



Legislation Text

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Int. No. 656

By Council Members Abreu, Menin, Marte, Holden and Ayala

A Local Law to amend the administrative code of the city of New York, in relation to food retailer pricing accuracy

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 20-708.1 of the administrative code of the city of New York is amended by adding a new paragraph 11 to read as follows:

11. “Retail food store” shall mean a store which has as its principal line of business the sale at retail of a broad range of food items.

§ 2. Subdivision e of section 20-708.1 of the administrative code of the city of New York, as added by local law 84 for the year 1991, is amended to read as follows:

e. Price accuracy. 1. No retail store shall charge a retail price for any stock keeping item, whether or not exempt under subdivision c of this section, which exceeds the lower of any item, shelf, sale or advertised price of such stock keeping item.

2. If there is a discrepancy between the retail price and the item price, shelf price, sale price, or advertised price on any stock keeping item, and the retail price is not the lowest price or does not reflect any qualifying discount from valid coupons, quantity purchases, or loyalty programs, a retail food store:

(a) Shall not charge the consumer for 1 unit of the stock keeping item, if the lowest price is \$10 or less;

(b) Shall charge the consumer the lowest price less \$10 for 1 unit of the stock keeping item, if the lowest price is more than \$10; and

(c) Shall charge the consumer the lowest price for any additional units of the stock keeping item.

3. Paragraph 2 of this subdivision shall not apply where:

(a) There is evidence of willful tampering, such as the removing, altering or moving of price tags, stamps, marks, or signs;

(b) The discrepancy is a gross error, in that the lowest price is less than half of the retail price, and the consumer cannot show that in the previous 30 days, the retail store sold or advertised the stock keeping item at the lowest price; or

(c) A consumer seeks additional price reductions required pursuant to subparagraphs a and b of paragraph 2 of this subdivision at any retail food store after an initial purchase of the same item within 24 hours.

4. Price discrepancies should first be brought to the attention of the store manager, and if not thereby resolved, any person alleging a violation of this subdivision may file a complaint with the department within 30 days of an attempted purchase. Upon receipt of such a complaint, the department may elect to inspect the retail food store's checkout system in accordance with subdivision f of this section.

5. A notice regarding the provisions of this subdivision shall be clearly and conspicuously posted by all retail food stores.

§ 2. This local law takes effect 120 days after it becomes law.

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