NYC Consumer and Worker Protection

Inspection Checklist:
Supermarkets, Bodegas, and Delis

Do you own or operate a supermarket?

Use this checklist to learn what our inspectors look for and help avoid violations. All businesses also must comply with the General Retail Inspection Checklist, which is included at the end for easy reference.

For your convenience, each Requirement includes the relevant section of law and/or rule, so you can refer to it for more information. The KEY below describes the legal citations and symbols used in this checklist.

KEY
NYC Code: NYC Administrative Code
RCNY: Rules of the City of New York
NYCRR: NY Codes, Rules, and Regulations
NY Agric. & Mkts.: NY Agriculture & Markets Law
§: Section
§§: Sections

Requirement		Do you meet this requirement?
Containers and Labels		
1	If items are prepackaged and sold or priced by weight, the weight of the packaging (also known as the tare) must be subtracted from the weight of the product.	☐ Yes
	1 NYCRR §221.5(c)	
2	Perishables must have the use-by date or the sell-by date on the top cover or main display panel.	☐ Yes
	6 RCNY §4-112(b)	
3	Pre-packaged foods must have a label that includes all of the following: • Name of the product • Name and address of the manufacturer • Weight or Quantity in the package • Expiration or sell-by date	☐ Yes
	1 NYCRR §§221.4, 221.5(c); 6 RCNY §4-112(b)	
Meat		
4	Meat must be in a package that is colorless or clear on one side, with the exception of ground meat.	☐ Yes
	NYC Code §20-682	
5	There cannot be colored lights or spot lights on or near or above meat displays.	☐ Yes
	6 RCNY §3-57	
Advertising		
6	Advertised items must be available on the shelves. **Tip**: If there is a limited supply of any of the advertised items or the items are not available at every store location, that must be stated in the advertisement.	☐ Yes
	6 RCNY §5-53	

Inspection Checklist:
Supermarkets, Bodegas, and Delis

Requirement		Do you meet this requirement?
Scanners		
7	When items are scanned, the price must match the lowest item price, shelf price, sale price, or advertised price.	☐ Yes
	NYC Code §20-708.1(e)	
8	Tax cannot be charged on non-taxable items. **Tip**: Check with the New York State Department of Taxation and Finance for information about what is taxable and what is not.	☐ Yes
	NYC Code §20-700	
Cash Registers		
9	The price display of the cash register must be visible to the customer.	☐ Yes
	NYC Code §20-691(a)	
Receipts		
10	Receipts must be given to customers for purchases over $20 and upon request for purchases between $5 and $20.	☐ Yes
	6 RCNY §5-32(c)	
11	The receipt must include: • Date of purchase • Amount paid for each item • Total amount paid • Separate statement of tax • Name and address of store	☐ Yes
	6 RCNY §5-32(c)	
Signs		
12	A refund policy must be posted at each register, point of sale, or at each entrance. **Tip:** Even if the policy is not to give refunds, a sign must be posted stating "No Refunds."	☐ Yes
	6 RCNY §5-37	
13	If there are limitations on using credit cards, such as minimum purchase amounts, the policy must be clearly posted at the point of sale or at each entrance. **Tip:** Any credit card limitations must all be listed and explained in all advertising that states that credit cards are accepted.	☐ Yes
	6 RCNY §5-24(b)	

Inspection Checklist: Supermarkets, Bodegas, and Delis

Requirement		Do you meet this requirement?
Pricing on Items Displayed for Sale		

14	If the store's annual revenue is more than $2 million, most items must be individually priced.
	
	Exceptions:
	
	• You do NOT need to individually price each item if you provide price scanners for customer use that meet the following requirements:
	  – Price scanners are within 30 feet of an item OR there is a sign in view of the item that says "A Price Scanner for Customer Use to Check Prices is Located _____ (indicate location)." AND
	  – The number of price scanners available to customers is based on the number of checkout stations:
	    1–3 checkout stations = 1 or more price scanners
	    4–5 checkout stations = 2 or more price scanners
	    6–7 checkout stations = 3 or more price scanners
	    8–9 checkout stations = 4 or more price scanners
	    10 or more checkout stations = 5 or more price scanners
	• The following items do not have to be individually priced but must have shelf prices:
	  – Milk
	  – Eggs
	  – Fresh produce
	  – Snack foods that are less than 5 ounces
	  – Frozen foods
	  – Jars of baby food
	  – Items that are less than 3 cubic inches, under 3 ounces, and under $1
	• Items that are on sale for one week or less and are displayed in end-of-aisle displays do not have to be individually priced, but there must be a sign at the point of display stating the dates of the sale (a week or less), the name of the product, and the advertised price.
		☐ Yes

	NYC Code §20-708.1(b)	
15	If the store's annual revenue is less than $2 million and the store is not part of a chain, the price of each item must either be on the item or on a sign where the item is displayed.	☐ Yes
	NYC Code §20-708	
Customer Scales		
16	There must be a digital scale available to customers to reweigh items packaged by the store.	☐ Yes
	NY Agric. & Mkts. §190(5)	
17	There must be a sign on or near the scale that states the scale is for customer use.	☐ Yes
	NY Agric. & Mkts. §190(5)	

Inspection Checklist:
Supermarkets, Bodegas, and Delis

Requirement		Do you meet this requirement?
Scales		
18	All scales in the store, except for customer scales for estimating, must be inspected annually by DCWP and have valid DCWP scale inspection seals. **Tip:** Request a scale inspection online or by calling 311.	☐ Yes
	NYC Code §20-584	
19	Scales must be a type approved by New York State Department of Agriculture and Markets (Weighing and Measuring Devices Approved for Commercial Use).	☐ Yes
	1 NYCRR §220.1(a)	
20	A scale should only be used for its intended purpose. For example, a fruit and vegetable hanging scale should not be used to weigh deli meat.	☐ Yes
	1 NYCRR §220.1(a)	
21	A scale should be able to weigh the amounts customers may want. For example, a scale that only indicates pounds is not sufficient to weigh products that people may want to buy in smaller quantities (like a few ounces of mushrooms).	☐ Yes
	1 NYCRR §220.2(a)	
22	Scales must display zero when nothing is on them.	☐ Yes
	1 NYCRR §220.2(a)	
23	All scales used to weigh wet items such as fish must have drains.	☐ Yes
	1 NYCRR §220.2(a)	
24	If a store employee and customer are on opposite sides of a counter, the scale must be placed between the two and must face both of them.	☐ Yes
	6 RCNY §3-24(c)	
25	There cannot be anything within 10 inches of any scale other than the scales at the cash registers.	☐ Yes
	6 RCNY §3-24(e)	
26	DCWP inspectors must be permitted to conduct scale inspections immediately upon request.	☐ Yes
	NYC Code §20-591	
Deli Pricing		
27	Prices must be displayed for each and all deli items, either attached to, next to, or on a sign.	☐ Yes
	1 NYCRR §221.13(b)(18)	
Bulk Food Processing		
28	If a store has a salad bar, olive bar, or any loose unpackaged foods (e.g., coffee beans, nuts and grains, etc.), there must be a sign posted in plain view of customers that states what the item is and the price per pound or other unit price.	☐ Yes
	1 NYCRR §221.13(b)(18)	

Inspection Checklist:
Supermarkets, Bodegas, and Delis

Requirement		Do you meet this requirement?
Expired Over-the-Counter Medication		
29	It is illegal to sell over-the-counter medication with a date that has expired.	☐ Yes
	NYC Code §20-822(a)	
Other		
30	Inspectors may also inspect for compliance with other laws, such as if your store has one or more DCWP licenses, if your store has a pharmacy, or if you sell other products such as flavored tobacco and toys.	☐ Yes

For more information: **Visit** nyc.gov/BusinessToolbox | **Contact 311** (212) NEW-YORK (Outside NYC)

This document is provided for informational purposes only, is not exhaustive, and does not constitute legal advice. New York City businesses must comply with all relevant federal, State, and City laws and rules. Businesses are responsible for knowing and complying with current regulations that affect their business.

Inspection Checklist: General Retail

Does your business sell goods or services?

Use this checklist to learn what our inspectors look for and help avoid violations. For your convenience, each Requirement includes the relevant section of law and/or rule, so you can refer to it for more information. The KEY below describes the legal citations and symbols used in this checklist.

KEY
NYC Code: NYC Administrative Code **RCNY:** Rules of the City of New York **NY GBL:** NY General Business Law **§:** Section

Requirement		Do you meet this requirement?
Price Lists for Services		
1	A price list must be displayed and include the following: • List of the type of services • Minimum price for each service • Conditions or variations of service that change the minimum price • Range of additional charges caused by conditions or variations (e.g., $10 pants, $15 pants with pleats) • (*if the price is based on an hourly labor rate*) Rate as dollars per hour **Tip:** If the price list states a price "and up" or "from"—e.g., "$5 and up" or "from $5"—it must also state the reason(s) for the different prices and include the range of prices.	☐ Yes
	6 RCNY §5-70(a)	
2	The price list must be clearly posted or clearly displayed at the place(s) where payment is made (e.g., near the cash register) and/or where orders are placed.	☐ Yes
	6 RCNY §5-70(a)	
3	If there is a sale or promotion, the pre-sale prices must also be posted.	☐ Yes
	NYC Code §20-750(b)	
4	Prices for services cannot be based on gender. **Tip:** Words like "men's," "women's," and "ladies'" cannot be used to describe the price.	☐ Yes
	NYC Code §20-750(c)	
Pricing for Goods		
5	All items offered for sale must show a price, exclusive of tax, as follows: • The price must be attached to the item by a stamp, tag, or label. OR • The price must be stated on a sign that is plainly visible where the item is displayed.	☐ Yes
	NYC Code §20-708, NYC Code §20-708.1	

Inspection Checklist: General Retail

Requirement	Do you meet this requirement?

6	If your store's annual revenue is more than $2 million or you are a chain store, you must individually price each item, including food products, paper products, detergents, soaps, nonprescription drugs, and health and beauty aids.
	
	Exceptions:
	
	• You do NOT need to individually price each item if you provide price scanners for customer use that meet the following requirements:
	    – Price scanners are within 30 feet of an item OR there is a sign in view of the item that says "A Price Scanner for Customer Use to Check Prices is Located _____ (indicate location)." AND
	    – The number of price scanners available to customers is based on the number of checkout stations:
	        1–3 checkout stations = 1 or more price scanners
	        4–5 checkout stations = 2 or more price scanners
	        6–7 checkout stations = 3 or more price scanners
	        8–9 checkout stations = 4 or more price scanners
	        10 or more checkout stations = 5 or more price scanners
	
	• The following items must be individually priced unless shelf prices and a price look-up function are provided:
	    – Milk
	    – Items that are under 3 cubic inches in size, weigh less than 3 ounces, and cost under 1 dollar
	    – Eggs
	    – Fresh produce not packaged for retail sale
	    – Products sold through a vending machine
	    – Food sold for consumption on the premises
	    – Snack foods offered for sale in single packages that weigh 5 ounces or less, e.g., cakes, gum, candies, chips, and nuts
	    – Cigarettes, cigars, tobacco, and tobacco products
	    – Food offered for sale in bulk
	    – Frozen juice
	    – Ice cream
	    – Frozen foods packaged for final retail sale in plastic bags
	    – Items on sale for 1 week or less, but only if they are located in a segregated display at the end of the aisle and the sale period, name of the product, and the advertised price are clearly posted on a sign at the point of display
	    – Jars of baby food
		☐ Yes

NYC Code §20-708.1(b), NYC Code §20-708.1(c)	

Inspection Checklist: General Retail

Requirement		Do you meet this requirement?
Signs		
7	Sale signs that advertise a price range or percent discount—example: "Savings of 20 to 50%" or "20% to 50% off"—must state the minimum and maximum percentages in equal size.	☐ Yes
	6 RCNY §5-94(a)(1)	
8	Advertising, including sale signs, cannot contain any of the following phrases: • "Our list price" • Below "manufacturer's wholesale cost" • "Manufacturer's cost"	☐ Yes
	6 RCNY §5-101	
9	Businesses that sell goods and services must post a refund policy sign. **Tip:** A refund policy sign must be posted at each register, point of sale, or entrance, or attached to each item. **Tip:** Even if the policy is not to give refunds, a sign must be posted stating "No Refunds." **Tip:** The sign must state that a written copy of the store's refund policy is available on request.	☐ Yes
	6 RCNY §5-37; NY GBL §218-a	
10	The refund policy sign must state any and all conditions or limitations to getting a refund. For example, it must state: • Any fees charged for refunds, such as "restocking fees" • If a refund will not be provided for "as is" or "sale" items • Whether the refund will be in cash, credit, or store credit only • If proof of purchase is required for a refund • If a refund will be provided at any time or within a specific period of time	☐ Yes
	6 RCNY §5-37; NY GBL §218-a	
11	If there are limitations on using credit cards, such as minimum purchase amounts, the policy must be clearly posted at or near each entrance and in all advertising that indicates credit cards are accepted.	☐ Yes
	6 RCNY §5-24(b)	

Inspection Checklist: General Retail

Requirement		Do you meet this requirement?
Receipts		
12	Receipts must be given to customers for purchases over $20 and upon request for purchases between $5 and $20. **Tip:** This does not apply to food and drink that is meant to be consumed on the premises.	☐ Yes
	6 RCNY §5-32	
13	The receipt must include each of the following: • Date of purchase • Amount paid for each item • Total amount paid • Separate statement of tax • Business name and address	☐ Yes
	6 RCNY §5-32(c)	
14	Receipts for audio, photographic, and video equipment that cost more than $100 must also include the make and model number of the item.	☐ Yes
	6 RCNY §5-32(c)(5)	
Price Accuracy		
15	The price charged for an item at checkout, including scanned items, must not exceed the item's tagged, stamped, or marked price, shelf price, sale price, or advertised price.	☐ Yes
	NYC Code §20-708.1(d), NYC Code §20-708.1(e)	
16	Tax cannot be charged on tax-exempt items. **Tip:** Examples of tax-exempt items include but are not limited to: feminine hygiene products, canned vegetables, baby food, clothing under $110, diapers, nonprescription or over-the-counter drugs, contraceptives. **Tip:** Check with the New York State Department of Taxation and Finance for a complete list of which items are exempt.	☐ Yes
	6 RCNY §5-41	

Inspection Checklist: General Retail

Requirement		Do you meet this requirement?
Layaway Plans		
17	A "layaway plan" means a purchase over $50 where consumers agree to pay for the purchase in 4 or more installments before getting the merchandise. If a layaway plan is offered, each of the following written disclosures must be provided to consumers prior to accepting any payments: • Description of the item, including name of manufacturer, brand name, color, size, style, or model number • Total cost of the item, including tax, installation, delivery, or freight charges • Any charge to use layaway, including any service charge, carrying charge, or cancellation fee • Duration of the layaway plan • Payment schedule and any consequences of missed payments • Refund policy regarding the payments • Notice of where the item is being stored, if other than the place of purchase, or if the item will not be removed from inventory until additional payments are made: *Example 1:* NOTICE: NO MERCHANDISE WILL BE REMOVED FROM INVENTORY UNTIL X% OF THE PURCHASE PRICE HAS BEEN PAID. *Example 2: ATTENTION: YOUR SELECTION OF MERCHANDISE WILL NOT BE ORDERED UNTIL YOU HAVE MADE YOUR NEXT TO FINAL PAYMENT.*	☐ Yes
	6 RCNY §5-23; NY GBL §396-t	
Expired Over-the-counter Medication		
18	It is illegal to sell over-the-counter medication after the expiration date on the label.	☐ Yes
	NYC Code §20-822(a)	

Inspection Checklist:
General Retail

Requirement	Do you meet this requirement?
Cash Payments	

19 Your store cannot refuse to accept cash payments from consumers.
 	
Exceptions:
 	
• Your store may refuse bills above $20.
• Your store may refuse cash payments for telephone, mail, or internet-based transactions, unless the transaction takes place in the store.
• Your store may accept prepaid cards from an on-site device that converts cash into prepaid cards, but only if:
  – The device does not charge a fee for the prepaid card or require a minimum deposit above $1.
  – Upon request, the device provides the consumer with a receipt stating the amount of cash the consumer deposited onto the prepaid card.
  – Cash deposits onto the prepaid card do not expire.
  – There is no limit on the number of transactions a consumer can complete with the prepaid card.
 	
You must clearly post a sign on or immediately next to the device when it is not working that states your store is required to accept cash payments and consumers may report violations by calling 311.
	☐ Yes

NYC Code §20-840	
20 Your store cannot charge a consumer who pays in cash a higher price for the same "consumer commodity" than a consumer who pays by credit card or other cashless transaction. **Tip:** "Consumer commodity" means any article, good, merchandise, product, or commodity of any kind that is produced, distributed, or offered for retail sale.	☐ Yes
NYC Code §20-840(c)	

For more information: **Visit** nyc.gov/BusinessToolbox | **Contact 311** (212) NEW-YORK (Outside NYC)

This document is provided for informational purposes only, is not exhaustive, and does not constitute legal advice. New York City businesses must comply with all relevant federal, State, and City laws and rules. Businesses are responsible for knowing and complying with current regulations that affect their business.