
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 645

Session of
1987

INTRODUCED BY LETTERMAN AND BELFANTI, MARCH 9, 1987

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, MARCH 9, 1987

AN ACT

1 Providing for the clear disclosure of prices for grocery items;
2 imposing duties on the Bureau of Consumer Protection; and
3 providing for civil penalties.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Short title.

7 This act shall be known and may be cited as the Grocery Price
8 Disclosure Act.

9 Section 2. Definitions.

10 The following words and phrases when used in this act shall
11 have the meanings given to them in this section unless the
12 context clearly indicates otherwise:

13 "Bureau." The Bureau of Consumer Protection in the Office of
14 Attorney General.

15 "Food store." Any store primarily engaged in the sale of
16 food items at retail for consumption off the premises.

17 "Grocery item." Any item sold at retail in a food store.

18 "Item." One or more identical articles, sold in identical

1 quantities or measures. An item may include more than one
2 product, brand, kind, size or type of packaging if they are
3 packaged together and sold as a set and the sets are identical
4 in all respects, including quantity or measure.

5 "Person." An individual, firm, partnership, corporation or
6 association.

7 "Total price." The full purchase price of a grocery item,
8 excluding sales tax and container deposit.

9 Section 3. Total price display requirements.

10 (a) Marking of product.--In any retail or discount grocery
11 store, whether or not the store uses an electronic or mechanical
12 scanner to read the price of a grocery item presented for
13 checkout, every grocery item sold or offered for sale shall have
14 the total price in Arabic numerals clearly affixed to each item
15 by stamp, tag, label or other conspicuous marking device. If the
16 grocery item is in a package or container, the total price shall
17 be marked on the outside surface of the package or container and
18 need not be placed directly upon the grocery item.

19 (b) Violation.--Food stores which have demonstrated a
20 pattern of unreadable prices shall be guilty of a violation of
21 subsection (a). An improper item pricing caused by a
22 nonintentional technical error shall not, however, constitute a
23 violation of subsection (a). Any violation for one grocery item
24 or a series of grocery items shall constitute a single violation
25 for a day. Every day a violation continues shall constitute a
26 separate violation.

27 Section 4. Nonapplicability of act.

28 The provisions of this act shall not apply to the sale of the
29 following:

30 (1) Food items intended to be consumed on or about the

1 retail premises.

2 (2) Grocery items sold by a food store which are under
3 three cubic inches in size, weigh less than three ounces, and
4 are priced under 30¢.

5 (3) Cigarettes, cigars, tobacco and tobacco products
6 with a retail price of \$1 or less.

7 (4) Grocery items actually sold through vending
8 machines.

9 Section 5. Enforcement.

10 (a) Injunction.--Whenever the Attorney General or a district
11 attorney has reason to believe that any person is using or is
12 about to use any method, act or practice which violates section
13 3, he may bring an action in the name of the Commonwealth
14 against such person to restrain by temporary or permanent
15 injunction the use of such method, act or practice.

16 (b) Assurance of voluntary compliance.--The Attorney General
17 or district attorney may accept an assurance of voluntary
18 compliance with respect to any method, act or practice deemed to
19 be in violation of section 3 from any person who has engaged or
20 was about to engage in such method, act or practice. Any such
21 assurance shall be in writing and be filed with the court and
22 the bureau. Such assurance of voluntary compliance shall not be
23 considered an admission of violation for any purpose. Matters
24 thus closed may at any time be reopened by the Attorney General
25 or district attorney for further proceedings in the public
26 interest.

27 Section 6. Penalties.

28 (a) Civil penalty.--Any person who violates the terms of an
29 injunction issued under this act or any of the terms of an
30 assurance of voluntary compliance duly filed in court and the

1 bureau shall forfeit and pay to the Commonwealth a civil penalty
2 of not more than \$2,500 for each violation. For the purposes of
3 this section, the court issuing an injunction, or in which an
4 assurance of voluntary compliance is filed, shall retain
5 jurisdiction, and the cause shall be continued; and, in such
6 cases, the Attorney General, or the appropriate district
7 attorney, acting in the name of the Commonwealth, may petition
8 for recovery of civil penalties and any other equitable relief
9 deemed necessary or proper.

10 (b) Willful violations.--In any action brought under this
11 act, if the court finds that a person is willfully using or has
12 willfully used a method, act or practice which violates section
13 3, the Attorney General or the appropriate district attorney,
14 acting in the name of the Commonwealth, may recover, on behalf
15 of the Commonwealth, a civil penalty not exceeding \$1,000 per
16 violation, which civil penalty shall be in addition to other
17 relief which may be granted under this act.

18 Section 7. Preemption.

19 No local ordinance, rule, resolution or regulation which
20 relates to item pricing of grocery items shall be adopted which
21 is inconsistent with the provisions of this act and the rules
22 and regulations adopted hereunder.

23 Section 8. Rules and regulations.

24 The bureau may promulgate such rules and regulations that are
25 necessary to effectuate the purposes of this act.

26 Section 9. Effective date.

27 This act shall take effect in 60 days.