

# New Hampshire Department of Agriculture, Markets, and Food Division of Weights and Measures

## **Method of Sale of Commodities**

(The following are excerpts and paraphrases of the Weights and Measures Act, RSA 438. They are intended for general guidance purposes only. Additional requirements may apply. Visit our website at <http://www.agriculture.nh.gov/divisions/weights-measures/index.htm> for more information.)

**The general objective of uniform weights and measures is to maintain fairness and equity in the marketplace.**

### General Definitions and Requirements

**Packages:** Commodities in packaged form shall bear on the outside of the package: (1) The identity of the commodity (unless easily identifiable through the wrapper), (2) The net quantity in terms of weight, measure, or count, and (3) The name and place of the business or packer.

**Random Packages:** If a package is one of a lot of packages of the same commodity with no fixed pattern of net contents (e.g., a meat case in a grocery store), it shall also contain the price per single unit of weight, measure, or count (e.g., price per pound, price per quart, price per 100).

**Advertising Packages for Sale:** If a commodity in package form is advertised in any manner, the net contents of the package shall appear along with the price, (e.g. 8 ounce jar of strawberry jam, \$1.99, 1 bushel of Red Delicious Apples, \$11.00).

**Net Weight:** “Net weight” means the weight of a commodity excluding any materials, substances, or items not considered to be part of the commodity. Materials not considered to be part of the commodity include, but are not limited to, containers, wrappers, packaging materials, labels, individual piece coverings, coupons, etc. Whenever any commodity is sold by weight, the net weight of the commodity shall be employed.

**Declaration of Quantity:** The metric system and/or the inch-pound system of weights and measures are to be used for all commercial purposes in the State of New Hampshire.

**Weighing and Measuring Devices:** All commercial devices used to determine weight, measure, or count shall meet certain specifications, tolerances and technical requirements as established by law. Contact the Division of Weights and Measures for specific details.

**License:** All commercial weighing and measuring devices used in **direct sale** applications must be licensed. Devices used in the preparation of packages, put up in advance of sale, are currently not required to be licensed. Contact the Division of Weights and Measures for specific details.

**Inspection of Weighing Devices:** Devices used in **direct sale** applications shall be certified as “correct”, as defined in NIST Handbook 44, prior to commercial use.

# Method of Sale of Commodities

**Method of Sale--General:** In order to maintain a “level playing field”, a uniform regulation for the method of sale of commodities has been established. The purpose of this regulation is to require accurate and adequate information about commodities so that purchasers can make price and quantity comparisons. Generally, commodities in liquid form are sold by liquid measure and commodities not in liquid form are sold by weight. There are exceptions, especially in vegetables that by “custom” are sold by count or by the bunch. Please contact the Division of Weights and Measures for specifics.

## Fresh Fruits and Vegetables

### Guideline

Recognizing the difficulty faced by consumers when more than one method of sale is employed in the same outlet for the same product, non-comparable methods of sale (e.g. weight and measure) for the same produce item in the same outlet should be minimized.

This guideline applies to all sales of fruits and vegetables. There are two tables, one for specific commodities and one for general commodity groups. Search the specific list first to find those commodities that either don't fit into any of the general groups or have unique methods of sale. If the item is not listed, find the general group in the second table. The item may be sold by any method of sale marked with an X.

(Amended 2008)

Method of Retail Sale for Fresh Fruits and Vegetables					
Specific Commodity					
Commodity	Weight	Count	Head or Bunch	Dry Measure (any size)	Dry Measure (1 dry qt or larger)
Artichokes	X	X			
Asparagus	X		X		
Avocados		X			
Bananas	X	X			
Beans (green, yellow, etc.)	X				X
Brussels Sprouts (loose)	X				
Brussels Sprouts (on stalk)			X		
Cherries	X			X	X
Coconuts	X	X			
Corn on the Cob		X			X
Dates	X				
Eggplant	X	X			
Figs	X				
Grapes	X				
Melons (cut in pieces)	X				
Mushrooms (small)	X			X	X
Mushrooms (Portobello, large)	X	X			
Okra	X				
Peas	X				X
Peppers (bell and other varieties)	X	X			X
Pineapples	X	X			
Rhubarb	X		X		
Tomatoes (except cherry/grape)	X	X			X

Method of Retail Sale for Fresh Fruits and Vegetables General Commodity Groups					
Commodity	Weight	Count	Head or Bunch	Dry Measure (any size)	Dry Measure (1 dry qt or larger)
Berries and Cherry/Grape Tomatoes	X			X	
Citrus Fruits (oranges, grapefruits, lemons, etc.)	X	X			X
Edible Bulbs (onions [spring or green], garlic, leeks, etc.)	X	X	X		X
Edible Tubers (Irish potatoes, sweet potatoes, ginger, horseradish, etc.)	X				X
Flower Vegetables (broccoli, cauliflower, brussels sprouts, etc.)	X		X		
Gourd Vegetables (cucumbers, squash, melons, etc.)	X	X			X
Leaf Vegetables (lettuce, cabbage, celery, etc.)	X		X		
Leaf Vegetables (parsley, herbs, loose greens)	X		X	X	
Pitted Fruits (peaches, plums, prunes, etc.)	X	X			X
Pome Fruits (apples, pears, mangoes, etc.)	X	X			X
Root Vegetables (turnips, carrots, radishes, etc.)	X		X		

### Method of Sale – Other Food Products

**Berries and Small Fruits:** “Small fruits” includes, but is not limited to, cherries, currants, and cherry tomatoes. “Berries” includes all fruit whose names end in the term “-berry.” Berries and small fruit shall be sold by weight or by volume. If sold by volume, they must:

- (1) be in measure containers that are either open or else covered by uncolored transparent lids or other wrappings that do not obscure the contents, and
- (2) have capacities of:
  - (a) Metric capacities—250 milliliters, 500 milliliters, or 1 liter
  - (b) Inch-pound capacities- ½ dry pint, 1 dry pint, or 1 dry quart

**Bread:** Bread kept, offered, or exposed for sale, whether or not packaged or sliced, shall be sold by weight.

**Butter or Margarine:** Shall be offered and exposed for sale and sold by weight.

**Flour, Corn Meal, and Hominy Grits:** Wheat flour, whole wheat flour, graham flour, self-rising flour, phosphated wheat flour, bromated flour, corn flour, corn meal, and hominy grits, whether enriched or not, shall be packaged, kept, offered, or exposed for sale and sold by weight.

**Flowers (edible):** Sold by weight.

**Herbs (fresh):** Sold by weight or by the bunch.

**Herbs (dry):** Sold by weight.

**Honey:** Sold by weight.

**Jams and Jellies:** Shall be offered and exposed for sale and sold by weight.

**Meat, Poultry, Fish, and Seafood:** Shall be sold by weight, except that whole shellfish in the shell may be sold by weight, measure, and/or count. Shellfish are aquatic animals having a shell, such as mollusks (e.g., scallops) or crustaceans (e.g., lobster or shrimp).

**Mustard, Catsup, Relishes:** Shall be offered and exposed for sale and sold by weight.

**Salsa:** Shall be offered and exposed for sale and sold by weight.

**Fluid Milk Products:** All fluid milk products, including but not limited to milk, lowfat milk, skim milk, cultured milks, and cream shall be sold in terms of fluid volume.

**Other Milk Products:** Cottage cheese, cottage cheese products, and other milk products that are solid, semi-solid, viscous, or a mixture of solid and liquid, shall be sold in terms of weight.

**Factory Packaged Ice Cream and Similar Frozen Products:** Shall be kept, offered, or exposed for sale, or sold in terms of fluid volume.

**Pickles:** Shall be sold by liquid measure.

**Pickles (one or two in a transparent wrapping):** May be sold by count.

**Pickles (sold from bulk):** May be sold by count.

## Food Commodities Sold by Bulk

Food commodities sold by bulk shall be sold by weight in terms of whole units of weight (e.g., pounds, ounces, grams, kilograms) and not in common or decimal fraction (e.g., ½ pound, ½ ounce, 0.8 kilograms).

**Ready-to Eat-Food :** Restaurant style food offered or exposed for sale, whether in restaurants, supermarkets, or similar food service establishments that is ready for immediate human consumption, though not necessarily on the premises where sold, and which does not require any cooking or heating preparation by the customer. Ready-to-eat food does not include sliced luncheon products, such as meat, poultry, or cheese when sold separately.

## Method of Sale—Nonfood Products

**Potpourri:** Potpourri packaged in advance of sale shall be sold by weight, except when sold in a decorative container or sachet, which may be sold by count.

**Potpourri sold from bulk:** Shall be sold by weight or by dry volume.

**Wool (raw):** Raw wool shall be sold by weight.

**Yarn:** The appropriate net contents declaration for yarn is weight.

## Method of Sale—Wood Products

**Fireplace and Stove Wood:** Any kindling, logs, boards, timbers, or other wood, natural or processed, split or not split, advertised, offered for sale, or sold for use as fuel.

**Cord:** The term “cord” when used in connection with wood intended for fuel purposes shall mean the amount of wood that is contained in a space of 128 cubic feet when the wood is ranked and well stowed. “Ranked and well stowed” shall be construed to mean that pieces of wood are placed in a line or row, with individual pieces touching and parallel to each other, and stacked in a compact manner.

Fireplace and stove wood shall be advertised, offered for sale, and sold only by measure, using the term “cord” and fractional parts of a cord, or cubic meter. Prohibited terms include “face cord,” “rack,” “pile,” “truckload,” or terms of similar import shall not be used when advertising, offering for sale, or selling wood for use as fuel

**Packaged Natural Wood:** Natural wood offered for sale in packaged form in quantities less than 1/8 cord or 16 cubic feet shall display the quantity in terms of cubic feet or feet to include fractions of a cubic foot. (e.g., 0.75 cubic feet)

**Animal Bedding:** Packaged animal bedding of all kinds, except for baled straw, shall be sold by volume, that is, by the cubic meter, cubic yard, cubic foot, or cubic inch. If the commodity is packaged in a compressed state, the quantity declaration shall include both the quantity in the compressed state and the usable quantity that can be recovered (e.g., 3.6 cu ft expands to 10 cu ft).

## Uniform Open Dating Regulation

**Perishable Food:** “Perishable food” means any food having a significant risk of spoilage, loss of value, or loss of palatability within 60 days of the day of packing.

**Semi-Perishable Food:** “Semi-perishable food” means any food for which a significant risk of spoilage, loss of value, or loss of palatability occurs only after a minimum of 60 days, but within 6 months, after the date of packaging.

**Long Shelf-life Food:** “Long shelf-life food” means any food for which a significant risk of spoilage, loss of value, or loss of palatability does not occur sooner than 6 months after the date of packaging including foods preserved by freezing, dehydrating, or being placed in a hermetically sealed container.

**“Sell By” Date:** A retail food establishment shall not sell or offer for sale a prepackaged perishable food unless it is identified with a “sell by” date.

**Sale after Expiration of “Sell By” Date:** Perishable food shall not be offered for sale after the “sell by” date unless it is wholesome and advertised in a conspicuous manner as being offered for sale after the recommended last date of sale. The placement of a sign, sticker, or tag is acceptable for such advertising if it is easily readable and clearly identifies the perishable food as having passed the recommended last date of sale.

**Determination of “Sell By” Date:** A person, who prepackages perishable food, shall determine a date that allows a reasonable period after sale for consumption of the food without physical spoilage, loss of value, or loss of palatability. A reasonable period for consumption shall consist of at least one third of the approximate total shelf life of the perishable food.

**“Best If Used By” Date:** A person who prepackages semi-perishable or long shelf-life food may place upon or attach to the package an open date providing it is designated by the “best if used by” date.

**Exemption:** This regulation does not apply to perishable fruits or vegetables in a container permitting sensory examination, or to prepackaged perishable foods open dated according to requirements of Federal law or regulation.

# General Tables of Units of Weights and Measures

These tables have been prepared for the benefit of those requiring tables of units for occasional ready reference. Only a limited number of decimal places are given, thus making the tables better adapted for the average user.

**Weight:** to convert ounces to grams - multiply ounces x 28.3495 grams

**Liquid Volume:** to convert fluid ounces to milliliters—multiply fluid ounces x 29.5735 ml

**Dry Measure:** to convert dry pints to milliliters—multiply dry pints x 550.6105 milliliters

**Length:** to convert inches to millimeters – multiply inches x 25.4 millimeters

## KITCHEN MEASUREMENTS

1 Pinch or dash	= 1/16 teaspoon (t)
3 teaspoons	= 1 tablespoon (1/2 fluid ounce)
4 tablespoons	= 1/4 cup (2 oz liquid)
1/2 cup	= 8 tablespoons (4 oz liquid)
2 cups	= 1 pint (16 oz liquid)
2 pints	= 1 quart (32 fluid ounces)
4 quarts	= 1 gallon (128 fl oz)
8 quarts (dry)	= 1 peck
4 pecks	= 1 bushel

NOTE: All measurements are level

## LIQUID OR FLUID MEASURE

4 ounces (oz)	= 1 gill
2 gills	= 1 cup
2 cups (16 oz)	= 1 pint
1 pint	= 28.88 cu in
2 pints	= 1 quart
4 quarts	= 1 gallon

## CUBIC MEASURE

1,728 cubic in	= 1 cu ft
27 cubic feet	= 1 cu yd
1 cord of wood	= 128 cu ft

## WEIGHT (MASS)

1 ounce	= .0625 pounds
1 pound	= 16 ounces
1 ton	= 2000 pounds

## DRY MEASURE

1 pint	= 33.6 cu in
1 cu ft	= 1728 cu in
1 cu ft	= 51.4 dry pints
2 pints	= 1 quart
1 quart	= .125 pecks
8 quarts	= 1 peck
4 pecks	= 1 bushel
1 bushel	= 2150.42 cu in
1 bushel	= 1.24 cu ft

## COMPARATIVE WEIGHT

1 gram	= .035 ounces
1 gram	= .0002204 pounds
1 gram	= 1000 milligrams
28.35 grams	= 1 ounce
1000 grams	= 1 kilogram
1 kilogram	= 2.204 pounds

## TROY (PRECIOUS METALS)

24 grains	= 1 pennyweight
20 pennyweights	= 480 grains
480 grains	= 1 troy ounce
12 troy ounces	= 1 troy pound
1 troy pound	= 5760 grains
14.58 t oz	= 1 lb avdp
.911 t oz	= 1 oz avdp
1 troy ounce	= 31.1 grams

## PRECIOUS STONES, GOLD

1 carat	= 200 milligrams
1 carat	= 100 points
pure gold	= 24 carats