

§ 75-27-1. Citation.

## **Mississippi Statutes**

### **Title 75. REGULATION OF TRADE, COMMERCE AND INVESTMENTS**

#### **Chapter 27. WEIGHTS AND MEASURES**

##### **Article 1. WEIGHTS AND MEASURES LAW OF 1964**

*Current through 3/27/2018*

#### **§ 75-27-1. Citation**

This article may be cited as the "Weights and Measures Law of 1964."

**Cite as Miss. Code § 75-27-1**

**Source: Codes, 1942, § 5132-36; Laws, 1964, ch. 221, § 36, eff. 7/1/1964.**

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§ 75-27-3. Meaning of terms.

## **Mississippi Statutes**

### **Title 75. REGULATION OF TRADE, COMMERCE AND INVESTMENTS**

#### **Chapter 27. WEIGHTS AND MEASURES**

##### **Article 1. WEIGHTS AND MEASURES LAW OF 1964**

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#### **§ 75-27-3. Meaning of terms**

When used in this article:

- (1) The word "person" means both the plural and singular, as the case demands, and includes individuals, partnerships, corporations, companies, societies, and associations.
- (2) The words "weight(s) and (or) measure(s)" means all weights and measures of every kind, all instruments and devices and all electronic systems that employ a laser bar code reader to retrieve product identity, price and other information stored in computer memory, for

weighing and measuring, or in the computing of any basic charge or payment for products bought or services rendered on the basis of weight or measure or count and any appliances and accessories associated with such instruments and devices, except that the term does not include meters for the measurement of electricity, gas, or water when the meters are operated in a public utility system, or production from oil and gas wells under the supervision of the State Oil and Gas Board. Such electricity, gas, and water meters are hereby specifically excluded from this article, and none of the provisions of this article shall apply to such meters or to any appliances or accessories associated with them.

- (3) The words "sell" and "sale" means barter and exchange.
- (4) The term "director" and "deputy director" means, respectively, the State Director of Weights and Measures, who shall be the Commissioner of Agriculture and Commerce, and the Deputy State Director of Weights and Measures, who shall serve as the administrator.
- (5) The term "inspector" means a state inspector of weights and measures.
- (6) The term "intrastate commerce" means any and all commerce or trade that is begun, carried on, and completed wholly within the limits of the State of Mississippi, and the phrase "introduced into intrastate commerce" shall be construed to define the time and place at which the first sale and delivery of a commodity is made within the state, and delivery being made either directly to the purchaser or to a common carrier for shipment to the purchaser.
- (7) The term "commodity in package form" means commodity put up or packaged in any manner in advance of sale in units suitable for either wholesale or retail sale, exclusive, however, of an auxiliary shipping container enclosing packages that individually conform to the requirements of this article. An individual item or lot of any commodity not in package form as defined in this section, but on which there is marked a selling price based on an established price per unit of weight or of measure, shall be construed to be commodity in package form.
- (8) The term "Handbook 44" means the National Institute of Standards and Technology Handbook 44, "Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices."

**Cite as Miss. Code § 75-27-3**

**Source: Codes, 1942, § 5132-01; Laws, 1964, ch. 221, § 1; Laws, 2000, ch. 326, §1, eff. 7/1/2000.**

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§ 75-27-5. Systems of weights and measures.

## **Mississippi Statutes**

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##### **§ 75-27-5. Systems of weights and measures**

The system of weights and measures in customary use in the United States and the metric system of weights and measures are jointly recognized, and one or the other of these systems shall be used for all commercial purposes in the State of Mississippi. The definitions of basic units of weights and measures, the tables of weight and measure, and weights and measures equivalents, as published by the National Bureau of Standards, are recognized and shall govern weighing and measuring equipment and transactions in the state.

**Cite as Miss. Code § 75-27-5**

**Source: Codes, 1942, § 5132-02; Laws, 1964, ch. 221, § 2, eff. 7/1/1964.**

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§ 75-27-7. Definitions of special units of measure.

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##### **§ 75-27-7. Definitions of special units of measure**

The term "barrel" shall mean a unit of thirty-one (31) gallons. However, the term "barrel," when used in reference to seafood or parts thereof, shall be the measure defined by ordinance of the Mississippi Commission on Marine Resources under authority of Sections 49-15-1 through 49-15-

67, Mississippi Code of 1972. The term "ton" shall mean a unit of two thousand (2,000) pounds avoirdupois weight. The term "cord" shall mean the amount that is contained in a space of one hundred twenty-eight (128) cubic feet when such is ranked and well stowed.

**Cite as Miss. Code § 75-27-7**

**Source: Codes, 1942, § 5132-03; Laws, 1964, ch. 221, § 3; Laws, 2000, ch. 516, §131, eff. 4/30/2000.**

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§ 75-27-9. State standards of weight and measure.

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##### **§ 75-27-9. State standards of weight and measure**

Such weights and measures in conformity with the standards of the United States as have been supplied to the state by the federal government or otherwise obtained by the state for use as state standards shall, when the same shall have been certified as being satisfactory for use as such by the National Bureau of Standards, be the state standards of weight and measure. The state standards shall be kept in a safe and suitable place in the office or laboratory of the state division of weights and measures, they shall not be removed from the said office or laboratory except for repairs or for certification, and they shall be submitted at least once in ten (10) years to the National Bureau of Standards for certification. The state standards shall be used only in verifying the office standards and for scientific purposes.

**Cite as Miss. Code § 75-27-9**

**Source: Codes, 1942, § 5132-04; Laws, 1964, ch. 221, § 4, eff. 7/1/1964.**

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§ 75-27-11. Office and working standards and equipment.

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##### **§ 75-27-11. Office and working standards and equipment**

In addition to the state standards provided for in Section 75-27-9, there shall be supplied by the state at least one (1) complete set of copies of these to be kept in the office or laboratory of the state division of weights and measures and to be known as "office standards," and also such "field standards" and such equipment as may be found necessary to carry out the provisions of this article. The office standards and field standards shall be verified upon their initial receipt and at least once each year thereafter, the office standards by direct comparison with the state standards and the field standards by comparison with the office standards.

**Cite as Miss. Code § 75-27-11**

**Source: Codes, 1942, § 5132-05; Laws, 1964, ch. 221, § 5, eff. 7/1/1964.**

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§ 75-27-13. State director, deputy director, and inspectors of weights and measures.

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##### **§ 75-27-13. State director, deputy director, and inspectors of weights and measures**

The commissioner of the department of agriculture and commerce shall be, ex officio, the director. There shall be a deputy state director of weights and measures and state inspectors of weights and measures, and necessary technical and clerical personnel, who shall be appointed by the director under the rules of said department, and who shall collectively comprise the state division

of weights and measures, of which the deputy director shall be the administrator. The director shall be allowed salaries for the deputy director, the inspectors, and the necessary technical and clerical employees, for necessary equipment and supplies, and for traveling and contingent expenses, such sums as shall be appropriated by the legislature.

**Cite as Miss. Code § 75-27-13**

**Source: Codes, 1942, § 5132-06; Laws, 1964, ch. 221, § 6, eff. 7/1/1964.**

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§ 75-27-15. Bonds of deputy director and inspectors.

## **Mississippi Statutes**

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##### **Article 1. WEIGHTS AND MEASURES LAW OF 1964**

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##### **§ 75-27-15. Bonds of deputy director and inspectors**

A bond, with sureties, to be approved by the secretary of state, and conditioned upon the faithful performance of his duties and the safekeeping of any standards or equipment entrusted to his care shall, forthwith, upon his appointment, be given by the deputy director in the penal sum of five thousand dollars (\$ 5,000.00), and by each inspector in the penal sum of one thousand dollars (\$ 1,000.00). The premiums on such bonds shall be paid by the state.

**Cite as Miss. Code § 75-27-15**

**Source: Codes, 1942, § 5132-07; Laws, 1964, ch. 221, § 7, eff. 7/1/1964.**

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§ 75-27-17. General powers and duties of director.

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#### **Chapter 27. WEIGHTS AND MEASURES**

## **Article 1. WEIGHTS AND MEASURES LAW OF 1964**

*Current through 3/27/2018*

### **§ 75-27-17. General powers and duties of director**

The director shall have the custody of the state standards of weight and measure and of the other standards and equipment provided for by this article, and shall keep accurate records of the same. The director shall enforce the provisions of this article. He shall have and keep a general supervision over the instruments for weighing and measuring offered for sale, sold, or in use in the state. He shall, annually, make to the governor, secretary of the senate and the clerk of the house of representatives, a report on all of the activities of his office.

**Cite as Miss. Code § 75-27-17**

**Source: Codes, 1942, § 5132-08; Laws, 1964, ch. 221, § 8; Laws, 1970, ch. 261, § 1, eff. 7/1/1970.**

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§ 75-27-19. Specific powers and duties of directors; regulations.

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### **§ 75-27-19. Specific powers and duties of directors; regulations**

The director may adopt, amend or repeal regulations for the enforcement of this article, which regulations shall have the force and effect of law. These regulations may include (1) standards of net weight, measure or count, and reasonable standards of fill, for any commodity in package form, (2) rules governing the technical and reporting procedures to be followed and the report and record forms and marks of approval and rejection to be used by inspectors of weights and measures in the discharge of their official duties, and (3) exemptions from the sealing or marking requirements of Section 75-27-31 with respect to weights and measures of such character or size that such sealing or marking would be inappropriate, impracticable, or damaging to the apparatus

in question. These regulations shall include specifications, tolerances and regulations for weights and measures of the character of those specified in Section 75-27-23, designed to eliminate from use, without prejudice to apparatus that conforms as closely as practicable to the official standards, those (1) that are not accurate, (2) that are of such construction that they are faulty -- that is, that are not reasonably permanent in their adjustment or will not repeat their indications correctly, or (3) that facilitate the perpetration of fraud. The specifications, tolerances and regulations for commercial weighing and measuring devices, together with amendments thereto, as recommended by the National Institute of Standards and Technology and published in Handbook 44 and supplements thereto, or in any publication revising or superseding Handbook 44, shall be the specifications, tolerances, and regulations for commercial weighing and measuring devices of the State of Mississippi, except insofar as specifically modified, amended or rejected by a regulation issued by the director. For the purposes of this article, apparatus shall be deemed to be "correct" when it conforms to all applicable requirements promulgated as specified in this section; other apparatus shall be deemed to be "incorrect." The division shall levy no charges or fees for the field tests or inspections made under this article; however, the director shall adopt a schedule of fees for calibration and testing services provided by the State Metrology Laboratory. Fees collected for such calibration and testing shall be deposited in the State Treasury in the special fund for the Department of Agriculture and Commerce. The director shall require persons installing scales with a weight capacity of ten thousand (10,000) pounds or more to secure a permit for each such scale installed, establish a fee not to exceed Fifty Dollars (\$ 50.00) for such permit and require such person to supply the director with scale and scale foundation blueprints and specifications for each installation before installation of the scale. Applications for permit shall be made on forms prescribed and furnished by the director. The director shall establish and adopt scale pit and approach specifications for scales with a capacity of ten thousand (10,000) pounds or more. However, weighing devices with a capacity of ten thousand (10,000) pounds or more used to weigh road construction materials shall be exempt from the requirements of this article. Such weighing devices for road construction materials shall have a tolerance of one-half of one percent ( 1/2 of 1%) in lieu of the requirements of Handbook 44 and shall be regulated by the Mississippi Department of Transportation instead of the Department of Agriculture and Commerce. For purposes of this section, the term "road construction materials" shall include, but not be limited to, sand, gravel, asphalt, fill dirt, topsoil and concrete. The term "road construction materials" shall not include timber or timber products.

**Cite as Miss. Code § 75-27-19**

**Source: Codes, 1942, § 5132-09; Laws, 1964, ch. 221, § 9; Laws, 1997, ch. 520, §1; Laws, 2000, ch. 326, §2; Laws, 2004, ch. 518, §3, eff. 7/1/2005.**

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§ 75-27-21. Testing of standards at state-supported institutions.

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#### **Article 1. WEIGHTS AND MEASURES LAW OF 1964**

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##### **§ 75-27-21. Testing of standards at state-supported institutions**

The director shall from time to time test all weights and measures used in checking the receipt or disbursement of supplies in every institution for the maintenance of which monies are appropriated by the legislature, reporting his findings, in writing, to the supervisory board and to the executive officer of the institution concerned.

**Cite as Miss. Code § 75-27-21**

**Source: Codes, 1942, § 5132-10; Laws, 1964, ch. 221, § 10, eff. 7/1/1964.**

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§ 75-27-23. General testing.

### **Mississippi Statutes**

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##### **§ 75-27-23. General testing**

When not otherwise provided by law, the director shall have the power to inspect and test, to ascertain if they are correct, all weights and measures kept, offered, or exposed for sale or purchase. It shall be the duty of the director within a twelve-month period, or less frequently if in accordance with a schedule issued by him, and as much oftener as he may deem necessary to inspect and test, to ascertain if they are correct, all weights and measures commercially used (1) in determining the weight, measurement or count of commodities or things sold or purchased, or

offered or exposed for sale or purchase, on the basis of weight, measure, or of count, or (2) in computing the basic charge or payment for services rendered on the basis of weight, measure, or of count. Provided, that with respect to single-service devices -- that is, devices designed to be used commercially only once and to be then discarded -- and with respect to devices uniformly mass-produced, as by means of a mold or die, and not susceptible of individual adjustment, tests may be made on representative samples of such devices; and the lots of which such samples are representative shall be held to be correct or incorrect upon the basis of the results of the inspections and tests on such samples.

The manufacturer or distributor of any weighing device(s) offered for sale, sold, installed for commercial use or used commercially in this state shall subject such device to type evaluation testing by the National Type Evaluation Program (NTEP), National Institute of Standards and Technology (NIST). Any weighing device not covered by a certificate of conformance from such agency shall not be used commercially in this state.

**Cite as Miss. Code § 75-27-23**

**Source: Codes, 1942, § 5132-11; Laws, 1964, ch. 221, § 11; Laws, 1997, ch. 520, §2, eff. 7/1/1997.**

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§ 75-27-25. Investigations.

## **Mississippi Statutes**

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##### **§ 75-27-25. Investigations**

The director shall investigate complaints made to him concerning violations of the provisions of this article, and shall, upon his own initiative, conduct such investigations as he deems appropriate and advisable to develop information on prevailing procedures in commercial quantity determination and on possible violations of the provisions of this article and to promote the general objective of accuracy in the determination and representation of quantity in commercial transactions.

**Cite as Miss. Code § 75-27-25**

Source: Codes, 1942, § 5132-12; Laws, 1964, ch. 221, § 12, eff. 7/1/1964.

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§ 75-27-27. Inspections of packages.

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#### Chapter 27. WEIGHTS AND MEASURES

#### Article 1. WEIGHTS AND MEASURES LAW OF 1964

*Current through 3/27/2018*

#### § 75-27-27. Inspections of packages

The director shall, from time to time, weigh or measure and inspect packages or amounts of commodities kept, offered, or exposed for sale, sold, or in the process of delivery, to determine whether the same contain the amounts represented and whether they be kept, offered, or exposed for sale, or sold, in accordance with law; and when such packages or amounts of commodities are found not to contain the amounts represented, or are found to be kept, offered, or exposed for sale in violation of law, the director may order them off sale and may so mark or tag them as to show them to be illegal. In carrying out the provisions of this section, the director may employ recognized sampling procedures under which the compliance of a given lot of packages will be determined on the basis of the result obtained on a sample selected from and representative of such lot. No person shall (1) sell or keep, offer, or expose for sale, in intrastate commerce, any package or amount of commodity that has been ordered off sale or marked or tagged as provided in this section unless and until such package or amount of commodity has been brought into full compliance with all legal requirements, or (2) dispose of any package or amount of commodity that has been ordered off sale or marked or tagged as provided in this section and that has not been brought into compliance with legal requirements, in any manner except with the specific approval of the director.

Cite as Miss. Code § 75-27-27

Source: Codes, 1942, § 5132-13; Laws, 1964, ch. 221, § 13, eff. 7/1/1964.

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§ 75-27-29. Stop-use, stop-removal, and removal orders.

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##### **Article 1. WEIGHTS AND MEASURES LAW OF 1964**

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##### **§ 75-27-29. Stop-use, stop-removal, and removal orders**

The director shall have the power to issue stop-use orders, stop-removal orders, and removal orders with respect to weights and measures being, or susceptible of being, commercially used, and to issue stop-removal orders and removal orders with respect to packages or amounts of commodities kept, offered, or exposed for sale, sold, or in process of delivery, whenever in the course of his enforcement of the provisions of this article he deems it necessary or expedient to issue such orders, and no person shall use, remove from the premises specified, or fail to remove from the premises specified, any weight, measure, or package or amount of commodity contrary to the terms of a stop-use order, stop-removal order, or removal order issued under the authority of this section. However, the director must give a five-day written notice to the affected person, business or corporation before issuing a stop-use order on any weighing device with a weight capacity of ten thousand (10,000) pounds or greater.

**Cite as Miss. Code § 75-27-29**

**Source: Codes, 1942, § 5132-14; Laws, 1964, ch. 221, § 14; Laws, 1997, ch. 520, §3, eff. 7/1/1997.**

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§ 75-27-31. Disposition of correct and incorrect apparatus.

## **Mississippi Statutes**

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##### **§ 75-27-31. Disposition of correct and incorrect apparatus**

The director shall approve for use and seal or mark with appropriate devices such weights and measures as he finds upon inspection and test to be "correct" as defined in Section 75-27-19, and shall reject and mark or tag as "rejected" such weights and measures as he finds, upon inspection or test, to be "incorrect" as defined in Section 75-27-19, but such sealing or marking shall not be required with respect to such weights and measures as may be exempted therefrom by a regulation of the director issued under the authority of Section 75-27-19.

**Cite as Miss. Code § 75-27-31**

**Source: Codes, 1942, § 5132-15; Laws, 1964, ch. 221, § 15, eff. 7/1/1964.**

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§ 75-27-33. Police powers; right to entry and stoppage.

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##### **§ 75-27-33. Police powers; right to entry and stoppage**

With respect to the enforcement of this article and any other laws dealing with weights and measures that he is, or may be, empowered to enforce, the director is hereby vested with police powers, such as given to sheriffs and constables, and may seize for use as evidence, with warrant, incorrect or unsealed weights and measures or amounts or packages of commodity found to be used, retained, offered, or exposed for sale, or sold, in violation of law.

**Cite as Miss. Code § 75-27-33**

**Source: Codes, 1942, § 5132-16; Laws, 1964, ch. 221, § 16, eff. 7/1/1964.**

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§ 75-27-35. Powers and duties of deputy director and inspector.

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#### **§ 75-27-35. Powers and duties of deputy director and inspector**

The powers and duties given to and imposed upon the director by Sections 75-27-21 through 75-27-33, and 75-27-61, of this article are hereby given to and imposed upon the deputy director and inspectors also, when acting under the instructions and at the direction of the director.

**Cite as Miss. Code § 75-27-35**

**Source: Codes, 1942, § 5132-17; Laws, 1964, ch. 221, § 17, eff. 7/1/1964.**

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§ 75-27-37. Duty of owners of incorrect apparatus.

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#### **§ 75-27-37. Duty of owners of incorrect apparatus**

Weights and measures that have been rejected shall not again be used commercially after a thirty-day waiting period or until they have been officially reexamined and found to be correct or until specific written permission for such use is issued by the rejecting authority.

**Cite as Miss. Code § 75-27-37**

**Source: Codes, 1942, § 5132-18; Laws, 1964, ch. 221, § 18, eff. 7/1/1964.**

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§ 75-27-39. Methods of sale of commodities; general.

## **Mississippi Statutes**

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##### **§ 75-27-39. Methods of sale of commodities; general**

Commodities in liquid form shall be sold only by liquid measure or by weight, and, except as otherwise provided in this article, commodities not in liquid form shall be sold only by weight, by measure of length or area, or by count. Provided, that liquid commodities may be sold by weight, and commodities not in liquid form may be sold by count only if such methods give accurate information as to the quantity of commodity sold. Pulpwood shall be sold either by volume or weight, and measured by the cord or the ton as defined in Section 75-27-7. Purchasers of pulpwood, in determining payment to seller, may convert from weight to volume or volume to weight. Such purchasers shall make the conversion by using the following weights per cord: five thousand two hundred (5,200) pounds for pine, five thousand four hundred (5,400) pounds for soft hardwood, five thousand six hundred (5,600) pounds for mixed hardwood, and five thousand eight hundred (5,800) pounds for hard hardwood.

The provisions of this section shall not apply (1) to insect damaged, dead or otherwise damaged pulpwood, (2) to commodities when sold for immediate consumption on the premises where sold, (3) to vegetables when sold by the head or bunch, (4) to commodities in containers standardized by a law of this state or by federal law, (5) to commodities in package form when there exists a general consumer usage to express the quantity in some other manner, (6) to concrete aggregates, concrete mixtures, and loose solid materials such as earth, soil, gravel, crushed stone, and the like, when sold by cubic measure, (7) to unprocessed vegetable and animal fertilizer when sold by cubic measure, or (8) to timber when sold in bulk on the stump. The director may issue such reasonable regulations as are necessary to assure that amounts of commodity sold are determined in accordance with good commercial practice and are so determined and represented as to be accurate and informative to all parties at interest.

**Cite as Miss. Code § 75-27-39**

Source: Codes, 1942, § 5132-19; Laws, 1964, ch. 221, § 19; Laws, 1974, ch. 392, § 1; Laws, 1978, ch. 485, § 1; Laws, 1983, ch. 312, eff. 2/24/1983.

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§ 75-27-41. Methods of sale of commodities; packages, declaration of quantity and origin; variations and exemptions.

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##### **§ 75-27-41. Methods of sale of commodities; packages, declaration of quantity and origin; variations and exemptions**

Except as otherwise provided in this article, any commodity in package form introduced or delivered for introduction into or received in intrastate commerce, kept for the purpose of sale, or offered or exposed for sale in intrastate commerce shall bear on the outside of the package a definite, plain, and conspicuous declaration of (1) the identity of the commodity in the package unless the same can easily be identified through the wrapper or container, (2) the net quantity of the contents in terms of weight, measure, or count, and (3) in the case of any package kept, offered, or exposed for sale, or sold any place other than on the premises where packed, the name and place of business of the manufacturer, packer, or distributor. Provided, that in connection with the declaration required under clause (2), neither the qualifying term "when packed" or any words of similar import shall be used. Provided further, that under clause (2) the director shall, by regulation, establish (a) reasonable variations to be allowed, which shall include variations below the declared weight or measure caused by ordinary and customary exposure, only after the commodity is introduced into intrastate commerce, to conditions that normally occur in good distribution practice and that unavoidably result in decreased weight or measure, (b) exemptions as to small packages, and (c) exemptions as to commodities put up in variable weights or sizes for sale intact and either customarily not sold as individual units or customarily weighed or measured at time of sale to the consumer.

**Cite as Miss. Code § 75-27-41**

Source: Codes, 1942, § 5132-20; Laws, 1964, ch. 221, § 20, eff. 7/1/1964.



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§ 75-27-43. Methods of sale of commodities; declaration of unit price on random packages.

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**§ 75-27-43. Methods of sale of commodities; declaration of unit price on random packages**

In addition to the declarations required by Section 75-27-41, any commodity in package form, the package being one of a lot containing random weights, measures, or counts of the same commodity and bearing the total selling price of the package, shall bear on the outside of the package a plain and conspicuous declaration of the price per single unit of weight, measure, or count.

**Cite as Miss. Code § 75-27-43**

**Source: Codes, 1942, § 5132-21; Laws, 1964, ch. 221, § 21, eff. 7/1/1964.**

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§ 75-27-45. Methods of sale of commodities; misleading packages.

**Mississippi Statutes**

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*Current through 3/27/2018*

**§ 75-27-45. Methods of sale of commodities; misleading packages**

No commodity in package form shall be so wrapped, nor shall it be in a container so made, formed, or filled, as to mislead the purchaser as to the quantity of the contents of the package, and the contents of a container shall not fall below such reasonable standard of fill as may have been prescribed for the commodity in question by the director.

**Cite as Miss. Code § 75-27-45**

**Source: Codes, 1942, § 5132-22; Laws, 1964, ch. 221, § 22, eff. 7/1/1964.**

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§ 75-27-47. Methods of sale of commodities; advertising packages for sale.

## **Mississippi Statutes**

### **Title 75. REGULATION OF TRADE, COMMERCE AND INVESTMENTS**

#### **Chapter 27. WEIGHTS AND MEASURES**

##### **Article 1. WEIGHTS AND MEASURES LAW OF 1964**

*Current through 3/27/2018*

##### **§ 75-27-47. Methods of sale of commodities; advertising packages for sale**

Whenever a commodity in package form is advertised in any manner and the retail price of the package is stated in the advertisement, there shall be closely and conspicuously associated with such statement of price a declaration of the basic quantity of contents of the package as is required by law or regulation to appear on the package. Provided, that in connection with the declaration required under this section there shall be declared neither the qualifying term "when packed" nor any other words of similar import, nor any term qualifying a unit of weight, measure, or count that tends to exaggerate the amount of commodity in the package.

**Cite as Miss. Code § 75-27-47**

**Source: Codes, 1942, § 5132-23; Laws, 1964, ch. 221, § 23, eff. 7/1/1964.**

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§ 75-27-49. Sale by net weight.

## **Mississippi Statutes**

### **Title 75. REGULATION OF TRADE, COMMERCE AND INVESTMENTS**

## **Chapter 27. WEIGHTS AND MEASURES**

### **Article 1. WEIGHTS AND MEASURES LAW OF 1964**

*Current through 3/27/2018*

#### **§ 75-27-49. Sale by net weight**

The word "weight" as used in this article in connection with any commodity shall mean net weight. Whenever any commodity is sold on the basis of weight, the net weight of the commodity shall be employed, and all contracts concerning commodities shall be so construed. Provided, however, this shall not apply to bales of cotton which are customarily sold by gross weight.

**Cite as Miss. Code § 75-27-49**

**Source: Codes, 1942, § 5132-24; Laws, 1964, ch. 221, § 24, eff. 7/1/1964.**

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§ 75-27-51. Misrepresentation of price.

## **Mississippi Statutes**

### **Title 75. REGULATION OF TRADE, COMMERCE AND INVESTMENTS**

## **Chapter 27. WEIGHTS AND MEASURES**

### **Article 1. WEIGHTS AND MEASURES LAW OF 1964**

*Current through 3/27/2018*

#### **§ 75-27-51. Misrepresentation of price**

Whenever any commodity or service is sold, or is offered, exposed, or advertised for sale, by weight, measure, or count, the price shall not be misrepresented, nor shall the price be represented in any manner calculated or tending to mislead or deceive an actual or prospective purchaser. Whenever an advertised, posted, or labeled price per unit of weight, measure, or count includes a fraction of a cent, all elements of the fraction shall be prominently displayed and the numeral or numerals expressing the fraction shall be immediately adjacent to, of the same general design and style as, and at least one-half ( 1/2) the height and width of the numerals representing the whole cent; provided, however, the provisions of this section shall not apply to signs and

requirements enumerated in Section 75-55-9, Mississippi Code of 1972. A person who is found guilty of the misrepresentation of the price of a commodity or the representation of a price in any manner calculated or tending to mislead or deceive an actual or prospective purchaser shall be assessed a civil penalty by the director or his designee in the amount of not less than One Hundred Dollars (\$ 100.00) for the first offense and not less than One Hundred Dollars (\$ 100.00) nor more than Five Hundred Dollars (\$ 500.00) for each subsequent offense. Each violation shall constitute a separate offense. The commissioner or his designee shall afford the person an opportunity for a hearing to show cause why the penalty should not be assessed.

**Cite as Miss. Code § 75-27-51**

**Source: Codes, 1942, § 5132-25; Laws, 1964, ch. 221, § 25; Laws, 2000, ch. 326, §3, eff. 7/1/2000.**

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§ 75-27-53. Construction of contracts.

## **Mississippi Statutes**

### **Title 75. REGULATION OF TRADE, COMMERCE AND INVESTMENTS**

#### **Chapter 27. WEIGHTS AND MEASURES**

##### **Article 1. WEIGHTS AND MEASURES LAW OF 1964**

*Current through 3/27/2018*

##### **§ 75-27-53. Construction of contracts**

Fractional parts of any unit of weight or measure shall mean like fractional parts of the value of such unit as prescribed or defined in Sections 75-27-5 and 75-27-7, and all contracts concerning the sale of commodities and services shall be construed in accordance with this requirement.

**Cite as Miss. Code § 75-27-53**

**Source: Codes, 1942, § 5132-26; Laws, 1964, ch. 221, § 26, eff. 7/1/1964.**

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§ 75-27-55. Hindering or obstructing officer; penalties.

## **Mississippi Statutes**

### **Title 75. REGULATION OF TRADE, COMMERCE AND INVESTMENTS**

## **Chapter 27. WEIGHTS AND MEASURES**

### **Article 1. WEIGHTS AND MEASURES LAW OF 1964**

*Current through 3/27/2018*

#### **§ 75-27-55. Hindering or obstructing officer; penalties**

Any person who shall wilfully hinder or obstruct in any way the director, the deputy director, or any one of the inspectors, in the performance of his official duties shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty dollars (\$ 50.00) nor more than two hundred dollars (\$ 200.00), or by imprisonment for not more than three (3) months, or by both such fine and imprisonment.

**Cite as Miss. Code § 75-27-55**

**Source: Codes, 1942, § 5132-27; Laws, 1964, ch. 221, § 27, eff. 7/1/1964.**

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§ 75-27-57. Impersonation of officer; penalties.

## **Mississippi Statutes**

### **Title 75. REGULATION OF TRADE, COMMERCE AND INVESTMENTS**

## **Chapter 27. WEIGHTS AND MEASURES**

### **Article 1. WEIGHTS AND MEASURES LAW OF 1964**

*Current through 3/27/2018*

#### **§ 75-27-57. Impersonation of officer; penalties**

Any person who shall impersonate in any way the director, the deputy director, or any one of the inspectors, by the use of his seal or a counterfeit of his seal, or in any other manner, shall be guilty of a misdemeanor, and, upon conviction, may be punished by a fine of not less than Two Hundred Dollars (\$ 200.00) nor more than One Thousand Dollars (\$ 1,000.00), or by imprisonment for not more than one (1) year, or by both such fine and imprisonment.

**Cite as Miss. Code § 75-27-57**

§ 75-27-59. Offenses and penalties.

## Mississippi Statutes

### Title 75. REGULATION OF TRADE, COMMERCE AND INVESTMENTS

#### Chapter 27. WEIGHTS AND MEASURES

#### Article 1. WEIGHTS AND MEASURES LAW OF 1964

*Current through 3/27/2018*

#### § 75-27-59. Offenses and penalties

- (1) Any person who by himself, by his agent, or as the agent of another person, commits any one (1) of the acts enumerated in paragraphs (a) through (j) of this subsection is guilty of a misdemeanor and, upon a first conviction thereof, shall be punished by a fine of not less than Fifty Dollars (\$ 50.00) nor more than Two Hundred Dollars (\$ 200.00), or by imprisonment for not more than three (3) months, or by both such fine and imprisonment; and upon a second or subsequent conviction, he shall be punished by a fine of not less than One Hundred Dollars (\$ 100.00) nor more than Five Hundred Dollars (\$ 500.00), or by imprisonment for not more than one (1) year, or by both such fine and imprisonment. It is unlawful for a person to:
  - (a) Use or have in possession for the purpose of using for any commercial purpose specified in Section 75-27-23, sell, offer, or expose for sale or hire, or have in possession for the purpose of selling or hiring, an incorrect weight or measure of any device or instrument used to or calculated to falsify any weight or measure.
  - (b) Use or have in possession for the purpose of current use for any commercial purpose specified in Section 75-27-23, a weight or measure that does not bear a seal or mark such as is specified in Section 75-27-31, unless such weight or measure has been exempted from testing by the provisions of Section 75-27-23, or by a regulation of the director issued under the authority of Section 75-27-19.
  - (c) Dispose of any rejected or condemned weight or measure in a manner contrary to law or regulation.
  - (d) Remove from any weight or measure, contrary to law or regulation, any tag, seal, or mark placed thereon by the appropriate authority.

- (e) Sell, or offer or expose for sale, less than the quantity he represents of any commodity, thing, or service.
  - (f) Take more than the quantity he represents of any commodity, thing, or service, when, as buyer, he furnishes the weight or measure by means of which the amount of the commodity, thing, or service is determined.
  - (g) Keep for the purpose of sale, advertise, or offer or expose for sale, or sell, any commodity, thing, or service in a condition or manner contrary to law or regulation.
  - (h) Use in retail trade, except in the preparation of packages put up in advance of sale and of medical prescriptions, a weight or measure that is not so positioned that its indications may be accurately read and the weighing or measuring operation observed from some position which may reasonably be assumed by a customer.
  - (i) Buy or sell pulpwood by any means other than those prescribed in Section 75-27-39.
  - (j) Violate any provision of this article or of the regulations promulgated under the provisions of this article for which a specific penalty has not been prescribed.
- (2) Any person who by himself, by his agent, or as the agent of another person, commits any of the acts enumerated in subsection (1) of this section may be assessed by the director, or his designee, an administrative penalty of:
- (a) Not less than One Hundred Dollars (\$ 100.00) nor more than One Thousand Dollars (\$ 1,000.00) for a first violation;
  - (b) Not less than One Hundred Dollars (\$ 100.00) nor more than Two Thousand Dollars (\$ 2,000.00) for a second violation committed within twelve (12) months of the first violation; and
  - (c) Not less than One Thousand Dollars (\$ 1,000.00) nor more than Three Thousand Dollars (\$ 3,000.00) for a third violation committed within eighteen (18) months from the date of the first violation.
- (3) Any person, subject to an administrative penalty, shall have a right to request an administrative hearing within thirty (30) days of receipt of the notice of the penalty. The director, or his designee, is authorized to conduct the hearing after giving appropriate notice to the respondent. The decision of the director, or his designee, shall be subject to appropriate judicial review.
- (4) (a) If the respondent has exhausted his administrative appeals and the civil penalty has been upheld, he shall pay the civil penalty within thirty (30) days of the effective date of the final decision. If the respondent fails to pay the penalty, a civil action may be brought by the director in any court of competent jurisdiction.

- (b) Any civil penalty collected under this section shall be transmitted to the General Fund.

**Cite as Miss. Code § 75-27-59**

**Source:** Codes, 1942, § 5132-29; Laws, 1964, ch. 221, § 29; Laws, 1974, ch. 392, § 2, eff. 6/23/1974.

**History.** Amended by Laws, 2013, ch. 446, HB 772, 1, eff. 7/1/2013.

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§ 75-27-61. Injunction.

## **Mississippi Statutes**

### **Title 75. REGULATION OF TRADE, COMMERCE AND INVESTMENTS**

#### **Chapter 27. WEIGHTS AND MEASURES**

##### **Article 1. WEIGHTS AND MEASURES LAW OF 1964**

*Current through 3/27/2018*

#### **§ 75-27-61. Injunction**

The director is authorized to apply to any court of competent jurisdiction for, and such court upon hearing and for cause shown may grant, a temporary or permanent injunction restraining any person from violating any provision of this article.

**Cite as Miss. Code § 75-27-61**

**Source:** Codes, 1942, § 5132-30; Laws, 1964, ch. 221, § 30, eff. 7/1/1964.

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§ 75-27-63. Presumptive evidence.

## **Mississippi Statutes**

### **Title 75. REGULATION OF TRADE, COMMERCE AND INVESTMENTS**

#### **Chapter 27. WEIGHTS AND MEASURES**

##### **Article 1. WEIGHTS AND MEASURES LAW OF 1964**



*Current through 3/27/2018*

### **§ 75-27-63. Presumptive evidence**

For the purposes of this article, proof of the existence of a weight or measure or a weighing or measuring device in or about any building, enclosure, stand, or vehicle in which or from which it is shown that buying or selling is commonly carried on, shall, in the absence of conclusive evidence to the contrary, be presumptive proof of the regular use of such weight or measure or weighing or measuring device for commercial purposes and of such use by the person in charge of such building, enclosure, stand, or vehicle.

**Cite as Miss. Code § 75-27-63**

**Source: Codes, 1942, § 5132-31; Laws, 1964, ch. 221, § 31, eff. 7/1/1964.**

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§ 75-27-65. Validity of prosecutions.

## **Mississippi Statutes**

### **Title 75. REGULATION OF TRADE, COMMERCE AND INVESTMENTS**

#### **Chapter 27. WEIGHTS AND MEASURES**

##### **Article 1. WEIGHTS AND MEASURES LAW OF 1964**

*Current through 3/27/2018*

### **§ 75-27-65. Validity of prosecutions**

Prosecutions for violation of any provision of this article are declared to be valid and proper notwithstanding the existence of any other valid general or specific law of this state dealing with matters that may be the same as or similar to those covered by this article.

**Cite as Miss. Code § 75-27-65**

**Source: Codes, 1942, § 5132-32; Laws, 1964, ch. 221, § 32, eff. 7/1/1964.**

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§ 75-27-67. Licensing service repairmen.

## **Mississippi Statutes**

### **Title 75. REGULATION OF TRADE, COMMERCE AND INVESTMENTS**

#### **Chapter 27. WEIGHTS AND MEASURES**

##### **Article 1. WEIGHTS AND MEASURES LAW OF 1964**

*Current through 3/27/2018*

##### **§ 75-27-67. Licensing service repairmen**

Any person engaging in the business of scale repairing or testing shall obtain a license annually from the State Director of Weights and Measures upon showing that he is qualified to repair or test scales and that he meets all requirements of the National Institute of Standards and Technology Handbook 44 and supplements thereto or in any publication revising or superseding Handbook 44. The annual cost of such license shall be One Hundred Dollars (\$ 100.00) for scale service-repair companies and Fifty Dollars (\$ 50.00) for scale service repairmen, which shall be collected by the director and paid into the State Treasury, and shall expire on the thirtieth day of June next after its issuance. The director is hereby authorized to revoke any such license for a violation of any of the provisions of this article or any rule or regulation promulgated thereunder. Any person so licensed shall, within three (3) days after he adjusts, repairs, services, restores to service or places in service any scale, make a report thereof to the Director of Weights and Measures on a form provided by the Department of Agriculture and Commerce.

All such fees collected shall be paid into the General Fund in the State Treasury.

It shall be unlawful and a misdemeanor:

- (1) for any person other than the owner, or his regular employees, to repair any weighing or measuring device unless he holds the above-prescribed license; or
- (2) for any person to retain any remuneration for repairing any weighing or measuring device unless the repairing involved causes such device to meet the requirements of the article for at least ninety (90) days after such repairing; or
- (3) for any person to violate any of the provisions of this section.

**Cite as Miss. Code § 75-27-67**

**Source: Codes, 1942, § 5132-33; Laws, 1964, ch. 221, § 33; Laws, 1970, ch. 255, § 8; Laws, 1997, ch. 520, §5, eff. 7/1/1997.**