

Frozen Desserts: Ice cream, ice milk, water ices or other frozen desserts of a similar nature packaged prior to sale shall be sold by liquid measure. This condition does not apply if the products are packaged at time of sale at retail or sold in quantities of less than one-half liquid pint.

Potpourri: Straight potpourri must be sold by weight or by dry measure units of one dry pint, one dry quart, or fractions thereof. The following applications of potpourri are not required to have a quantity declaration: potpourri sold in a vase or bowl to be displayed or used as a deodorizer; potpourri sold as stuffing of a sachet or similar cloth article; potpourri sold in packages of less than one ounce.

Firewood: Firewood in quantities greater than 4 cubic feet must be sold by either weight, cord, fraction of a cord, or face cord. Firewood bundled in quantities of less than 4 cubic feet must be sold by either weight, volume or count.

Roofing and siding materials: Roofing, roofing material and siding must be sold by the square, square foot or square meter.

Polyethylene: Polyethylene sheeting and film (not including food wrap sold for home use) must display the length and width, the area in square feet or square meters, the thickness in mils, and the weight. Polyethylene food wrap sold for home use must display the length and width, and the area in square feet or square meters.

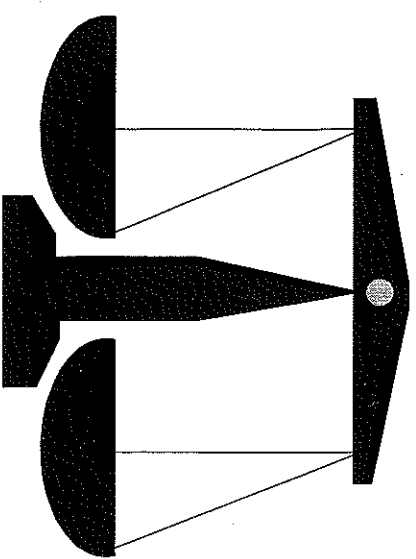
Questions? Additional questions or concerns about the material addressed in this brochure can be referred to your municipal weights and measures official(s), to the State Consumer Protection Hotline at 800/422-7128.

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THE BASICS OF

METHOD OF SALE



Wisconsin Department of Agriculture,
Trade and Consumer Protection
Weights and Measures Section

What is method of sale? Method of sale legislation regulates the way in which commodities can be sold and/or offered for sale. It is intended to promote uniformity, increase the accuracy of quantity information, prevent consumer deception or confusion, and promote fair competition. Method of sale is enforced by Weights and Measures officials under the authority of Chapter 98, Wis. Stats. and Chapter ATCP 91, Wis. Admin. Code.

What does the law say about the method of sale in general? In general, commodities in liquid form must be sold by liquid measure, and commodities not in liquid form must be sold by weight. This does not apply to commodities sold for immediate consumption on the premises where sold (i.e., restaurant-style foods).

Bulk commodities: Most bulk commodities, or commodities not packaged prior to sale, must be sold by weight. Prices for these items must be displayed in terms of whole units of weight (fractions or multiples are not allowed). If more than one bulk commodity is offered for sale in the same ad, or at the same location, prices for all the commodities must be displayed in terms of the same whole unit of weight.

Bread: No person may manufacture for sale, offer to sell or sell bread unless the bread is sold by weight. This condition does not apply to stale bread if it is conspicuously marked "stale bread."

Fresh fruits and vegetables: Fresh fruit and vegetables must be sold by weight. Exceptions to this rule include the following:

BY WEIGHT OR COUNT:

Artichokes	Avocados	Cantaloupes
Cauliflower	Celery	Citrus Fruits
Corn on the Cob		Coconuts
Eggplant	Garlic	Head Lettuce
Kiwanoes	Kiwi Fruit	Loquats
Mangoes	Melons (whole)	Papayas
Peppers	Cucumbers	Persimmons
Pineapples	Pomegranates	Prickly Pear
Pumpkins	Quince	Squash
Star Fruit	Ugli Fruit	

BY WEIGHT OR BUNCH:

Chard	Dill	Endive
Escarole	Green or Spring Onions	
Greens	Kale	Kohlrabi
Leaf Lettuce	Leeks	Parsley
Root Vegetables with Green Tops attached		
Spinach	Thyme	Watercress

BY WEIGHT OR DRY MEASURE

UNITS OF ONE QUART, ONE PINT OR ONE-HALF PINT:

Berries	Cherries	Cherry Tomatoes
Chokecherries	Currants	Concord Grapes
Plum Tomatoes		

WEIGHT OR DRY MEASURE

UNITS OF NOT LESS THAN ONE PECK:

Plums	Tomatoes
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BY WEIGHT OR COUNT, OR

DRY MEASURE (UNITS OF NOT LESS THAN ONE PECK)

Apples	Cucumbers	Peaches
Pears		

Pickled fruits and vegetables: Pickled cucumbers and relishes may be sold by fluid measure, except that 1 or 2 whole pickled cucumbers in transparent wrapping and pickled cucumbers sold from bulk may be sold by count.

Mixed fruits and vegetables gift wrapped in baskets or similar reusable containers must be sold by weight or by count of the individual fruits or vegetables in the container.

What allowances are made for seafood?

All seafood must be sold by weight except the following: Live fish and live shellfish may be sold by weight or by count. Mollusks in the shell may be sold by weight, count or dry measure bushel; Mollusks removed from the shell shall be sold by weight except for fresh mollusks packed in liquid shall be sold by drained weight or fluid volume. The free liquid may not exceed 15% by weight of the package contents. Fresh and frozen processed mollusks on the half shell shall be sold by count or by weight, excluding the weight of the shell. Glazed, individually frozen pieces of seafood shall be sold by weight. No part of the declared weight may consist of ice or other glazing.