current retail price disclosed on a tag or label directly adjacent to the consumer commodity, on the shelf on which the commodity is displayed. For purposes of this subsection, the tag or label provided pursuant to Section 21a-74 (b) (1) of the Connecticut General Statutes shall be deemed to satisfy the requirements of this subsection.

(Effective October 25, 1993; amended October 1, 2007)

### **Sec. 21a-79-7. Electronic pricing error. One item at no cost. Signage**

(a) In the event that any consumer commodity electronically scans at the cash register or checkout terminal at a retail price which is higher than the posted retail price, one item of such consumer commodity, up to a value of twenty dollars, shall be given to the consumer at no cost.

(b) The consumer shall be informed of the retailer's obligation to provide one item free up to a value of twenty dollars, by means of the conspicuous sign referred to in section 21a-79-6 (a) of the Regulations of Connecticut State Agencies or section 21a-79 of the Connecticut General Statutes, and a second conspicuous sign attached to each cash register or checkout terminal in a retailer's establishment. The sign attached to the cash register or checkout terminal shall be at least six inches by eight inches in size, easily readable by a consumer making a purchase at such cash register or checkout terminal, and shall not contain any additional text including but not limited to store or promotional slogans, names, or advertising, other than that required by section 21a-79 (b) 6 of the Connecticut General Statutes. As an alternative to such cash register or checkout terminal signs, the retailer may display a conspicuous sign, with minimum dimensions of 22 inches by 28 inches, at each public entrance within the store, which sign shall not contain any store or promotional

slogans, names, or advertising and which shall read, in clear and conspicuous type, as follows:

“In the event that a consumer commodity scans at a higher price, you will be given one item of that consumer commodity free of charge up to a value of \$20.00. Credit will be given for items of higher value.”

(Effective October 25, 1993; amended October 1, 2007)