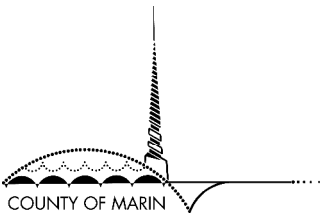


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2021  
Marin County  
Consumer Protection Report

**DOLLAR\$**  
**&**  
**SENSE**

*Protecting the interests of the  
consumer and the marketplace*



Department of Weights and Measures

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Marin County Board of Supervisors

**Damon Connolly**, District 1

**Katie Rice**, District 2

**Stephanie Moulton-Peters**, District 3

**Dennis Rodoni**, District 4

**Judy Arnold**, District 5

Dear Supervisors:

I am pleased to submit the sixth annual Consumer Protection Report for the County of Marin. This report highlights some of the consumer protection services that the Department of Weights and Measures provided to the residents, visitors, and businesses of Marin in 2021.

In a year disrupted by the COVID-19 pandemic, our Department continued to serve and protect Marin. Our Department serves the public's interest by ensuring accuracy and equity in the marketplace and protecting the economic well-being of Marin's residents and businesses.

In 2021, our inspectors performed 6,449 inspections at 307 unique Marin businesses to ensure the accuracy of weighing and measuring devices and of prices charged to consumers.

Our Department encourages all consumers to shop with care, pay attention to posted prices and promotional offers, and to always retain and check their receipts to ensure they pay the correct price for merchandise and services they purchase.

If consumers have concerns about price or commercial device accuracy, we encourage them to contact us immediately so our inspectors can investigate. Conversely, if a business has questions about pricing requirements, they should not hesitate to contact us.

Respectfully submitted,



Stefan P. Parnay  
Agricultural Commissioner  
Director of Weights and Measures

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# NUMBERS at a GLANCE

Weights and Measures Expenditures	\$554,531
Weights and Measures Revenue	\$241,784
Total Employees	13
Weights and Measures FTE* Inspectors/Admin	2.7
Total Weights and Measures Program Hours	4,353
Businesses Inspected	307
Total Inspections Performed (devices & price items)	6,449
Consumer Concerns Investigated	24
Price Accuracy Inspections Performed (locations)	146
Items Inspected for Price Accuracy	4465
Items Found Overcharged to the Customer	137
Items Found Undercharged to the Customer	87
Devices Inspected and Sealed	1,792
Most Common Devices Inspected:	
Gas Pumps	892
Electric Submeters	505
Counter and Computing Scales	262
Notices of Violation Issued (to 107 businesses)	150
Most Common Violations:	
• Weighing/measuring equipment not maintained accurately	
• Stores overcharging customers	
• Customer not able to see price or weight of item displayed at time of purchase	

\*Full-Time Equivalent

All figures cover 2021 Fiscal Year  
(7/1/20– 6/30/21).

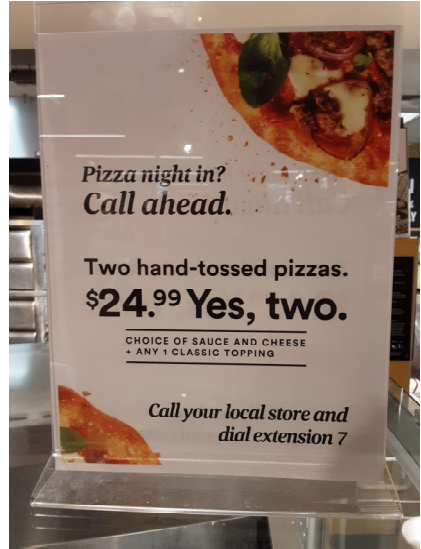
# PRICE ACCURACY

Marin’s Weights and Measures inspectors regularly conduct price verification audits at businesses that use automated point-of-sale systems (e.g., barcode/UPC scanner or price look-up codes) to verify that prices charged to customers match the prices posted in the store or advertised by the store.

When computer-based register systems are inaccurate, customers may be overcharged and be unaware that they have paid more than the posted or advertised price.

It is against California law for a business to charge more than the store’s posted or advertised price.

Customers are entitled to the lowest advertised or posted price for any items offered for sale by a store.



*With a “two-for” promotional sign such as this, a single pizza should ring up for \$12.50 at the register. If charged more, the customer should speak up and request the lower price, as required by law. California law requires stores to post conditions of sale such as “single at regular price.”*

## Are consumers over-charged or under-charged more frequently?



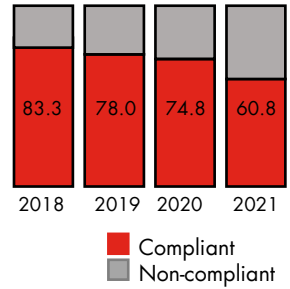
Marin County price accuracy transaction inspection statistics, FY2021.

In the past year, the Department conducted price verification inspections in every city and town in Marin.

146 price verification inspection visits were performed at 126 unique businesses around the County.

60.8% of Marin businesses inspected complied with price accuracy requirements upon initial inspection.

*Marin Businesses Compliant with Price Accuracy Requirements on Initial Inspection*



When a business fails an inspection, they are re-inspected on a monthly basis until they comply with California regulations.

To ensure equity in the marketplace and to protect businesses, inspections also identify when a business under-charges customers so that the business can improve its pricing system to charge customers the correct amount they are expecting to pay.

## **BUSINESS PRICING PERFORMANCE:**

Of 4,465 items inspected for price accuracy in 2021 in Marin, 137 or 3.1% rung up as 'over-charges' at the register. This resulted in 59 notices of violation being issued to 54 unique businesses in Marin County. Five establishments had more than one notice of violation issued.

## **TIP FOR BUSINESSES:**

Be sure to remove promotional signage immediately after the expiration date of the sale or special offer: by law, there's no such thing as an expired sale sign. If the sign is still up, that's the price your customers are entitled to pay.

# GAS PUMPS

When buying gas, you want to be sure you're getting what you paid for. And the service station wants to be paid for all the gas they deliver to you.

To ensure fuel dispensers in Marin are accurate, inspectors test the pumps on a regular basis.

Devices dispensing a range of fuels – gasoline, diesel, propane and hydrogen – at locations such as service stations, marinas, and equipment rental agencies must meet California standards for performance.

## DID YOU KNOW?

Gas pumps must be accurate to a tolerance of approximately **99.5%** to meet state requirements.

## FREE AIR & WATER

California law requires station operators to provide free compressed air, water, and an air gauge to customers who purchase gasoline or diesel fuel.



Only those devices meeting California's requirements receive the County of Marin Seal.

If you don't see the seal or suspect the pump is not functioning properly, please call us immediately at 415-473-7888. The color of the seal changes each year.

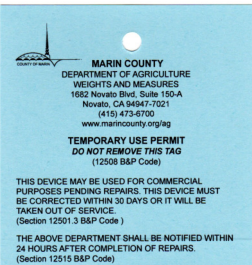
At 36 of Marin's 67 service stations, 953 fuel dispensers were inspected in the past year. 892 dispensers passed inspection, and 61 were tagged for problems.

On initial inspection 93.6% of Marin's retail motor fuel dispensers tested in 2021 were found accurate.



Gas pumps not meeting California standards are 'tagged' immediately.

A red tag means the pump cannot be used until repaired by a state-licensed technician; the pump is locked by inspectors. 33 red tags were issued to inaccurate or incorrect fuel meters in 2021.



A blue tag indicates the pump is 'over-delivering' – giving the customer more than they are paying for; the pump can be used in this condition for up to 30 days while awaiting repair.

## CREDIT CARD SKIMMER ALERT



If you suspect a gas pump might contain a credit/debit card skimmer, please notify our Department and/or local law enforcement so we can investigate.

## HOW MANY GAS PUMPS ARE THERE IN MARIN?

Marin has over 1,800 retail gasoline and Diesel fuel dispensers.

# SCALES

Many goods are sold on the basis of weight: fruit and vegetables, prepared take-away foods, meat and seafood, deli meats and cheeses.



Weighing devices are also used in a variety of specialized applications around Marin such as livestock and livestock products, bulk grapes, parcel shipping, jewelry and precious metals, landscape materials and vehicle scales.

Scales that Department inspectors find to be inaccurate in favor of the business or seller are placed **OUT OF ORDER**. The scale cannot be used in commercial transactions until it is serviced by a state-licensed technician.

## **ARE YOU PAYING FOR PACKAGING WHEN YOU SHOULDN'T?**

It is unlawful to sell any commodity by weight without subtracting the weight of its container, wrapper or non-consumable material such as packaging.

Scales must be "tared" to deduct the weight of such materials so the customer pays only for the net weight of the product.

Examples:

- Deli take-out containers
- Paper or plastic wrappers
- Bags
- Plates and utensils at food counters





# Commercial scales inspected in Marin in 2021:

Businesses Inspected (unique locations)	98
Total Inspections Performed on Scales	344
Scales Sealed (meeting standards for use)	326

Some of the most common scales tested and sealed in Marin in the past year included:

- Computing Scale (indicates weight and price) 258
- Platform Scale (parcel shipping, dry cleaners) 24
- Counter Scale (indicates weight) 4
- Hanging Scale (farmers market, hardware store) 8
- Livestock Scale (2,000 – >10,000 lb.) 12

## DID YOU KNOW?

Commercial scales in Marin range from prescription and jewelry scales (that measure in thousandths of a gram or milligrams) to a vehicle scale with a capacity of 120,000 pounds.



**92.8%** of Marin's Counter and Computing Scales tested in 2021 were found accurate on the initial inspection.

**When you shop, be certain to verify that the posted or advertised price is what you're actually paying at the register. At retailers around Marin, these stickers at registers remind customers to inspect receipts and contact us if you suspect you were overcharged.**

### Check Your Receipt!

*Call us if you think you were overcharged.*

**Marin County Weights & Measures Department**

Consumer Protection is what we do.

**(415) 473-7888**

By law, you are entitled to the lowest advertised or posted price for items offered for sale by this store.



### ¡Verifique su recibo!

*Llámenos si piensa que le han cobrado de más.*

**Departamento de Pesos y Medidas del Condado de Marin**

Protección al Consumidor es lo que hacemos.

**(415) 473-7888**

Por ley, usted tiene derecho al precio más bajo anunciado o exhibido para los artículos ofrecidos a la venta en esta tienda.



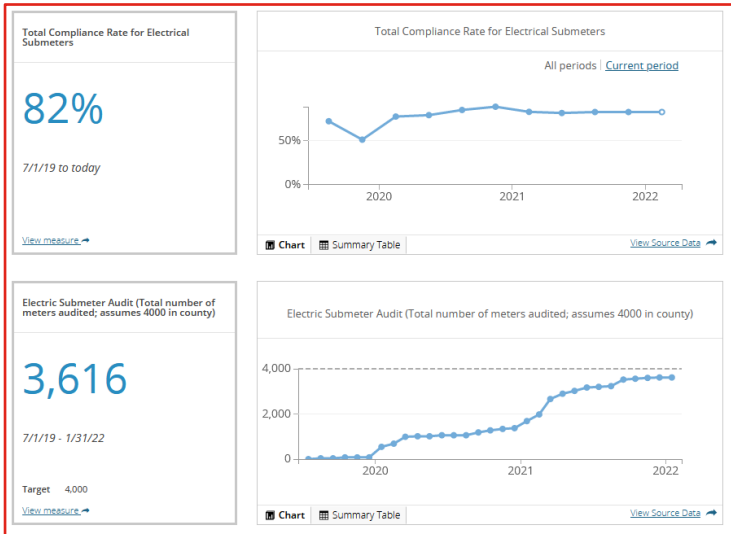
# SPECIAL CONSUMER FOCUS

In 2020 the Department launched an ongoing initiative to audit all sites selling electricity to end-users via submeters. These sites include some of the mobile home parks, marinas, and apartment buildings operating in Marin County.



The Department's goal with this project is to improve testing frequency compliance for all facilities that meter and sell electricity through submeters. This will ensure the devices are accurate, correctly reflect each customer's electricity use, and promote the accurate cost charging of customers and residents.

At present, 17 of the County's 26 sites with electric submeters have been audited. 82% of the meters operating in the County at present are known to meet performance standards and inspection frequency – the goal is 100% compliance.



You can track ongoing progress at the County's Open Data Portal at <https://data.marincounty.org>

If you have a concern or complaint about a business in Marin, immediately report it to our office.

## CONSUMER HELP OPTIONS

Phone: (415) 473-7888

Email: [Marin.Dept.Ag@MarinCounty.org](mailto:Marin.Dept.Ag@MarinCounty.org)

Online Form:

<https://www.marincounty.org/depts/ag/consumer-complaint-form>

In 2021 our Department responded to 24 customer inquiries, concerns, and complaints about businesses operating in Marin. This was a 25% decrease from the prior year. Complaints often involve over-charges at retailers or allegations of gas pumps “shorting” customers on fuel.

### SHOP WITH CARE:

Due to frequently overcharging consumers and failing price verification inspections at stores across California, some businesses have had legal settlements or injunctions imposed on them through the courts. For any item overcharged and brought to the store’s attention, some stores give the item free or provide a \$5 gift card – be sure to ask.

Per publicly available court records, businesses with current and past injunctions/settlements include:

**7-Eleven**

**BestBuy**

**CVS**

**Kohl’s**

**Office Depot**

**Petco**

**RiteAid**

**Safeway**

**Staples**

**Target**

**Walgreens**

**Whole Foods**

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# COUNTY OF MARIN

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(415) 473-7543 F  
CRS Dial 711

<http://www.marincounty.org/depts/ag>

(415) 473-7888 Consumer Help Line

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Dann Walters

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Allison Klein	Alexa Schieferecke	Susan Ventura	Raoul Wertz

Senior Agricultural Program Assistant  
Eric Richardson

Administrative Services Associate  
Tanya Nelson

Office Assistants  
Leslie Witt      Terra Cruz

Requests for accommodations may be made by calling (415) 473-6700 (Voice),  
(415) 473-3232 (TTY) or by e-mail at [SParnay@marincounty.org](mailto:SParnay@marincounty.org).  
Copies of documents are available in alternative formats, upon request.