



# CITY OF MARLBOROUGH

## BOARD OF HEALTH

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The following is offered to assist businesses in understanding requirements imposed under the laws of the Commonwealth. It is not all inclusive. Businesses are encouraged to review the laws in their entirety with their attorneys. This is presented for general information purposes only.

### **Massachusetts General Laws and regulations require that:**

- All persons and businesses using weighing or measuring devices for the purpose of buying or selling goods, wares or merchandise, for public weighing or for hire or reward, are required to have the devices tested and sealed by this department. Devices are required to be sealed prior to their first commercial use and annually thereafter.
- Weighing and measuring devices used for commercial purposes must have a National Type Evaluation Program (NTEP) Certificate of Conformance and meet NIST Handbook 44 requirements. Note: Many devices available for purchase or use do not meet these requirements and are not legal for trade. Information about the NTEP and Certificates of Conformance can be found at <http://www.ncwm.net>. This site also contains a database of Certificates that have been issued. Scale manufacturers and dealers should also be able to provide this information to you.
- Scales or weighing devices used in weighing food sold at retail by weight in the presence of the purchaser must be placed so that the purchaser can observe the weighing operations and read the device's weight indicator.
- "Weight" in the sale of commodities sold by weight means the net weight of the commodity. It is illegal to include the weight of the packaging in the calculation of price.
- Any food commodity put up or packaged in any manner in advance of sale at retail must bear on the outside of the package a plain and conspicuous declaration of the identity and the net quantity of the contents. The declaration of identity must identify such commodity by its common or usual name, unless such commodity may be easily identified through the wrapper. "Net quantity" means the quantity of the commodity in the container, exclusive of any packaging materials.
- Cash registers or other mechanical devices used for totaling the monetary value of customer purchases at retail must be placed in a position where the total can be observed by the customer.