

Center for Profitable Agriculture



Retail Meat Sales in Tennessee: Basic Weights and Measures Regulations

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Retail meat sales in Tennessee must comply with state weights and measures regulations as written in Tennessee Code Annotated 47-26-901 to 47-26-926. The regulations outline requirements for the allowable units of sale and related weighing and labeling requirements for meat products as well as the agency responsible for enforcing the regulations. The rules are in place in part to “prevent unfair or deceptive dealing by weight or measure in any commodity or service advertised, packaged, sold or purchased within the state.” This fact sheet summarizes the weights and measures regulations related to retail meat sales in Tennessee as of the date of publication and provides some examples to illustrate how the requirements may be implemented.

The weights and measures regulations are enforced by the Weights and Measures section of the Tennessee Department of Agriculture’s (TDA) Consumer and Industry Services Division, formerly known as Regulatory Services. The Weights and Measures staff members have the ability to inspect products for accuracy of net weight and related labeling information. If a violation is identified, a stop sale order may be given, and the product cannot be sold until it is in compliance. A warning letter describing the problem and what needs to be done to correct it may be issued. The second time a violation is found, a civil penalty may be assessed at a rate of up to \$500 per violation. The violator may then correct the issue and pay the civil penalty or request a hearing.

The following points summarize the weights and measures regulations for the retail sale of meat and meat products in Tennessee at the time of publication.

- The name of the product and the name and address of the manufacturer, packer or distributor must be displayed on all packages (TCA 47-26-916).¹

¹ Note that this publication only discusses labeling requirements according to the weights and measures regulations. Other regulations impose additional requirements on meat labels.

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- Meat and meat products offered for sale in Tennessee must be sold by net weight. Net weight is the weight of the product alone without any container or packaging.

Meat cannot be sold for a price based on any unit other than net weight. Thus, meat **cannot** be sold by the piece or package. For example, a retailer might have two chuck roasts for sale. The retailer must identify the net weight of the roasts, designate a price per pound for chuck roasts and determine the total price of the roasts using the net weight and price per pound. If Roast A has a net weight of 2.90 pounds and Roast B has a net weight of 3.40 pounds with a price per pound of \$6.50, the retailer must sell the chuck roasts for $(2.90 \times \$6.50 =)$ \$18.85 and $(3.40 \times \$6.50 =)$ \$22.10 respectively. The retailer **cannot** sell chuck roasts for a set price per package — \$20 per roast, for example.

- The net weight must be determined using an approved scale tested by the TDA, Consumer and Industry Services Division, Weights and Measures. For current fees associated with scale inspections, contact TDA at staff at 615-837-5109.
- The net weight must appear on the principal display panel where the consumer can easily see it.
- The weight may be expressed in metric or customary units, however, the weight is typically expressed in the customary units of pounds, ounces or both. Weights expressed in the customary system should be labeled to at least two decimal places, i.e. 1.56 pounds.
- The net weight may be determined at any location prior to the product being made available for sale — the processing facility inspected by the U.S. Department of Agriculture, the location where the product is stored, or the retail outlet — as long as it is determined on an approved scale.
- **Random weight packages of meat that are not frozen (non-frozen)** — packages of meat that are not frozen with variable net weights — must have the net weight, price per pound and total price on the outside of the package “at the time it is offered or exposed for sale at retail” (TCA 47-26-917).

For example, for product that is not frozen, the sizes of roasts typically vary unless they are all cut to the same size, so each package of roast would have a different net weight. Therefore, each package of roast would need to have the net weight, price per pound and total price on the package. Returning to our example of chuck roasts above, the label of Roast A would need to include the net weight of 2.90 pounds, the price per pound of \$6.50 and total price of \$18.85 while the label of Roast B would have to include the net weight of 3.40 pounds, the price per pound of \$6.50 and the total price of \$22.10.

- **Random weight frozen items** — frozen packages of meat with variable net weights — must also have the net weight on the outside of the package “at the time it is offered or exposed for sale at retail” (TCA 47-26-917). According to the “waiver of declaration of unit price on frozen random weight packages” made by Commissioner of Agriculture Julius Johnson on March 2, 2015, random weight frozen items no longer require the price per pound or total price on the label. The price per pound for items must be “legible and readable by consumers”

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and conspicuously posted in “close proximity to the packages offered for sale so as to be considered applicable to the items,” however. The waiver also states “the total selling price shall be calculated at the point of sale.” This waiver was put in place to “address certain difficulties in the packaging and labeling of frozen meat items for retail sale.”

For example, a producer selling frozen beef at the farmers market would be required to include the net weight on the label of each package of beef. The producer could put up a sign (easily readable by customers) listing each product available and the price per pound of each product. The producer could then calculate the total selling price for each item when purchased by consumers. Therefore, in our earlier example of chuck roasts, if the roasts were frozen, the label would include the net weight. The price per pound for chuck roasts of \$6.50 would be displayed on a sign at the point of sale, and the total price for the product would be calculated when purchased.

- **Standard weight items** — packages that are all of the same net weight — must include the net weight on the label. For example, the processor may package ground beef in 1-pound chubs all of the same net weight. Each package would state the net weight of 1 pound. The price per pound and total price are not required on the label of standard weight items.



Random Weight Non-Frozen Product Example

– The package of whole beef brisket that is not frozen, left, illustrates the weights and measures regulatory requirements for random weight packages by including the product name, net weight (accurately weighed on an approved scale), price per pound, total price and the name and address of the manufacturer, packer or distributor on the label at the time the product is exposed for sale.

Random Weight Frozen Product Example – *If the package of whole beef brisket were frozen, the weights and measures regulations would require only the product name; name and address of the manufacturer, packer or distributor; and net weight (accurately measured on an approved scale) to be listed on the label at the time the product is exposed for sale. The price per pound, if not printed on the label, would be required to be stated in a location and manner easily readable by consumers in close proximity to the packages offered for sale. The total price of the product would be calculated at the point of sale.*

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Standard Weight Example – The packages of ground beef, below, illustrate the weights and measures regulatory requirements for standard weight packages by including the product name, net weight (accurately measured on an approved scale), and the name and address of the manufacturer, packer or distributor on the label at the time the product is exposed for sale. Price per pound and total price are not required on standard weight packages.



Questions about weights and measures regulations in Tennessee can be addressed by the Tennessee Department of Agriculture, Consumer and Industry Services Division, Weights and Measures staff at 615-837-5109.

Weights and measures regulations may be state specific. If a Tennessee producer plans to sell meat and meat products in other states, the producer should contact the authorities in those states to determine their weights and measures regulations. Links to southern state authorities can be found on the Southern Weights and Measures Association website at www.swma.org.

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