

By Mr. MacLean, petition (accompanied by bill, Senate, No. 75) of William Q. MacLean, Jr., for legislation relative to certain consumer product pricing practices. Commerce and Labor.

**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Ninety-One.

AN ACT RELATIVE TO CERTAIN CONSUMER PRODUCT PRICING PRACTICES.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 Section 184C of Chapter 94 as most recently amended by  
2 chapter 15 of the Acts of 1987 is hereby further amended by  
3 striking said section and inserting in place thereof the  
4 following: —

5 Section 184C. Except as hereinafter provided, every item in a  
6 food department offered for sale, whether edible or not, shall have  
7 each unit individually marked with the correct selling price. All  
8 prices represented to the consumer for the same item shall be  
9 consistent with each other and to the price rung up and charged  
10 for the item. The seller shall be responsible for the completeness  
11 and accuracy of all price marking.

12 The following classes of items are exempt from the price  
13 marking requirement of this section; provided, however, that the  
14 cashier can readily discern the price of the exempted item, that  
15 no exempted item is marked with an incorrect price, that the  
16 exempted item is on a current price list maintained by the seller  
17 as hereinafter provided and that a clear and conspicuous separate  
18 sign, or a single sign in the case of similar items all priced the same,  
19 larger than the seller's regular unit price label with the price no  
20 smaller than one inch high, is placed at the point of display of  
21 each exempted item containing the name of the item, the correct  
22 price, and, if appropriate, the size or other distinguishing  
23 information: —

24 (1) unpackaged: produce, meat, fish, poultry, delicatessen,  
25 bakery items, and any other unpackaged items offered from a bulk  
26 display, except that any such item weighted or wrapped to order  
27 by the food store or food department but paid for at a place other  
28 than at the point of such weighing or wrapping shall have the  
29 correct price marked on the item;

30 (2) gallons and half gallons of milk;

31 (3) eggs;

32 (4) cigarettes, cigars, tobacco and tobacco products;

33 (5) individual units within a multi-unit package if the package  
34 is correctly price marked, soft drink bottles, cans, and multi-unit  
35 packs;

36 (6) snack foods such as cakes, gum, candy, chips, and nuts if  
37 offered for sale individually, weigh less than three ounces, cost  
38 seventy-five cents or less, and are located at the checkout area;

39 (7) individual greeting cards; provided, however, that such  
40 cards are marked with a price code readily understandable by the  
41 consumer;

42 (8) individual glass jars of baby food of the same brand and  
43 price where vegetable or fruit is the predominant ingredient other  
44 than water, but not including juices; provided, however, that if  
45 offered for sale by a seller with an automatic checkout system they  
46 are coded, or if offered by a seller without such system, they are  
47 on an easily referenced price list at each cash register;

48 (9) not more than sixty items that are located in end-aisle  
49 displays; provided, however, that if offered for sale by a seller with  
50 an automatic checkout system they are coded, or if offered by a  
51 seller without such system they are on an easily referenced price  
52 list at each cash register; and provided, further, that such items  
53 are fully and accurately price marked at their regular shelf  
54 location, and the seller maintains a list of such items as required  
55 by section one hundred and eighty-four D. Said sixty item limit  
56 shall be reduced by seventy-five per cent in the case of a food  
57 department. For the exclusive purpose of determining whether a  
58 seller has exceeded said sixty item limit, units of an item which  
59 differ only by flavor or scent shall be considered the same item  
60 if they are otherwise identical in all respects including price, size,  
61 and brand, unless in a particular case the director of standards  
62 determines that such units are different items.