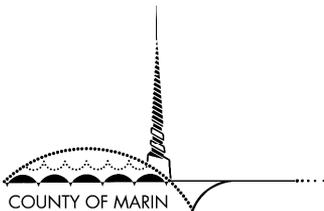

2019
Marin County
Consumer Protection Report

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 fourth 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 2019.

Marin continues to offer a thriving business environment, powered by robust consumer spending by residents and visitors. Underlying Marin's commerce and spending is a marketplace based on fairness, honest representation of goods and services, and consistent regulation.

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.

Marin is a great place to shop and operate a business, and our Department supports fair and equitable trade. In 2019, our inspectors performed 10,241 inspections at 442 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 look into the situation. Conversely, if a business has questions about pricing requirements, they should not hesitate to contact us.

Respectfully submitted,



Stacy K. Carlsen
Agricultural Commissioner
Director of Weights and Measures

NUMBERS at a GLANCE

Weights and Measures Expenditures	\$730,960
Weights and Measures Revenue	\$286,871
Total Employees	16
Weights and Measures FTE* Inspectors/Admin	3.3
Total Weights and Measures Program Hours	6,491
Businesses Inspected	442
Total Inspections Performed (devices & priced items)	10,241
Consumer Concerns Investigated	23
Price Accuracy Inspections Performed (locations)	265
Items Inspected for Price Accuracy	7,764
Items Found Overcharged to the Customer	178
Items Found Undercharged to the Customer	167
Devices Inspected and Sealed	2,262
Most Common Devices Inspected and Sealed:	
Gas Pumps	874
Electric Submeters	676
Counter and Computing Scales	497
Notices of Violation Issued	213
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 2019 Fiscal Year
(7/1/18– 6/30/19).

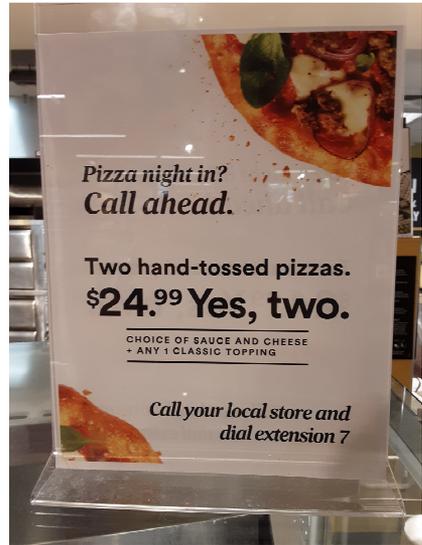
PRICE ACCURACY

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, FY 2019.

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

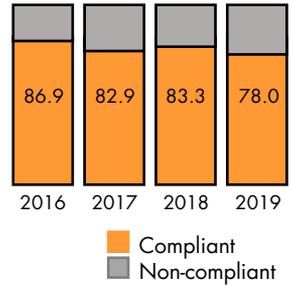
265 price verification inspection visits were performed at 201 unique businesses around the County.

78% 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 7,764 items inspected for price accuracy in 2019 in Marin, 178 or 2.3% rung up as 'over-charges' at the register. This resulted in 99 notices of violation being issued to 68 unique businesses in Marin County.

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.



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.



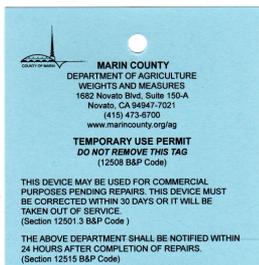
At 40 of Marin's 67 service stations, 921 fuel dispensers were inspected in the past year. 874 passed inspection, and 47 were tagged for problems.

95% of Marin's retail motor fuel dispensers tested in 2019 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. 12 red tags were issued to incorrect fuel meters in 2019.



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.

ALTERNATIVE FUELS

In addition to traditional vehicle fuels, Marin also has stations that sell hydrogen (H₂) and compressed natural gas (CNG)



fuel. All four of Marin's dispensers of next-generation fuel dispensers tested within state tolerances in the past year.

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 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.

In the example of frozen yogurt in the photo at right, the weight of the cups and spoons must be deducted from the total (“gross weight”) when the items are weighed and rung up at the register.



Commercial scales inspected in Marin in 2019:

Businesses Inspected (unique locations)	161
Total Inspections Performed on Scales	628
Scales Sealed (meeting standards for use)	585

Some of the most common scales tested in Marin in the past year include:

- Computing Scale (indicates weight and price) **473**
- Platform Scale (parcel shipping, dry cleaners) **30**
- Counter Scale (indicates weight) **21**
- Hanging Scale (farmers market, hardware store) **16**
- 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.



93.2% of Marin's Counter and Computing Scales tested in 2019 were found accurate

When you shop, be certain to verify that the posted or advertised price is what you're actually paying at the register. Inspectors place these stickers at registers to remind you to inspect your receipts. 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.

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, or tare not taken

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 LINE

(415) 473-7888

or

Marin.Dept.Ag@MarinCounty.org

In 2019 our Department responded to 23 customer inquiries, concerns, and complaints about businesses operating in Marin.

WHAT ARE SOME COMMON COMMERCIAL MEASURING AND METERING DEVICES?

Any product or service sold on the basis of weight, measure, quantity, time or other measurement may be subject to regulation by the Department of Weights and Measures. Here are some common and unusual devices you might see around Marin:

Propane dispenser	Fabric meter
Parking meter	Electric submeter
Cordage meter	Retail water dispenser
Taxi meter	Gasoline dispenser



94.4% of meters tested in 2019 were found to be within California-required tolerances.

COUNTY OF MARIN

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(415) 473-7888 Consumer Help Line

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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.