

TITLE 4 DEPARTMENT OF AGRICULTURE

SUBTITLE 7 DIVISION OF MEASUREMENT STANDARDS

CHAPTER 91

UNIT PRICING OF CONSUMER COMMODITIES

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Historical note: This chapter is based substantially upon Section 9.700 of Rule 9.000/486-71, entitled "Unit Pricing of Consumer Commodities," of the Division of Measurement Standards. [Eff. 2/11/74; R 12/26/81]

§4-91-1 Severability. If any provision of this chapter is held invalid, the invalidity shall not affect the remainder of this chapter and, to this end, the provisions of this chapter are severable. [Eff. 12/26/81] (Auth: HRS §486-9) (Imp: HRS §486-9)

§4-91-2 Violation. Any person omitting the required acts or committing the proscribed acts, or who supplies or offers for sale a commodity which is not in full compliance with the requirements of this chapter, shall be in violation of this chapter and subject to the provisions of chapter 486, Hawaii Revised Statutes. [Eff. 12/26/81] (Auth: HRS §486-9) (Imp: HRS §§486-9, 486-16, 486-30)

§4-91-3 Applicability. This chapter applies to the unit pricing of consumer commodities offered for retail sale:

- (1) As mandated by section 486-21, Hawaii Revised Statutes;

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- (2) To packages of which the net measure is standardized by industry practice or rule of the director;
- (3) To packages of which the unit price is voluntarily displayed by the retailer; and
- (4) To the unit of measure to be employed in each program.

[Eff. 12/26/81] (Auth: HRS §486-9) (Imp: HRS §§486-9, 486-20, 486-21)

§4-91-4 Method of unit pricing. The commodities listed herein shall bear the price per single unit of measure as prescribed:

	<u>Commodity</u>	<u>Program</u>	<u>Unit of Price</u>
(1)	Candy	voluntary	per pound or ounce
(2)	Cereals	voluntary	per pound or ounce
(3)	Cheese, natural and processed	mandatory	per pound
(4)	Coffee, tea and cocoa	voluntary	per pound or ounce
(5)	Cookies and crackers	voluntary	per pound or ounce
(6)	Cooking oils and shortening	voluntary	per quart, fluid ounce, pound, or ounce
(7)	Deodorants, personal	voluntary	per ounce
(8)	Dry detergents, soap powder and household	voluntary	per pound or ounce
(9)	Foil, film and other rolls of wrapping (except gift wrap)	voluntary	per fifty square feet
(10)	Fruits and vegetables (Provided that any display involving "per/each" as a unit price, must contain only produce of a given size and grade, so as to facilitate value comparison)	mandatory	per pound or individual unit
(11)	Fruit and vegetable juices and drinks	voluntary	per quart or fluid ounce
(12)	Hair preparations	voluntary	per ounce
(13)	Jams, jellies, preserves and peanut butter	voluntary	per pound or ounce
(14)	Liquid detergents, household cleaners and disinfectants	voluntary	per quart of fluid ounce
(15)	Liquid soups and condensed liquid soups	voluntary	per pound or quart

(16)	Meat, poultry, and seafood	mandatory	per pound
(17)	Pet food	voluntary	per pound
(18)	Relishes and condiments	voluntary	per pound or ounce
(19)	Rice	voluntary	per pound
(20)	Salad dressing	voluntary	per quart of fluid ounce
(21)	Sanitary paper products	voluntary	per fifty square feet or, if by count, per unit; including ply
(22)	Shaving preparations	voluntary	per ounce
(23)	Soft drinks	voluntary	per quart or fluid ounce
(24)	Syrups, table and topping	voluntary	per pound or quart or fluid ounce
(25)	Toilet water and colognes	voluntary	per ounce
(26)	Toothpaste	voluntary	per ounce

[Eff. 12/26/81] (Auth: HRS §486-9) (Imp: HRS §§486-9, 486-19, 486-21)

§4-91-5 Exemptions. Any commodity listed under §4-91-4 shall be exempt when:

- (1) Packaged in quantities of less than one ounce (avoirdupois or fluid); or
- (2) The total retail price is less than ten cents; or
- (3) There is only one brand in only one size appearing in a particular establishment.

[Eff. 12/26/81] (Auth: HRS §486-9) (Imp: HRS §§486-9, 486-19, 486-21)

§4-91-6 Pricing. The unit price information shall be displayed to at least the nearest tenth of one cent when less than one dollar, and to the nearest cent when a dollar or more. [Eff. 12/26/81] (Auth: HRS §486-9) (Imp: HRS §§486-9, 486-11, 486-25)

§4-91-7 Presentation of price. (a) In any retail establishment in which unit price information is provided in accordance with the provisions of this section, the information may be displayed by means of:

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- (1) A sign which offers the unit price for one or more brands or sizes of a given commodity; or
- (2) A sticker, stamp, sign, label, or tag, affixed to the shelf upon which the commodity is displayed; and
- (3) A sticker, stamp, sign, label, or tag, affixed to the consumer commodity itself.

(b) If a single sign or tag does not provide the unit price information for more than one brand or size of a given commodity, then the following information shall be provided:

- (1) The identity;
- (2) The brand name;
- (3) The quantity of the packaged commodity if more than one package size per brand is displayed;
- (4) The total sale price; and
- (5) The price per appropriate unit, in accordance with §4-91-4.

(c) Where a sign providing unit price information for one or more sizes or brands of a given commodity is used, the sign shall be located centrally as close as practical to all items to which the sign refers, and the unit price information displayed thereon shall be presented in a clear, distinct, and non-deceptive manner. [Eff. 12/26/81] (Auth: HRS §486-9) (Imp: HRS §§486-9, 486-21, 486-25)