

## No. 556

## AN ACT

To further amend sections 1 and 2 of the act, approved the twenty-fourth day of July, one thousand nine hundred thirteen (Pamphlet Laws 965), entitled "An act defining commodities; regulating the sale thereof; and providing penalties for violation hereof," by defining further words and terms and regulating the sale of certain additional commodities.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows: Commodities.

Section 1. Sections 1 and 2 of the act, approved the twenty-fourth day of July, one thousand nine hundred thirteen (Pamphlet Laws 965), entitled "An act defining commodities; regulating the sale thereof; and providing penalties for violation hereof," as amended by the act, approved the eighteenth day of May, one thousand nine hundred forty-five (Pamphlet Laws 788), are hereby further amended to read as follows: Sections 1 and 2,  
act of July 24,  
1913, P. L. 965,  
as amended by  
act of May 18,  
1945, P. L. 788,  
further amended.

Section 1. Be it enacted, &c., That the word "commodity," as used in this act, shall mean any thing, goods, wares, merchandise, compound, mixture or preparation, products of manufacture of any tangible personal property, which may be lawfully kept, sold, or offered for sale. Definitions.

The words "liquid commodity," as used in this act, shall mean anything fluid or in the liquid state and not mixed with solids, and frozen fluid products.

The words "dry commodity," as used in this act, shall mean any other commodity sold or offered for sale not in liquid or fluid state at the time of sale.

The words "liquid measure," as used in this act, shall mean the standard United States gallon of 231 cubic inches, or binary sub-multiple thereof, quart, pint or gill.

The words "dry measure," as used in this act, shall mean the standard United States bushel of 2150.42 cubic inches, or sub-multiple thereof, peck, quart or pint.

*The words "cubic foot," where used as a unit of measurement, shall mean 1728 cubic inches.*

*The word "therm," where used as a unit of measurement, shall mean 100,000 British thermal units.*

The word "weight," as used in this act, shall mean the United States standard avoirdupois pound or ounce.

The word "package," as used in this act, shall mean everything containing one or more than one unit of any commodity, tied or bound together, or put up in box, bag, pack, bundle, container, bottle, jar, can or any other form of receptacle or vessel, not considered as an approved measure, except cases, cartons, crates, bundles or bales used for bulk shipping or storage: Provided, That enclosed packages are marked as to weight, measure or numerical count.

The word "department," as used in this act, shall mean the Department of Internal Affairs.

The word "person," as used in this act, shall be construed to include any individual, firm, partnership, unincorporated association, corporation, association, agent, representative or employe thereof.

Manner of sale.

Section 2. (1) All liquid commodities, when sold in bulk or from bulk, shall be sold by weight or liquid measure. All dry commodities, when sold in bulk or from bulk, shall be sold by weight, dry measure or numerical count, unless otherwise designated to be sold in a special manner. No dry commodities shall be sold by liquid measure.

(2) All \*meat and meat products, poultry and poultry products, except eggs, shall be sold by weight; only eggs may be sold by numerical count.

(3) Wood used for fuel shall be sold by weight or by the cord of 128 cubic feet, or fraction thereof, and accompanied by a statement or invoice certifying the amount sold.

(4) *Liquefied petroleum gas is defined and limited to any material which is composed predominantly of any of the following hydrocarbons or mixtures of them: propane, propylene, butanes (normal butane or isobutane) and butylene, and shall be sold or offered for sale at retail by avoirdupois weight or by liquid measure or vapor volume. The unit of sale must be a specified whole or fractional part or whole and fractional parts of pounds, gallons or cubic feet or on a thermal basis. Any of these units shall be convertible into any other units in accordance with the tables hereinafter set forth. The unit of sale shall be clearly shown on weighing or measuring device and also on the customer's invoice, indicating the equivalent to a pound, a gallon, or a cubic foot, as weighed or measured by such device.*

\* "meats" in original.

*(Conversion Table)**Propane*

1 Cu. ft. =	.117 lbs.	.0276 gals.	.0252 therms	.2522 decitherms
1 lb. =	8.55 cu. ft.	.236 gals.	.215 therms	2.15 decitherms
1 gal. =	36.28 cu. ft.	4.24 lbs.	.915 therms	9.150 decitherms
1 therm =	39.6 cu. ft.	4.64 lbs.	1.093 gals.	10 decitherms
1 deci-therm =	3.96 cu. ft.	.464 lbs.	.109 gals.	.100 therms

*Butane*

1 Cu. ft. =				
.154 lbs.	.0318 gals.		.0326 therms	.326 decitherms
1 lb. =	6.50 cu. ft.	.206 gals.	.212 therms	2.12 decitherms
1 gal. =	31.46 cu. ft.	4.84 lbs.	1.026 therms	10.26 decitherms
1 therm =	30.67 cu. ft.	4.72 lbs.	.975 gals.	10 decitherms
1 deci-therm =	3.067 cu. ft.	.472 lbs.	.098 gals.	.100 therms

When sold or offered for sale in package form, the net contents must be plainly and conspicuously marked on the container or on a tag or other type of label firmly attached thereto, and must also be shown on an invoice or delivery ticket (Tare weight is the weight of the container, valve and other permanent attachment, but does not include valve protecting cap).

When sold by avoirdupois weight, variations at the rate of one pound per one hundred pounds of a specified net weight of the container are permitted in individual containers, but the average weight of not less than twelve containers shall not be less than the marked net weight of the container.

After containers sold on a package basis are disconnected for removal from consumer's apparatus before becoming empty, a written receipt or statement of credit for all weight in excess of the marked tare weight shall be furnished to the consumer: Provided, however, That the provisions of this paragraph shall not apply where they are inconsistent with the terms of a written contract of sale.

Only such measures as are approved under the provisions of the act, approved the fifth day of May, one thousand nine hundred twenty-one (Pamphlet Laws 389), entitled "An act to regulate and control the manufacture, sale, offering for sale, giving away, and use of weights and measures and of weighing and measuring devices in the Commonwealth of Pennsylvania; providing for the approval and disapproval of such weights, measures, and devices by the Bureau of Standards; and prescribing penalties," shall be used.

APPROVED—The 14th day of January, A. D. 1952.

JOHN S. FINE