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 Regulatory Services Division. 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, or fine, may be assessed at a rate of up to $500 per violation. The violator may then correct the issue and pay the fine 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.

- 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
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 x $6.50 = ) $18.85 and (3.40 x $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 a legal for-trade scale permitted annually by the Tennessee Department of Agriculture Regulatory Services Weights and Measures. The cost of the permit at the date of publication is $5 per year for a scale with a weighing capacity of 2,500 pounds or less.

- 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 a permitted legal for-trade scale that measures the net weight of the product accurately.

- Random weight items — packages of meat with variable net weights — must have the net weight, price per unit 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, 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.

- The net weight, price per pound and total price may be printed on the product at the processing facility or printed or written on the package when it is “offered or exposed for sale.” If the random weight product is accessible to consumers at a retail outlet or farmers market, it must have the net weight, price per pound and total price on the package. If the product is not accessible to consumers (such as when the seller has the product in a cooler and gets product upon request from customers), then the seller can information on the package at that time before making the actual sales transaction.

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

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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Weights and Measures Regulations

Questions about weights and measures regulations in Tennessee can be addressed by the Tennessee Department of Agriculture Regulatory Services 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 http://www.swma.org.