

# PRICING

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**NEW YORK CITY ADMINISTRATIVE CODE  
TITLE 20: CONSUMER AFFAIRS  
CHAPTER 5: UNFAIR TRADE PRACTICES  
SUBCHAPTER 2: TRUTH-IN-PRICING LAW**

**§ 20-707. Definitions.**

- (a) “Consumer commodity” shall be defined as any article, good, merchandise, product or commodity of any kind or class produced, distributed or offered for retail sale for consumption by individuals, or for personal, household or family purposes. For the purposes of this subchapter, drugs, medicines, and cosmetics shall not be considered consumer commodities.
- (b) “Price per measure” shall be defined as the retail price of a consumer commodity expressed in terms of the retail price of such commodity per such unit of weight, standard measure or standard number of units as the commissioner shall designate by regulation.

**§ 20-708. Display of Total Selling Price by Tag or Sign.**

All consumer commodities, sold, exposed for sale or offered for sale at retail except those items subject to [Section 20-708.1](#) of this code, shall have conspicuously displayed, at the point of exposure or offering for sale, the total selling price exclusive of tax by means of (a) a stamp, tag or label attached to the item or (b) by a sign at the point of display which indicates the item to which the price refers, provided that this information is plainly visible at the point of display for sale of the items so indicated. This section shall not apply to consumer commodities displayed in the window of the seller.

**§ 20-708.1. Item Pricing.**

- a. Definitions. The following terms shall have the following meanings for the purpose of this section:
  - 1. “Stock keeping unit”, known in the industry as “SKU”, shall mean each group of items offered for sale of the same brand name, quantity of contents, retail price, and variety within the following categories:
    - (a) Food, including all material, solid, liquid or mixed, whether simple or compound, used or intended for consumption by human beings or domestic animals normally kept as household pets and all substances or ingredients to be added thereto for any purpose;
    - (b) Napkins, facial tissues, toilet tissues, paper towels and any disposable wrapping or container for the storage, handling, serving, or disposal of food;
    - (c) Detergents, soaps and other cleansing agents; and
    - (d) Non-prescription drugs, feminine hygiene products, and health and beauty aids.

2. "Stock keeping item" shall mean each individual item of a stock keeping unit offered for sale. This shall include two or more pieces packaged for sale together.
  3. "Retail store" shall mean a store engaged in selling stock keeping units at retail. A store which is not open to the general public but is reserved for use by its members shall come within the provisions of this definition unless the members must pay a direct fee to the store to qualify for membership and the store is not required to collect sales tax on transactions with members. A retail store shall not include any store which:
    - (a) Has as its only full-time employee the owner thereof, or the parent, spouse, domestic partner or child of the owner, and in addition thereto not more than two full-time employees; or
    - (b) Had annual gross sales of stock keeping items in the previous calendar year of less than two million dollars, unless the retail store is part of a network of subsidiaries, affiliates or other member stores, under direct or indirect common control, which, as a group, had annual gross sales of stock keeping items in the previous calendar year of two million dollars or more; or
    - (c) Engages primarily in the sale of food for consumption on the premises or in a specialty trade which the commissioner determines, by rule, would be inappropriate for item pricing.
  4. "Item price" shall mean the tag, stamp, or mark affixed to a stock keeping item which sets forth, in Arabic numerals, the retail price thereof.
  5. "Advertised price" shall mean the price of a stock keeping unit which a retail store has caused to be disseminated by means of promotional methods such as an in-store sign, or newspaper, circular, television or radio advertising.
  6. "Shelf price" shall mean the tag or sign placed at each point of display of a stock keeping unit, which clearly sets forth the retail price of the stock keeping items within that stock keeping unit.
  7. "Computer-assisted checkout system" shall mean any electronic device, computer system, or machine which indicates the selling price of a stock keeping item by interpreting its universal product code, or an in-house product code, or by use of its price look-up function.
  8. "Price look-up function" shall mean the capability of any checkout system to determine the retail price of a stock keeping item by way of the manual entry into the system of a code number assigned to that particular stock keeping unit by the retail store or by way of the checkout operator's consultation of a file maintained at the point of sale.
  9. "Inspector" shall mean the commissioner or his or her designee.
- b. Item pricing required. Except as provided in subdivision c of this section, every person, firm, partnership, corporation or association which sells, offers for sale or exposes for sale in a retail store, a stock keeping unit, shall disclose to the consumer the item price of each stock keeping item, by causing the item price to be conspicuously, clearly and plainly marked, stamped, tagged or affixed thereto.
- c. Certain items exempted. The following stock keeping items need not be item priced as provided in subdivision b of this section provided that a shelf price and a price look-up function are maintained for such stock keeping items:
1. Milk.
  2. Stock keeping items, which are under three cubic inches in size, and weigh less than three ounces, and are priced under one dollar.
  3. Eggs.
  4. Fresh produce not packaged for final retail sale.
  5. Products sold through a vending machine.

6. Food sold for consumption on the premises.
  7. Snack foods such as cakes, gum, candies, chips and nuts offered for sale in single packages and weighing five ounces or less.
  8. Cigarettes, cigars, tobacco, and tobacco products.
  9. Food offered for sale in bulk.
  10. Frozen juice.
  11. Ice cream.
  12. Frozen foods packaged for final retail sale in plastic bags.
  13. Stock keeping items on sale for one week or less, where such stock keeping items are not otherwise item priced, are located in a segregated display at the end of an aisle, and the sale period, the name of the product and the advertised price are clearly and conspicuously posted on a sign at the point of display. Failure to display this information shall be deemed a deceptive practice under Section 20-701\* of this code.
  14. Baby food packaged in jars.
- d. Scanner accuracy. In a retail store with a laser scanning or other computer-assisted checkout system, an inspector shall be permitted to compare the disclosed retail price of any one stock keeping item within any stock keeping unit sold in the retail store, whether or not exempt under subdivision c of this section, not to exceed five hundred stock keeping items at any one inspection, with the programmed computer price. The retail store shall provide such access to the computer as is necessary for the inspector to make the determination. The inspector shall also make note of undercharges on the inspection report. In the event that the programmed computer price exceeds the lowest price, a retail store is permitted to charge for a stock-keeping item under subdivision e of this section, this shall be deemed a deceptive practice under section 20-701\* of this code.
- e. Price accuracy. No retail store shall charge a retail price for any stock keeping item, whether or not exempt under subdivision c of this section, which exceeds the lower of any item, shelf, sale, or advertised price of such stock keeping item.
- f. Enforcement, penalties.
1. Upon the request of an inspector, the retail store representatives shall afford the inspector access to the test mode of the checkout system in use at that retail store or to a comparable function of such system and to the retail price information contained in a price look-up function. No more than one inspection shall be conducted in any twenty-four hour period.
  2. In addition to the enforcement powers prescribed in Sections 20-703\* and 20-704\* of this code, the commissioner may, upon due notice, hold hearings to determine whether violations of the provisions of this section have occurred. Such notice shall contain a concise statement of the facts constituting the alleged violation and shall set forth the date, time and place of the hearing. Upon a finding of a violation of the provisions of this section, the commissioner shall be authorized to impose a civil penalty as follows:
    - (a) upon a first inspection, up to twenty-five dollars for the first twenty violations and up to fifty dollars for the twenty-first and successive violations, total violations not to exceed two thousand dollars.
    - (b) upon a second or subsequent inspection within a two-week period, up to fifty dollars for the first twenty continued violations, and up to one hundred dollars for the twenty-first and successive continued violations, total violations issued not to exceed eight thousand dollars.

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\* See Consumer Protection Law – General Provisions Guide.

3. Each failure to comply with subdivision b of this section with respect to any one stock keeping unit shall constitute a separate violation, provided, however, that no violation shall be found where less than five stock keeping items of a particular stock keeping unit lack clearly readable item prices. Following an initial inspection, each inspection that finds a continuing violation with respect to a particular stock keeping unit cited within the previous fourteen days shall constitute a separate continued violation.
- g. Rules. The commissioner may promulgate such rules as he or she may deem necessary or appropriate to effectuate the purposes of this section.

#### **§ 20-709. Display of Price per Measure.**

All consumer commodities designated by the commissioner in accordance with subdivision (a) of [Section 20-710](#) hereof exposed for sale or offered for sale shall be plainly marked by a stamp, tag, label or sign at the point of display with the appropriate price per measure; provided however, that the provisions of this section shall not apply to any food store having had annual gross sales in the previous tax year of less than two hundred fifty thousand dollars, (\$250,000) unless it is a part of a network of subsidiaries, affiliates, or other member stores, under direct or indirect common control, which, as a group, had annual gross sales in the previous tax year of two hundred fifty thousand dollars (\$250,000) or more.

#### **§ 20-710. Regulations.**

- (a) The commissioner after public hearings shall promulgate regulations designating those consumer commodities which shall come within the scope of [Section 20-709](#) of this subchapter whenever the commissioner shall find that, because of the nature, form, mode of packaging or other reason, such price display for that commodity shall be necessary and appropriate to provide adequate information to the consumer.
- (b) The commissioner shall promulgate regulations exempting any class or classes of retail establishments from the requirements of [Section 20-709](#) hereof or modifying its application with respect to any class or classes of retail establishments to the extent that and under such conditions as are consistent with the policy of this subchapter whenever the commissioner shall find that, because of the nature of such class or classes of retail establishments, compliance with [Section 20-709](#) hereof is unreasonably burdensome or unnecessary for adequate protection of consumers.
- (c) The commissioner shall promulgate such other regulations as shall be necessary in his or her discretion to effectuate the purposes of this subchapter, including but not limited to, requirements as to the manner of display of unit price information.

#### **§ 20-711. Penalties.**

Any person who shall violate the provisions of [Section 20-708](#) or [Section 20-709](#) hereof or rules promulgated pursuant to this subchapter, other than the provisions of [Section 20-708.1](#) or rules promulgated under such section, shall pay a civil penalty of not less than twenty-five dollars nor more than two hundred fifty dollars for each violation and shall, upon conviction thereof, be punished by a fine of not less than twenty-five dollars nor more than two hundred fifty dollars for each violation. For the purposes of this section, each group of identical consumer commodities for which on any single day the total selling price or price per measure is not displayed in accordance with [Section 20-708](#) or [Section 20-709](#) or rules promulgated pursuant to this subchapter, other than the provisions of [Section 20-708.1](#) or rules promulgated under such section, shall be considered a single violation.

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**NEW YORK CITY ADMINISTRATIVE CODE  
TITLE 20: CONSUMER AFFAIRS  
CHAPTER 5: UNFAIR TRADE PRACTICES  
SUBCHAPTER 11: POSTING OF PRICES IN RETAIL SERVICE ESTABLISHMENTS**

**§ 20-749. Definitions.**

- (a) “Current selling price” means the regular price of a listed service, so that, in the absence of any special offer, the service would be given upon payment of the listed price.
- (b) “Service” means a basic service performed by a retail service establishment. It also means any special service not commonly offered by such an establishment which the establishment offers to distinguish itself from its competitors.
- (c) “Retail service establishment” shall mean any establishment which provides services to consumers at retail, and shall include but not be limited to the following: tailors, dry cleaners, laundries, barbers and hair salons, nail salons, shoe and luggage repair shops, locksmiths, electrical or electronic appliance or equipment repair shops, reupholstery or furniture repair shops, tax preparers and photographic film development providers.

**§ 20-750. Display of Service Prices.**

- (a) Every retail service establishment must post, at each counter or desk at which orders are placed and/or payment is made, a list conspicuously displaying the current selling price of the basic services provided. The list shall also disclose factors which may cause the price to be higher than the basic price, and the range of the possible additional charges when such variables pertain.
- (b) In the event of a special sale or promotion, the regular price list shall remain conspicuously visible.
- (c) Notwithstanding any other law, rule or regulation, and in addition to any other penalties provided in this code or elsewhere, the disclosure of differing prices or fees based upon gender by a retail service establishment shall constitute a violation of this subchapter.

**§ 20-751. Disclosure of Base Prices.**

- (a) Where the price of the service is calculated on a base fee plus labor and parts as determined by time and cost of materials, the base fee and the cost of labor per common unit of time shall be listed, and the list shall state that the cost of parts will be additional. The list shall also state that warranty information is available on request.
- (b) Where the cost of service includes the cost of parts, the service establishment shall provide a list of parts actually provided and the cost of each.

**§ 20-752. Regulations.**

- (a) The commissioner shall promulgate such regulations as shall be necessary to effectuate the purposes of this subchapter, including, but not limited to requirements as to the manner of display of service prices.
- (b) The commissioner may, by regulation, permit a printed list to be substituted for a posted list, in such classes of service establishments in which the commissioner determines that it would be impracticable to post because the list is subject to frequent changes, provided that the printed list is given to each customer upon entering the service establishment.

**§ 20-753. Penalties.**

Any person who shall violate the provisions of this subchapter or the regulations promulgated pursuant to this subchapter shall, upon conviction thereof, pay a civil penalty of not less than fifty dollars and not more than two hundred and fifty dollars for the first offense and for each succeeding offense a penalty of not less than one hundred dollars nor more than five hundred dollars for each such violation. For the purpose of this section, if on any single day, the current selling price list is not displayed in accordance with this subchapter or the regulations promulgated pursuant to this subchapter, it shall be considered a single violation.

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**RULES OF THE CITY OF NEW YORK**  
**TITLE 6: DEPARTMENT OF CONSUMER AFFAIRS**  
**CHAPTER 5: UNFAIR TRADE PRACTICES**  
**SUBCHAPTER A: CONSUMER PROTECTION LAW**  
**PART 4: CONTRACTS AND GENERAL BUSINESS PRACTICES**

**§ 5-01. Definitions.**

**Consumer.** “Consumer” means an individual who buys or leases consumer goods or services, and that individual's co-obligor or surety.

**Consumer goods and services.** “Consumer goods and services” means goods or services (including credit) that are primarily for personal, household, or family purposes.

**Item.** “Item” means goods and services.

**Legal name.** “Legal name” means:

- (1) the true corporate name of a corporation; or
- (2) the name of at least one partner of a partnership; or
- (3) the name of at least one owner of a business that is not a corporation or a partnership.

**Seller.** “Seller” means any individual or business that offers to sell or lease consumer goods or services. “Seller” includes manufacturers, wholesalers, and others who are responsible for any act or practice regulated by this code.

**§ 5-35. Pricing of Items with Manufacturer's Suggested Prices.**

(a) *Definition.*

**Manufacturer's suggested retail price.** “Manufacturer's suggested retail price” means the list price, catalog price or any other retail price recommended by the manufacturer.

(b) A seller who sells or offers to sell any new item for more than the manufacturer's suggested retail price must:

- (1) disclose the selling price;
- (2) disclose the manufacturer's suggested retail price; and
- (3) identify the manufacturer's suggested retail price as the price recommended by the manufacturer.

(c) The required information must be printed clearly and conspicuously on the item's price tag or label, and in any advertisement that states the item's selling price.



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**CHAPTER 5: UNFAIR TRADE PRACTICES**  
**SUBCHAPTER A: CONSUMER PROTECTION LAW**  
**PART 5: SPECIFIC BUSINESS AND INDUSTRY REGULATIONS**  
**SECTION 5-70: RETAIL SERVICE ESTABLISHMENTS**

**§ 5-01. Definitions.**

**Consumer.** “Consumer” means an individual who buys or leases consumer goods or services, and that individual's co-obligor or surety.

**Consumer goods and services.** “Consumer goods and services” means goods or services (including credit) that are primarily for personal, household, or family purposes.

**Item.** “Item” means goods and services.

**Legal name.** “Legal name” means:

- (1) the true corporate name of a corporation; or
- (2) the name of at least one partner of a partnership; or
- (3) the name of at least one owner of a business that is not a corporation or a partnership.

**Seller.** “Seller” means any individual or business that offers to sell or lease consumer goods or services. “Seller” includes manufacturers, wholesalers, and others who are responsible for any act or practice regulated by this code.

**§ 5-70. Retail Service Establishments.**

- (a) A retail service establishment shall display a price list conspicuously in a place readily visible to customers at the point at which orders are placed and/or payment is made. The price list shall include the following information:
  - (1) a list of the types of services performed;
  - (2) the minimum price charged for each service;
  - (3) a description of the conditions or variations of service that alter the minimum price charged;
  - (4) the range of additional charges caused by such variations;
  - (5) if the price is directly derived from an hourly labor rate then the labor rate must appear in a ratio of dollars per hour.
- (b) Information required by this rule or by §§ 20-749 through 20-753 of the Administrative Code must be prominently placed and conspicuously written in comparison with all other words, statements, or designs displayed by the retail service establishment, and stated in such terms as to render the information likely to be read and understood by the ordinary individual under customary conditions of purchase.

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## **RULES OF THE CITY OF NEW YORK**

### **TITLE 6: DEPARTMENT OF CONSUMER AFFAIRS**

#### **CHAPTER 5: UNFAIR TRADE PRACTICES**

#### **SUBCHAPTER B: TRUTH-IN-PRICING LAW**

#### **§ 5-111. Definitions.**

As used in the following §§ 5-111-5-114:

**Retail entity.** “Retail entity” shall mean any person, partnership, corporation or other organization engaged in the sale, display or offering for sale of consumer commodities at retail from one or more retail establishments. For the purposes of these regulations, retail establishments owned or controlled by different persons, partnerships, corporations or other organizations, but associated together for the purpose of sharing a trade name or advertising expenses or for joint or cooperative purchase of merchandise or services, shall not constitute a single retail entity.

**Retail establishment.** “Retail establishment” shall mean a single geographical location in which consumer commodities are sold, displayed, or offered for sale at retail.

**Self-service.** “Self-service” shall mean the offering or display of consumer commodities for retail sale in such a manner that the consumer may examine and select commodities for purchase without the assistance of sales personnel.

#### **§ 5-112. Exemptions.**

- (a) § 20-709 of the Administrative Code, “Display of Price per Measure,” shall apply only to consumer commodities sold, displayed, or offered for sale by self-service.
- (b) § 20-709 of the Administrative Code, “Display of Price per Measure,” shall not apply to any consumer commodity packaged without a declaration of volume, weight, quantity or other appropriate size declaration.
- (c) § 20-709 of the Administrative Code, “Display of Price per Measure,” shall not apply to any consumer commodity sold in one, two, five, or ten units of the applicable standard measure designated in § 5-113(b) below.
- (d) § 20-709 of the Administrative Code, “Display of Price per Measure,” shall not apply to any consumer commodity whose method of sale is governed by § 191, § 193, or § 193-d of the New York Agriculture and Markets Law.
- (e) § 20-709 of the Administrative Code, “Display of Price per Measure,” shall not apply to any retail establishment in which the total dollar volume sales of consumer commodities constitutes 20 percent or less of the total dollar volume of sales from such retail establishment.
- (f) § 20-709 of the Administrative Code, “Display of Price per Measure,” shall not apply to any retail entity whose gross receipts from retail sales of merchandise of any sort for the preceding tax year of such retail entity were less than two million dollars.

**§ 5-113. Calculation and Display of Price per Measure.**

- (a) Price or measure shall be expressed in terms of dollars or cents, as applicable, carried to three digits. If the price is \$1.00 or over, it is to be stated to the nearest full cent, provided that said price is rounded off from one-half cent or over to the next higher cent; and, if less than one-half cent, reduced to the next lower cent.

*Example:* “\$1.35 per pound.” If the price is less than \$1.00, it should be stated to the nearest tenth of a cent.

*Example:* “24.8¢ per pound.”

- (b) Price per measure shall be expressed as follows:
- (1) price per pound for commodities whose net quantity is stated in units of pounds or ounces or both;
  - (2) price per 100 units for commodities whose net quantity is stated by numerical count;
  - (3) price per pint or quart for commodities whose net quantity is stated in fluid ounces, pints, quarts or gallons or a combination thereof; provided that the same unit of measure is used for the same commodity in all sizes sold in the retail establishment;
  - (4) price per 50 feet or per 50 square feet, as appropriate, for commodities whose net quantity is stated in units of inches, feet, yards, square inches, square feet or square yards, or whose net quantities are stated in units of length or area and the “ply” count, if any.
- (c) All price information required by §§ 20-708 and 20-709 of the Administrative Code shall be clear and conspicuous and shall be on a stamp, tag, label or sign directly above, below, adjacent to, or on the consumer commodity to which it relates. Such stamp, tag, label or sign shall:
- (1) state the total selling price;
  - (2) state the price per measure;
  - (3) identify sufficiently the consumer commodity to which the price information relates, if not affixed to the consumer commodity;
  - (4) indicate the total selling price on the right side of a horizontal label or on the upper part of a vertical label;
  - (5) indicate the price per measure on the left side of a horizontal label or on the lower part of a vertical label;
  - (6) contain the words “Unit Price” above or below the price per measure;
  - (7) indicate the price per measure and unit of measure on an orange background, except that packages which are pre-priced by the manufacturer shall not be required to use an orange background on a label affixed to the consumer commodity;
  - (8) indicate price per measure in type no smaller than that used for the total selling price, but in no event smaller than pica type;
  - (9) be submitted to the commissioner for approval prior to its use in any retail establishment.
- (d) Every retail establishment required to post price per measure by the regulations governing Truth-in-Pricing, in those cases where shelf labels are used, shall conspicuously post a sign for every two thousand square feet of sales area, but in no event less than two signs nor more than five signs in any retail establishment, which explains the use of price per measure information to the consumer. The price per measure, as used in examples on these signs, shall appear on an orange background in type no smaller than that used for the selling price.
- (e) Upon written application to the commissioner, and upon a showing of exceptional circumstances, a retail establishment or retail entity may be granted an extension in writing, not

to extend beyond December 31, 1972, in which to comply, in whole or in part, with the requirements of section c above.

**§ 5-114. Consumer Commodities Regulated.**

The following commodities shall be labeled in accordance with the provisions of § 20-709 of the [Administrative Code](#), “Display of Price per Measure,” and of the regulations governing Truth-in-Pricing.

- (a) Canned and bottled vegetables, which do not require refrigerated storage.
- (b) Canned and bottled fruits, which do not require refrigerated storage.
- (c) Canned and bottled real and imitation vegetable and fruit juices, which do not require refrigerated storage.
- (d) Canned and bottled tomatoes, tomato sauce, tomato paste, tomato puree and other related tomato products, which do not require refrigerated storage.
- (e) Canned and bottled baby foods, which do not require refrigerated storage.
- (f) Cooking and salad oils.
- (g) Canned and bottled salmon, tuna and sardines which do not require refrigerated storage.
- (h) Jams, jellies and preserves.
- (i) Peanut butter.
- (j) Carbonated beverages.
- (k) Coffee, instant and regular.
- (l) Dog and cat foods.
- (m) Breakfast cereals (does not include corn meal, rice, maize).
- (n) Cake, piecrust and other pastry mixes.
- (o) Macaroni, spaghetti and other dry pasta products (does not include pre-prepared or pre-flavored convenience pasta foods).
- (p) Paper towels, napkins, facial tissues, plates, cups and toilet paper.
- (q) Dishwashing and laundry soaps and detergents.
- (r) Scouting powders.

The above regulations shall be known as Truth-in-Pricing Regulations § 5-111 to § 5-114.