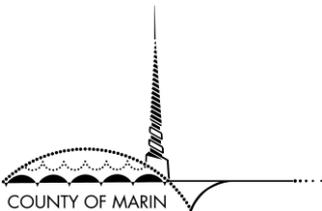

2018
Marin County
Consumer Protection Report

DOLLAR\$
&
SENSE

*Protecting the interests of the
consumer and the marketplace*



Department of Weights and Measures

Marin County Board of Supervisors

Damon Connolly, District 1

Katie Rice, District 2

Kathrin Sears, District 3

Dennis Rodoni, District 4

Judy Arnold, District 5

Dear Supervisors:

I am pleased to submit the third 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 2018.

Marin remains a sought-after area to reside in, enjoys a thriving business environment, and attracts visitors year-round. Aspects that make Marin a desirable environment for commerce are citizens' consistent purchasing and businesses' compliance with appropriate regulations.

One foundation of any civilization is trade and commerce. No society prospers unless its citizens conduct business in a reliable, predictable manner. Through appropriate regulation of commerce and with accurate weights, measures and standards we ensure that business is conducted fairly and transparently to benefit both consumers and vendors.

Marin is a great place to shop and do business, and our Department is proud to serve in a role promoting fair trade. In 2018, our inspectors performed over 11,500 inspections at more than 450 unique businesses in Marin to ensure the accuracy of weighing and measuring devices, and of prices charged to consumers.

Our Department serves the public's interest by ensuring accuracy and equity in the marketplace and protecting the economic wellbeing of Marin's residents and businesses.

Respectfully submitted,



Stacy K. Carlsen
Agricultural Commissioner
Director of Weights and Measures

NUMBERS at a GLANCE

Weights and Measures Expenditures	\$722,940
Weights and Measures Revenue	\$274,740
Total Employees	15
Weights and Measures FTE* Inspectors	3.4
Total Weights and Measures Program Hours	6,616
Businesses Inspected	459
Total Inspections Performed (devices & price items)	11,530
Consumer Concerns Investigated	44
Price Accuracy Inspections Performed (locations)	328
Items Inspected for Price Accuracy	9,400
Items Found Overcharged to the Customer	267
Items Found Undercharged to the Customer	192
Devices Inspected and Sealed	2,039
Most Common Devices Inspected:	
Gas Pumps	752
Electric Submeters	625
Counter and Computing Scales	433
Notices of Violation Issued	204
Most Common Violations:	
• 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 2018 Fiscal Year
(7/1/17 – 6/30/18).

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.



Under a promotional sign such as this, all items on this table should ring up for \$5.00 when scanned at the register. If charged more, the customer should speak up and request the lower price, as required by law.

WHAT'S WRONG WITH THIS PICTURE?



State law requires retailers to have a price display facing the customer so the purchaser can see the price of each item as it is scanned at checkout.

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

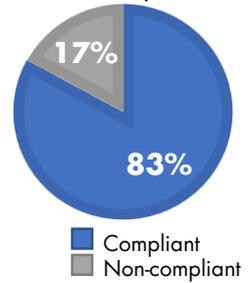
328 price verification inspection visits were performed at 235 unique businesses around the County.

83% of Marin businesses inspected complied with price accuracy requirements upon 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 full amount they are expecting to pay.

Marin Businesses Compliant with Price Accuracy Requirements on Initial Inspection



BUSINESS PRICING PERFORMANCE:

Of 9,400 items inspected for price accuracy in 2018 in Marin, 267 or 2.8% rung up as 'over-charges' at the register. This resulted in notices of violation being issued to 71 unique businesses in Marin County.

TIP FOR BUSINESSES:

On a regular basis or whenever promotional offers begin or end, conduct an internal price check on your merchandise to make sure your posted prices match your point-of-sale register system.

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.



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 let us know as soon as possible by calling 415-473-7888. The color of the seal changes each year.

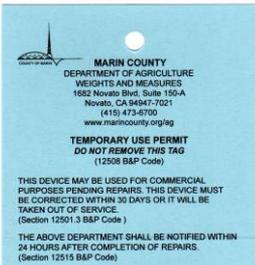
At 38 of Marin's 67 service stations, 752 gasoline and Diesel dispensers were inspected in the past year.

88% of Marin's dispensers tested in 2018 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.



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.

CASH OR CREDIT?

Unless signage clarifies otherwise, gas stations must offer the cash price for fuel sold to debit card customers.

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 cattle, 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 2018:

Businesses Inspected (unique locations)	172
Total Inspections Performed on Scales	576
Scales Sealed (meeting standards for use)	525

Some of the most common scales in Marin:

- Computing Scale (indicates weight and price) 414
- Platform Scale (parcel shipping, dry cleaners) 56
- Counter Scale (indicates weight) 19
- Livestock Scale (2,000 – 10,000 lb.) 12
- Hanging Scale (farmer's market, hardware store) 10

DID YOU KNOW?

The highest capacity commercial scale in Marin measures up to 120,000 pounds.



94% of Marin's Counter and Computing Scales tested in 2018 were found accurate

KNOW THE WEIGHT

You are entitled to see the weight of the item you are purchasing.

The weight display/indicator must be visible to both the customer and the operator – that's why many scales have display screens on both sides.



CONSUMER CONCERNS

Equity in the marketplace – for both the consumer and business operators – can only be maintained by ensuring that customers get what they pay for and businesses get paid for what they sell.

Some of the most commonly reported issues to the Department’s Consumer Help Line are:

- Being overcharged on items at the grocery store
- Sales and promotional prices – in-store signage, newspaper flyers, and website offers – not being honored at time of checkout
- Customers unable to see the price of individual items or a total when a purchase is rung up
- Suspicion about gasoline pumps not delivering the full amount indicated on the dispenser’s screen
- Suspected gasoline contamination (engine problems after refueling)
- Scales not starting at zero before item is weighed

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

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

CONSUMER HELP LINES

(415) 473-7888

or

Marin.Dept.Ag@MarinCounty.org

In 2018 our Department responded to 44 customer inquiries, concerns, and complaints about businesses operating in Marin.

WHEN DO PROMOTIONAL OFFERS END?

If a promotional sign or discount offer includes an expiration date but the sign is still posted, customers are entitled by law to the discounted sale price. In the example below, customers are eligible to receive the \$15.99 price as long as this shelf tag is posted, even after 1/31/2018.



Valid 1/1/2018-1/31/2018.

COUNTY OF MARIN

Department of Agriculture, Weights and Measures

1682 Novato Boulevard, Suite 150-A
Novato, CA 94947

(415) 473-6700 T
(415) 473-7543 F
CRS Dial 711

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

(415) 473-7888 Consumer Help Line

STAFF

Agricultural Commissioner
Director of Weights and Measures
Stacy K. Carlsen

Deputy Agricultural Commissioner
Deputy Director of Weights and Measures
Stefan Parnay

Supervising Agricultural, Weights and Measures Inspector
Scott Wise

Agricultural, Weights and Measures Inspectors

Hugo Abaurre

Emmett Brady

Johanna Good

Allison Klein

Susan Ventura

Dann Walters

Raoul Wertz

Senior Agricultural Program Assistant
Eric Richardson

Administrative Services Associate
Tanya Nelson

Office Assistant
Mary Wahlberg

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