

*Extracts from the*

**BUSINESS AND PROFESSIONS CODE**

*of California*

**PERTAINING TO**

**WEIGHTS AND MEASURES  
AND PETROLEUM PRODUCTS**

**CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE  
DIVISION OF MEASUREMENT STANDARDS**

## GENERAL PROVISIONS

### **§ 12024.1. MISREPRESENTING CHARGE FOR SERVICE RENDERED: MISDEMEANOR**

Every person, by himself, or through or for another, who willfully misrepresents a charge for service rendered on the basis of weight, time, measure, or count is guilty of a misdemeanor.

*Added Stats 1969 ch 731 § 1.*

### **§ 12024.2. UNLAWFUL COMPUTATION OF VALUE: MISDEMEANOR: INFRACTION UNDER DESIGNATED CIRCUMSTANCES**

(a) It is unlawful for any person, at the time of sale of a commodity, to do any of the following:

(1) Charge an amount greater than the price, or to compute an amount greater than a true extension of a price per unit, that is then advertised, posted, marked, displayed, or quoted for that commodity.

(2) Charge an amount greater than the lowest price posted on the commodity itself or on a shelf tag that corresponds to the commodity, notwithstanding any limitation of the time period for which the posted price is in effect.

(b) A violation of this section is a misdemeanor, punishable by a fine of not less than twenty-five dollars (\$25) nor more than one thousand dollars (\$1,000), by imprisonment in the county jail for a period not exceeding one year, or by both, if the violation is willful or grossly negligent, or when the overcharge is more than one dollar (\$1).

(c) A violation of this section is an infraction, punishable by a fine of not more than one hundred dollars (\$100), when the overcharge is one dollar (\$1) or less.

(d) As used in subdivisions (b) and (c), "overcharge" means the amount by which the charge for a commodity exceeds a price that is advertised, posted, marked, displayed, or quoted to that consumer for that commodity at the time of sale.

(e) Except as provided in subdivision (f), for purposes of this section, when more than one price for the same commodity is advertised, posted, marked, displayed, or quoted, the person offering the commodity for sale shall charge the lowest of those prices.

(f) Pricing may be subject to a condition of sale, such as membership in a retailer-sponsored club, the purchase of a minimum quantity, or the purchase of multiples of the same item, provided that the condition is conspicuously posted in the same location as the price.

*Amended Stats 1977 ch 778; Amended Stats 1982 ch 1380 § 2; Amended Stats 1983 ch 1245 § 1; Amended Stats 1988 ch 922 § 1; Amended Stats 2004 ch 752, § 2.*

## WEIGHTS AND MEASURES

### **§ 12024.3. SELLING PREPACKAGED COMMODITIES IN LESS QUANTITY THAN REPRESENTED: MISDEMEANOR: INFRACTION**

(a) For commodities prepackaged and sold or offered for sale on the same premises, a violation of Section 12024 is a misdemeanor punishable by a fine of not less than fifty dollars (\$50) nor more than one thousand dollars (\$1,000), by imprisonment in the county jail for a period not exceeding one year, or by both, if any of the following occurs:

(1) The violation is willful.

(2) The total monetary value of the shortage, calculated on the basis of the average error of an individual lot, exceeds two dollars (\$2), as determined pursuant to regulations adopted pursuant to Section 12211.

(3) The total monetary value of shortages, calculated on the basis of the average error of each individual lot, as determined from a sample of packages selected pursuant to regulations adopted pursuant to Section 12211, within all lots found to be in violation of Section 12024 at a single location, exceeds ten dollars (\$10).

(b) For commodities prepackaged and sold or offered for sale on the same premises, a violation of Section 12024 is an infraction, punishable by a fine of not more than one hundred dollars (\$100), if the violation is of less monetary value than that specified in subdivision (a) and it is not willful.

*Added Stats 1982 ch 1380 § 3; Amended Stats 1983 ch 1245 § 2.*

### **§ 12024.5. SALE OF FOWL, MEAT OR FISH OTHER THAN BY WEIGHT: READY-TO-EAT ITEMS**

It is unlawful for any person to sell or advertise for sale any dressed poultry or any other fowl or rabbit in dressed form, either cooked or uncooked, or smoked, fresh, frozen, cooked, dried, or pickled meats or fish other than by weight determined at the time of sale on a scale properly sealed in accordance with this division. Any commodity specified in this section, however, need not be weighed at the time of sale if at that time it is packed in a package or container upon which appears the net weight of the commodity therein. Except as provided below, any person, including, but not limited to, a manufacturer, processor, packer, wholesaler, or jobber that packs any commodity specified in this section in any package which is intended for retail sale, shall mark the net weight of the commodity therein upon the package. Packages of these products intended for retail sale need not be marked by the packer with the net weight of the commodity if they are to be marked with the net weight of the commodity by the retailer who purchases or receives the packages from the packer. This section does not apply to any of the following ready-to-eat food items:

## GENERAL PROVISIONS

- (a) Items sold for consumption on the premises.
- (b) Items sold as one of three or more different elements, excluding condiments, comprising a ready-to-eat meal sold as a unit, for consumption elsewhere than on the premises where sold.
- (c) Ready-to-eat meat, poultry, or seafood cooked or heated on the premises but not packaged in advance of sale.
- (d) Sandwiches when offered or exposed for sale on the premises where packed or produced and not intended for resale.

*Added Stats 1939 ch 1028 § 1; Amended Stats 1941 ch 861 § 1; Stats 1949 ch 1384 § 2; Stats 1955 ch 394 § 1; Stats 1957 ch 566 § 1; Stats 1965 ch 713 § 1; Stats 1967 ch 176 § 1; Stats 1969 ch 411 § 1; Amended Stats 1986 ch 1516 § 1.*

### **§ 12024.55. DOOR-TO-DOOR SALESPERSONS: PRICE STATEMENT ON PACKAGES**

Packages of meat, fish or poultry offered for sale by door-to-door salespersons shall display the price per pound for each type and cut in the package. The price per pound shall be separately and accurately stated and shall be preceded by the words "price per pound" on each principal display panel of the package, as the term "principal display panel" is defined by regulations of the director adopted pursuant to Section 12610. All numbers and letters of the price per pound shall be of uniform size, at least one-quarter inch (6.35 millimeters) in height, and shall be generally parallel to the net quantity statement. There shall in addition be an area surrounding the statement of price at least equal in width to the height of the letters and numbers in the statement of price which shall be free of any printed material.

*Added Stats 1979 ch 527 § 4; Repealed Stats 1982 ch 532 § 1; Added Stats 1982 ch 532 § 2.*

### **§ 12024.6. PROHIBITION OF ADVERTISING INTENDED TO ENTICE CUSTOMER INTO TRANSACTION OTHER THAN REPRESENTED**

No person, firm, corporation, or association shall advertise, solicit, or represent by any means, a product for sale or purchase if it is intended to entice a customer into a transaction different from that originally represented.

*Added Stats 1975 ch 907 § 1.*

## WEIGHTS AND MEASURES

### **§ 12024.7. STATEMENT OF WEIGHT AND TYPE OF CUTS OF MEAT SOLD: ITEMIZED STATEMENT SHOWING QUANTITY OF FRUITS, VEGETABLES AND OTHER FOOD PRODUCTS DELIVERED IN CONNECTION WITH MEAT SALE**

Any person who sells meat directly to the consumer on the basis of primal cuts or carcass weight shall supply the buyer with an accurate statement of weight at time of sale of the carcass or primal cut purchased, and shall supply a complete and accurate statement which shall contain the weight of the meat delivered to the buyer and the number and type of cuts. When any fruits, vegetables, or other food products are sold as part of a combination sale with meat sold directly to the consumer on the basis of primal cuts or carcass weight, the seller shall supply an itemized statement showing the net quantity of any fruits, vegetables, and other food products delivered to the buyer. This section shall also apply to any person who custom cuts any meat animal carcass or part of such carcass for the owner, except the carcass of any game mammal taken as authorized by the Fish and Game Code.

*Added Stats 1967 ch 1449 § 1.*

### **§ 12024.8. INAPPLICABILITY OF PROVISIONS TO FISH NOT USED FOR HUMAN CONSUMPTION**

The provisions of Section 12024.5 shall not apply to fish not used for human consumption.

*Added Stats 1968 ch 141 § 1, effective May 16, 1968.*

### **§ 12024.9. STATEMENT OF WEIGHTS SUPPLIED TO CONSUMER UPON DIRECT SALE OF MEAT ON BASIS OF PRIMAL CUTS OR CARCASS WEIGHT**

(a) All terms contained in this section which are defined by the United States Department of Agriculture shall have the same meaning as defined by such department.

(b) "Retail cuts" as used in this section shall mean a cut of meat from a primal cut for direct sale to the consumer.

(c) "Freezer meat" as used in this section means any uncooked meat which is sold directly to the consumer on the basis of primal cuts, carcass weight or any specified portion of a carcass, other than retail cuts.

(d) "Variety pack" as used in this section means freezer meat cut or packaged, or both, into retail cuts or other frozen food products, or both, sold for a stipulated total price.

(e) "Consumer" as used in this section means any purchaser of freezer meat or variety pack meat.