

11. Sales by Weights and Measures

All sales by weights and measures such as ounces, pounds, quarts, pints, gallons, etc. are regulated by the Missouri Department of Agriculture, Weights, Measures and Consumer Protection Division. When selling by weight, all scales determining the billable rate must be inspected and [Certified by an Inspection Agent](#) with the Missouri Department of Agriculture. The division ensures the accuracy of all commercial weighing and measuring devices in Missouri. This is accomplished by annually certifying commercial weighing and measuring devices. The division has 14 weights and measures inspectors who certify the accuracy of small scales (those with a capacity under 1,000 pounds) and six weights and measures inspectors who certify the accuracy of large scales, such as livestock scales, vehicle scales, and grain hoppers. Any device used to determine the price of a commodity stands to be tested and certified by a weights and measures official. Whether it is a scale used in a grocery store, at a farmer's market, or at a roadside produce stand, the device should bear an approval seal from the Weights, Measures and Consumer Protection Division.

When measuring by volume, the Missouri Department of Agriculture has adopted the [National Institute for Standards and Technology Handbook](#). The publications in this handbook outline all acceptable packaging and labeling requirements for various products being sold by volume. To avoid any confusion or possible issues, most vendors will sell by quantity, such as bags or bunches, and use volume containers such as pints, quarts and gallons for display purposes only and market them as small, medium and large containers.

The below guidelines (HIST Handbook 130) apply to all sales of fruits and vegetables. There are two tables, one for specific commodities and one for general commodity groups. The item may be sold by any method of sale marked with an X. Approved units of sale for fruits and vegetables are listed below:

Method of Retail Sale for Fresh Fruits and Vegetables					
Specific Commodity					
Commodity	Weight	Count	Head or Bunch	Dry Measure (any size)	Dry Measure (1 dry qt or larger)
Artichokes	X	X			
Asparagus	X		X		
Avocados		X			
Bananas	X	X			

Beans (green, yellow, etc.)	X				X
Brussels Sprouts (loose)	X				
Brussels Sprouts (on stalk)			X		
Cherries	X			X	X
Coconuts	X	X			
Corn on the Cob		X			X
Dates	X				
Eggplant	X	X			
Figs	X				
Grapes	X				
Melons (cut in pieces)	X				
Mushrooms (small)	X			X	X
Mushrooms (portobello, large)	X	X			

Method of Retail Sale for Fresh Fruits and Vegetables

Specific Commodity

Commodity	Weight	Count	Head or Bunch	Dry Measure (any size)	Dry Measure (1 dry qt or larger)
Okra	X				
Peas	X				X

Peppers (bell and other varieties)	X	X			X
Pineapples	X	X			
Rhubarb	X		X		
Tomatoes (except cherry/grape)	X	X			X

Method of Retail Sale for Fresh Fruits and Vegetables					
General Commodity Groups					
Commodity	Weight	Count	Head or Bunch	Dry Measure (any size)	Dry Measure (1 dry qt or larger)
Berries and Cherry/Grape Tomatoes	X			X	
Citrus Fruits (oranges, grapefruits, lemons, etc.)	X	X			X
Edible Bulbs (onions [spring or green], garlic, leeks, etc.)	X	X	X		X
Edible Tubers (Irish potatoes, sweet potatoes, ginger, horseradish, etc.)	X				X
Flower Vegetables (broccoli, cauliflower, Brussel sprouts, etc.)	X		X		
Gourd Vegetables (cucumbers, squash, melons, etc.)	X	X			X
Leaf Vegetables (lettuce, cabbage, celery, etc.)	X		X		

Leaf Vegetables (parsley, herbs, loose greens)	X		X	X	
Pitted Fruits (peaches, plums, prunes, etc.)	X	X			X
Pome Fruits (apples, pears, mangoes, etc.)	X	X			X
Root Vegetables (turnips, carrots, radishes, etc.)	X		X		

Produce may be sold by weight, measure, or count, depending on the commodity. Selling by “weight” or “measure” involves legally defined weights and measures.

Direct sales, such as farmers’ markets, roadside stands, or from a pickup truck, are those where the weight of the product is determined at the time of the sale. Scales used in direct sales must be inspected and approved at least once each calendar year by the Division of Weights and Measures. There will be a fifteen dollar (\$15) fee charged for each approvable type scale.

Scales stamped or labeled by the factory “Not Legal For Use In Trade” will not be approved because these devices were not manufactured to meet the standards necessary for commercial trade and certification. Such scale types may include baby scales, bathroom scales, postal scales, restaurant portion scales and kitchen utility scales. If purchasing a new or used scales and are unsure if the scale can be certified, get the make and model number and call Weights and Measures at 573-751-5639 before you buy it.

Prepackaged sales occur when you weigh the product before sale and package the produce with a quantity statement on the package. Scales used for prepackaging product do not have to meet the Weights and Measures rules and regulations. However, the package must contain the name of the product, where it came from and a quantity statement (weight, measure or count). As long as the contents of the package weigh at least what is labeled, it is in compliance.

Weight statement must be net weight (the weight of the product excluding the weight of the wrapping material or container). The only wording preceding or following the weight can be net weight or abbreviated net wt. You cannot say “approximate net weight”, “more than net-wt” or “at least net weight”.

When selling by measure, a standard dry pint or dry quart container is actually measured by the cubic inches it contains, not the shape. An accurate measure would be when the container is filled and struck level across the top. When purchasing containers, be certain they meet the legal definition of pints, quarts, pecks, etc.

For additional information or if you have further questions contact the Missouri Department of Agriculture, Division of Weights and Measures at (573) 751-5639.