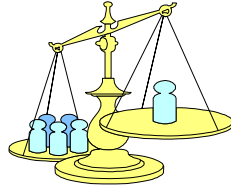


# SPOTLIGHT ON WEIGHTS & MEASURES

## SONOMA COUNTY SEALER OF WEIGHTS AND MEASURES



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### **WELCOME MIKE BARRETT!**

In January our office welcomed Mike Barrett as our new Standard Specialist. Mike comes to us from private industry and brings with him experience in retail marketing. He comes prepared with three Weights and Measures licenses and has put in over 240 volunteer hours of job training by working with our inspectors in the field. He will be a valuable asset to the department.

### **FIREWOOD**

The Division received five firewood complaints in January. One complaint involved the delivery of wet, moldy, rotten firewood. The complainant was not home at the time of delivery. He believed he was receiving dry firewood as advertised. Our investigator examined the wood and verified that a portion of the wood was indeed rotten. The seller left no receipt, making identifying the seller difficult.

It is very important that buyers be careful when purchasing firewood. Often times it is difficult for the inspectors to locate the seller. The law requires the seller to leave a receipt showing the amount of firewood sold, the variety of firewood, the price, and the dealers name, address and phone number.

Unscrupulous dealers will often place an advertisement in the newspaper offering wood for sale using a phone number soon to be disconnected. They sell the wood they have and move on leaving a string of shortages. We recommend purchasing wood from a reputable dealer.

The other four firewood complaints were regarding the amount of wood delivered. In all four cases the firewood was short measure. As a result each complaint was resolved by the sellers' making-up the shortage.

### **QUANTITY CONTROL**

We had four complaints on pricing errors. One of the complaints was regarding a restaurant advertising a burrito at a certain price, when the buyer purchased it the price was higher than advertised. When the complainant questioned the clerk, she was told that there was an extra charge for chips. The complainant said she did not want the chips but was told in turn that they came with the meal. Our investigator went to the store and ordered the same meal (for their personal lunch) no chips were added to the order or charged.

## Quantity Control (cont.)

The other three complaints were alleged overcharges at department stores. One of the three complaints was verified and a Notice of Violation was issued to the store. A civil penalty for overcharges is being contemplated.

Another complaint was received regarding overcharges at an auto parts store. The investigator found that the item, the complainant thought was an overcharge, required a coupon be submitted in order to receive the discounted price. The advertised price on the shelf tag stated, "coupon required." Many stores require coupons or other conditions of sale be submitted at the register in order to receive the discount. As long as the condition of sale is posted, the store can enforce the policy. Consumers need to carefully read posted sign completely and not focus on the low price.

## WEIGHMASTER

A complaint was received regarding an overcharge by a hauling company. There were two bins filled with landscaping debris hauled away from the complainant's property that were allegedly overweight by 12,000 lbs. The company charged the complainant a surcharge for the overage. The complainant contested the billing stating that the bins could not have been that heavy. Our investigators found the bins in question were oversized, so these bins hold a greater volume than projected. We could not determine the weight of the material because it had been dumped. Obviously soil and stumps weigh more than leaves and branches. The landscape company that did the work claimed they only disposed of "mixed landscape materials." The hauling company had recently changed the nature of their business and was not familiar with their obligations as a weighmaster. The hauler was notified that they must document quantities they charge for and be licensed as a Weighmaster by the California Division of Measurement Standards. The company offered to adjust the price for the customer.

## RETAIL PETROLEUM

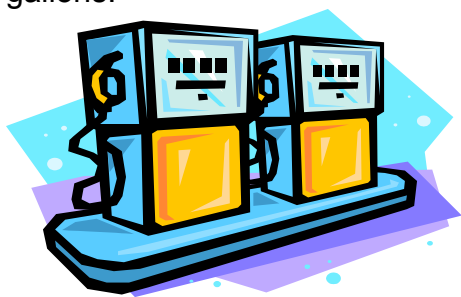
The frequency of inspection for commercial devices is mandated by the California Division of Measurement Standards. This frequency for inspection of weighing and measuring devices is in regulation for service station gasoline dispensers as an annual inspection. Tests may be conducted more frequently if requested by the device user, for a complaint investigation, or an initiative of a weight and measures official. Does this frequency provide adequate protection to consumers? How does California measure up against other states? A recent survey was completed and the results show that California consumers are well protected.

The failure rate of retail fuel meters in California ranges between 3% and 8%. In comparison, Sonoma County's failure rate is 5%. Arizona tests randomly and finds a 10% failure rate; Nevada inspects annually and has a 5% failure rate; Washington state has no mandated frequency and has a 10% failure rate; Pennsylvania inspects annually and finds 13% out of compliance; and Michigan has no mandated frequency and 20% of the meters tested failed.

It was also noted that most states register service agents. Service agents are people who install and adjust commercial weighing and measuring devices. In California, service agents are licensed, they must use certified standards, and they must notify the county's Weights and Measure Division of any work done. The Service Agent Program has worked well for device owners because a licensed agent can place a device in service before the official inspection is performed. This saves both time and money for both the device owner and the county. Additionally, the county does not have to adjust schedules to complete testing before devices are used, nor charge stand-by time while the service agent makes adjustments, and the device owner gets immediate use of the equipment once the service agent places it in service.

## CONSUMER CORNER

If you purchase propane from a dispenser, the seller is required to post a price sign at or near the dispenser. If there is a minimum charge for service that charge must also be posted. Many dealers charge a flat fee for the first five gallons; however due to new over-fill protection safety requirements, a five gallon size tank will not hold five gallons because the over-fill protection valve limits the volume to 4.5 gallons.



### CONSUMER TIP

When purchasing palletized rock or bulk landscape materials by weight, make sure the seller is deducting a tare for the pallet. The tare would include the pallet and any other material such as a wire cage or wooden sides used to hold the bulk product in place. A tare weight will be shown on a weighmaster certificate or on an identification tag located on the palletized material.

