



New Mexico Department of Agriculture

Division of Standards and Consumer Services

MSC 3170

New Mexico State University


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January 2, 2018

TO: Retailers of Consumer Commodities

FROM: Jeff M. Witte, Director/Secretary 

SUBJECT: Examination Procedures for Price Verification (SCS 2018 E-4)

This external policy supersedes SCS 2016 E-4 dated December 18, 2015.

This external policy establishes the procedures for price verification inspections by the New Mexico Department of Agriculture (NMDA) effective January 1, 2006.

Authority

Weights and Measures Law, Chapter 57, Article 17, Sections 1 through 19, NMSA 1978.

57-17-15. MISREPRESENTATION OF PRICE.--Whenever a commodity or service is sold, offered or advertised for sale by weight, measure or count, the price shall not be misrepresented, nor shall the price be represented in any manner calculated or tending to mislead or deceive a purchaser.

Price Representation Requirements

The Board of Regents of New Mexico State University, pursuant to the Weights and Measures Law, adopted 21 NMAC 16.6 effective July 1, 1997.

PRICE REPRESENTATIONS: All retail sales displays of consumer commodities sold by weight, measure, or count shall include price information as provided below. It shall be the responsibility of the person or firm selling or offering the commodity for sale to furnish correct price information.

9.1 Whenever an advertised, posted, or labeled price per unit of weight, measure, or count includes a fraction of a cent, all elements of the fraction shall be immediately adjacent to, of the same general design and style, and at least one-half ($\frac{1}{2}$) the height and width of the numerals representing the whole cent.

- 9.2 Price information may be displayed by means of a sign, which offers the price for one or more brands and/or sizes of a given commodity, by means of a sticker, stamp, sign, label, or tag affixed to the shelf upon which the commodity is displayed, or by means of a sticker, stamp, sign, label, or tag affixed to the commodity itself.
- 9.3 Where a sign providing price information for one or more sizes or brands of a given commodity is used, that sign shall be provided clearly and in a nondeceptive manner in a central location as close as practical to all items to which the sign refers.
- 9.4 If a single sign or tag does provide the price information for more than one brand or size of a given commodity, the following information shall be provided:
 - 9.4.1 The identity and the brand name of the commodity;
 - 9.4.2 The quantity of the packaged commodity if more than one package size per brand is displayed; and
 - 9.4.3 The total retail sales price.

Examination Procedures

The procedures for price verification inspections shall be those set forth in *NMDA Examination Procedure for Price Verification* manual.

Questions concerning the price representation requirements or requests for a copy of the manual may be directed to:

David J. Turning, Division Director or
Raymond E. Johnson, Assistant Division Director
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