

**PRICING AND ADVERTISING OF CONSUMER ITEMS (EXCERPT)**  
**Act 449 of 1976**

\*\*\*\*\* THIS SECTION IS REPEALED BY ACT 15 OF 2011 EFFECTIVE SEPTEMBER 1, 2011 \*\*\*\*\*

**445.353 Stamping or affixing total price of consumer item; exemptions; lists and signs for classes of items or individual items, "item" defined.**

Sec. 3. (1) The total price of a consumer item displayed or offered for sale at retail shall be clearly and conspicuously indicated in arabic numerals, so as to be readable and understandable by visual inspection, and shall be stamped upon or affixed to the consumer item. If the consumer item is in a package or container, the total price shall be stamped upon or affixed to the outside surface of the package or container and need not be placed directly upon the consumer item.

(2) The requirements of subsection (1) shall not apply to:

(a) A consumer item sold by weight or volume which is not in a package or container.

(b) A consumer item sold in a coin operated vending machine.

(c) Prepared food intended for immediate consumption, as defined in section 4g of Act No. 167 of the Public Acts of 1933, being section 205.54g of the Michigan Compiled Laws.

(d) A consumer item purchased by mail or through catalog order, or which is not otherwise visible for inspection by the consumer at the time of the sale, and which is ordered or requested by the consumer, if the price of the item is on the consumer's written order or request or on a bill, invoice, or other notice which describes or names the item and which is enclosed with the item.

(e) An unpackaged food item.

(f) A consumer item which has a total weight of not more than 3 ounces, a total volume of not more than 3 cubic inches, and a total price of not more than 30 cents.

(g) Live plants.

(h) Live animals.

(i) Motor vehicles.

(j) Motor vehicle parts.

(k) Packages of 20 or fewer cigarettes.

(l) Greeting cards sold individually which have a readable coded price on the back of the card.

(m) Merchandise ordered as a gift by a consumer which is sent by mail or other delivery service to a person other than the consumer by the retailer at the request of the consumer.

(3) In addition to the exemptions allowed in subsection (2), a retailer may choose to not individually price mark not more than 25 classes of items or individual items which classes or items shall be listed and posted in a conspicuous place in the retail store, and may choose to not individually price mark not more than 25 additional classes of items or individual items which are advertised or featured at a reduced price.

(4) The price and the name or description of a class of items or individual items not marked pursuant to subsection (3) shall be indicated by a clear, readable, and conspicuous sign in immediate conjunction with the area in which the unmarked item or class of items is displayed.

(5) As used in subsections (3) and (4), "item", except as otherwise provided in this subsection, means 1 or more identical articles, sold in identical quantities or measures. An item may include more than 1 product, brand, kind, size, or type of packaging, if they are packaged together and sold as a set and the sets are identical in all respects, including quantity or measure.

**History:** 1976, Act 449, Eff. Jan. 1, 1978;—Am. 1979, Act 193, Imd. Eff. Dec. 21, 1979.

**Popular name:** Scanner Law

**Popular name:** Item Pricing Act