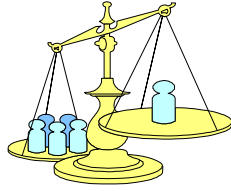


SPOTLIGHT ON WEIGHTS & MEASURES

SONOMA COUNTY SEALER OF WEIGHTS AND MEASURES



Lisa Correia
Agricultural Commissioner/Sealer
133 Aviation Blvd., Ste. 110, Santa Rosa, CA 95403
http://www.Sonoma-county.org/agcomm/weights_measures

Mark Hanson
Chief Deputy Sealer
Phone (707) 565-2371

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Editor Fernando Vasquez

HAPPY NEW YEAR

We had a successful 2005, and look forward to 2006.

We begin the year fully staffed by welcoming Greg Peters to the Division. Greg came to us from private industry bringing experience from a full service wholesale fishing and boat service business with a retail component. Greg is familiar with heavy and light capacity scales, fueling services, propane meters, forklift operation, and food safety practices. He has good customer skills and a “can-do” attitude. Welcome, Greg.

COMPLAINTS



In the month of December of 2005 we had a total of 12 consumer complaints reported to our office. They break down in the following categories:

- Service stations 5 complaints
- Price Verification 7 complaints

Of the five service station complaints, our inspectors were able to substantiate only two of them. One of the complaints dealt with the credit card reader found at the fuel dispenser that allows customers to prepay for fuel. The credit card reader at the pump would accept credit cards but had a defective screen that did not allow the customer to view the credit card transaction as it is normally displayed on a screen. The malfunction only occurred on the “credit card reader” screen and did not affect the dispenser’s readouts that display the

gallons and total monetary value charged.

Credit card readers are considered an auxiliary component separate from the measuring device and are not routinely tested by our inspectors unless a complaint is brought to our attention. Our tests usually simulate “Pre-Pay: 5 or 10 Gallons”. Auxiliary components must function as intended, so a notice was issued to correct the problem.

The second complaint dealt with a faulty nozzle that reportedly did not shut off. The complainant reported that he overfilled his tank and experienced a fuel spill because of a “defective nozzle”. Dispenser nozzles have a sensor at the tip that triggers the nozzle to shut off before a spill occurs. However, when customers top off their vehicle’s tank, they can bypass this sensor by altering the angle of the nozzle so the sensor doesn’t contact the liquid, which frequently results in a spill.

When our Inspector looked over the device, the service station owner had voluntarily replaced the hose and nozzle on the dispenser. We do not know if this was a case of operator error or a defective nozzle.

Our inspectors were unable to substantiate the remaining three complaints and as a result were unable to take any action.

One of the seven “price verification” complaints we received centered on a mislabeled commodity. A complainant purchased what she thought was a bed comforter but upon taking it home and unwrapping it, she discovered it was a bedspread. She felt this was a “Bait and Switch” issue.

Our inspector determined that the store where she purchased the item had used the packaging, which previously held a bed comforter. The package still had the UPC bar code from the bed comforter with a "bed comforter" label inscribed on it. The store employees had overlooked this label and had not removed it from the bag.

The customer was charged the correct price for the bedspread but she felt that she was misled into believing that she was buying a bed comforter because of the item description on the packaging. The inspector found that the product was identified with a shelf sign indicating the correct price for the "bed spread". The customer was made aware of the error and no further action was required to be taken against the business since the customer was refunded her money.

The remaining "price verification" complaints centered on overcharges of products that varied from pants to DVDs. Inspectors frequently run into difficulties in validating consumer's complaints because the consumer waits too long to report the occurrence. By the time a complaint is investigated a business may have already reset their computers to regular or new prices, thus making it very difficult to prove the consumer was charged an inappropriate price. If the consumer does not save their purchase receipt along with a copy of the sales flier, our task of proving the store's error is much more difficult if not next to impossible to prove.

Of the complaints mentioned above, one did involve an expired sale sign that was left on the shelf in front of the merchandise, which was rung up at regular price at the time of purchase. In this case the store was given a Notice of Violation.



NEW REGULATIONS

Consumer protection laws have recently been strengthened. A business cannot seek legal protection by arguing the sale price sign had sale dates listed. Additionally, a store can be held liable if

the sale sign was accidentally left up and is clearly labeled with the sale dates. The current Business and Professions section **§ 12024.2(a)(2)** reads as follows:

(a) It is unlawful for any person, at the time of sale of a commodity, to do (any of) the following:

(2) Charge an amount greater than the lowest price posted on the commodity itself or on a shelf tag that corresponds to the commodity, notwithstanding any limitation of the time period for which the posted price is in effect.

Also for 2006 there are: new requirements for Scanner Inspections, which mandate a 25 or 50 item sample inspection. This sets a standard of acceptance and allows for charging a re-inspection fee for locations not accepted; new Standards for Hydrogen Fuel were adopted; finally the State Legislature revised the Maximum Device Registration Fees.

FLOODWATER UPDATE

The New Year's floods that hit Sonoma County affected many businesses we work with. Some of these businesses found their location partially submerged under floodwaters.

One of our concerns is the potential for water contamination in the underground fuel storage tanks at service stations. Our staff is sampling the fuel quality in the affected service stations in order to make sure that the fuel is free of any contaminants.

Problems with the fuel dispensers may also exist do to water damage. We will verify the accuracy of meters that were damaged by floodwaters.

Utility meters at mobile home parks and recreational vehicle campgrounds were also affected by flooding. As part of the rebuilding process we will require that gas, electric, and water meters which were under water be submitted for testing.

Please call our office if you have any questions at (707) 565-2371.