

Spotlight on Weights & Measures

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Firewood

As we approach the colder months of winter and you are tempted to purchase firewood to keep your home warm, make sure you are familiar with the unit of a cord. A “cord” of firewood is a measure of 128 cubic feet of wood that is stacked in a parallel fashion and tightly stowed. See figure A below for details.

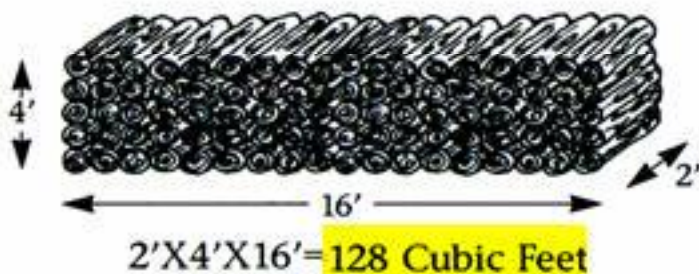
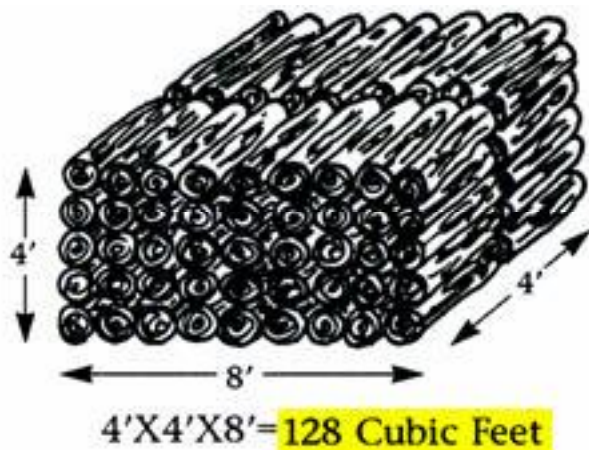


Figure A

When you have firewood delivered to your home, make sure that you receive a receipt for the delivery. The receipt should include the following:

- Then name of the company that sold you the firewood along with their address
- The date of the delivery
- The total charge and the total amount delivered
- If you paid a premium for a specific type of firewood such as “oak”, this should be indicated on the receipt.

If you believe that your firewood delivery is short and you have not been able to resolve the issue with the firewood dealer, give our office a call to report the incident and we will log the complaint as well as investigate it in order to determine if this is a unique problem or an ongoing problem.

Consumer Corner

Question: Are retailers allowed to advertise reduced prices for products through mail-in rebate discounts when the actual savings may not be realized for several weeks or months?

Answer: No current law exists that prevents a retailer from advertising a reduced price through the use of mail-in rebates. The retailer offering the product and the rebate must be clear in their advertisement that conditions must be met to receive the discounted price. In the State of California, the practice is permissible and is not considered to be misleading or deceptive in nature as long as the customer is clearly informed of the conditions that need to be fulfilled in order to receive the discount. The practice is commonly found in the electronic retail businesses. Why do retailers offer rebates instead of simply reducing the price at the point of purchase? Marketing research has discovered that not all customers take the extra steps to complete the rebate process thus leaving the unclaimed money with the retailers. Estimates indicate that consumers follow through on only 50 to 70% of rebates. Retailers use the discount rebate practice to stimulate sale for particular products for particular times.

Question: What obligations under the law does a retailer have in honoring returned items?

Answer: The law indicates that the common consumer expectation is for a store to provide a refund, credit, or exchange if the customer returns the product within seven days with proof of purchase. If a retailer selling to California customers has a return policy that differs from this standard, they must disclose it. If no return policy is posted, the standard policy should apply.

If a retailer has a return policy that has additional conditions, such as charging restocking fees, or requiring the customer to bring back the product in the original packaging, they must conspicuously display their nonstandard return policy.

Return policies with extra conditions or fees have to be posted prominently in at least one of the following places:

- On signs by entrances;
- On signs at cash registers;
- On product tags; or
- On order forms.

There are exceptions for merchandise that is not returnable. Retailers do not have to offer refunds or exchanges for perishable items like food, flowers, and plants. Other exceptions are goods damaged by the customer, goods sold with warnings like “as is” or “all sales final,” and goods that can’t be returned for health considerations.

If a retailer violates the law on retail returns and refuses to accept a return or imposes hidden fees, they can be liable to the customer, in a civil court action such as small claims court, for at least the price of the goods. To have a claim, the customer must return or try to return the merchandise within 30 days of purchase.*

*California Consumer Affairs

Complaints

We had a high number of sub-metering complaints related to billing issues with mobile home parks in September. Pacific Gas & Electric allows residential utility customers a discount if they are a qualifying low income, disabled, or are a needy family. CARE stands for California Alternate Rates for Energy (CARE). One tenant filed a complaint with our office and indicated that he was not receiving the CARE discount. Another complaint revolved around the way the CARE discount was indicated on the bill; the tenant was confused whether he in fact was receiving the discount. The discount is required to be given to qualifying candidates and it should be clearly indicated on the utility bill to avoid confusion. If you would like more information about the CARE program you can visit the PG&E website at the following location: <http://www.pge.com/care/>

Another complaint was reported by park management who suspected an electric meter had ceased functioning or stopped registering. The park wanted validation that this was the case before they removed the meter from service. Our inspection

determined the meter had failed to register and it was removed and replaced.

A citizen who was not happy with the scales being used at a local grocery store filed one complaint. He used the produce scales to estimate the amount of produce he placed in his cart. He was aware that these scales were not used in a “commercial” fashion but he was unhappy with what he described as high discrepancies between the hanging scales and the scales at the cash registers. He felt that he was always charged more than what he expected to pay. In this case, the scales in the produce section are used to estimate the amount to be purchased; the scale that determines the amount charged is at the check-stand. Why the difference? Our Division has jurisdiction only over those devices used commercially – where payment is made based on the weight or measure. In a grocery store, payment is made for the weight determined at the check-stand.

If you have any questions about any of the topics discussed in this newsletter, feel free to e-mail us or contact our office with your questions or suggestions. See below for website address and phone number.

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