

Placarding Commodities From Bulk

Effective Date: December 18, 1995

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 [ATCP 91.02\(3\)](#)

Background

When Ag 54 was rewritten in 1991 and renumbered ATCP 91 in 1994, an allowance was given to retailers who wish to sell items required by law to be sold by weight, by count from bulk. The accompanying language is in ATCP 91.02(3):

Wis. Admin. Code § ATCP 91.02(3) No person may sell a bulk or unpackaged commodity by weight at retail unless one of the following applies:

- (a) The commodity is weighed at the time of sale.
- (b) The weights of individual commodity units are accurately premarked on those units.
- (c) A placard stating the guaranteed minimum individual weight of the individual commodity units displayed for sale is conspicuously posted at the display location.

The term unpackaged bulk commodity therefore refers to any commodity displayed in bulk that does not have printed matter on the package. An example would be fresh chickens that are displayed in clear plastic bags could be placarded under ATCP 91.02(3); however, if the same chicken was displayed for retail in the printed bag, this would not meet the criteria of an unpackaged commodity.

Interpretation

If a retailer wishes to sell an item by unit from bulk, they will be required to state the weight and the price per pound in the advertisement if the item is required to be sold by weight.

To maintain uniformity, it will be required that all retailers who wish to make sales by count from bulk display a placard in the form of the one below. In any advertisement of such sales, it will be required to provide both the net weight and the price per pound.

LOBSTER

\$2.50 EACH

NET WT. 2.0 OZ. \$20.00/LB.

1 PLACARD FROM BULK SALES