

230-RICR-30-25-1

TITLE 230 - DEPARTMENT OF BUSINESS REGULATION

CHAPTER 30 - COMMERCIAL LICENSING

SUBCHAPTER 25 - UNIT PRICING

PART 1 - Unit Pricing

1.1 Authority

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

1.2 Purpose

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

1.3 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:
 - 1. 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
 - 2. Usually are consumed or expended in the course of such consumption or use.
- B. "Director" means the Director of the Department of Business Regulation, or his/her/its 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" means 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.

1.4 Exemptions

- A. Retail sellers need not comply with the provisions of this Part as to the following packaged consumer commodities:
 - 1. Medicine sold by prescription only;
 - 2. Beverages subject to or complying with packaging or labeling requirements imposed under the Federal Alcohol Administration Act;
 - 3. 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
 - 4. 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.

1.5 Means of Disclosure

- A. All retail establishments subject to this Part shall disclose to consumers the price per measure of consumer commodities in the following manner:
 - 1. 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:

- a. The words "Unit Price" as a heading.
 - b. 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."
 - c. 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.
 - d. For items such as paper products, which are manufactured in numbers of folds which number is shown in addition to other information as may be required hereunder, the applicable "ply" count or thicknesses, customarily designated as "ply" by such consumer commodities.
 - e. The retail establishment shall not be required to comply with the provisions of § 1.5(A)(1) of this Part as to color and § 1.5(A)(3) of this Part 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.
2. 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 § 1.5(A)(1) and (3) of this Part are met.
3. The size of the print of the legend required under the provisions of § 1.5(A)(1) and (2) of this Part 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 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.

4. 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.
5. 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.

1.6 Price Per Measure

- A. The price per measure required to be disclosed under this Part shall be:
 1. Price per pound for consumer commodities whose net quantity is customarily expressed in units of pounds or ounces or both.
 2. 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.
 3. 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.

4. 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 § 1.5(A)(1), (2) or (3) of this Part, or by count, provided further, that the same unit of measure is used for the same commodity in all sizes in such retail establishment.
5. 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.

1.7 Packaged Commodities Regulated

- A. The following consumer commodities shall be labeled in accordance with this Part. Such consumer commodities may not be sold in retail stores subject to this Part unless the conditions of this Part have been met.
 1. Aluminum, plastic wraps, foils, and waxed paper
 2. Baby foods
 3. Baking mixes and supplies
 4. Bottled beverages - carbonated and non-carbonated
 5. Bread and pastry products
 6. Butter
 7. Canned fish and meats
 8. Cereals
 9. Cocoa
 10. Coffee, instant and ground
 11. Cookies and crackers

12. Cooking oils
13. Deodorants
14. Detergents
15. Fruits, vegetables, and juices - canned, jarred, boxed
16. Flavored syrups
17. Flour
18. Frozen fruits, vegetables, and juices
19. Grains
20. Honey
21. Household cleansers, waxes, deodorizers
22. Instant breakfast foods
23. Jellies, jams and sandwich spreads
24. Ketchup and mustard
25. Oleomargarine
26. Pet foods
27. Powdered drink mixes
28. Salad Dressings
29. Sanitary paper products, such as napkins, paper towels, tissues, etc.
30. Sauces
31. Shampoos
32. Shaving Cream
33. Shortenings

- 34. Snack foods, such as potato chips, pretzels, etc., but only when sold in packages of five ounces (5 oz.) or more in weight.
- 35. Soups - canned and dry mixes
- 36. Spaghetti, noodles and pasta products
- 37. Tea
- 38. Toothpaste

1.8 Severability

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

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**TITLE 230 - DEPARTMENT OF BUSINESS REGULATION
(INCLUDES THE OFFICE OF THE HEALTH INSURANCE
COMMISSIONER)**

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