

Spotlight on Weights & Measures

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Complaints

For the month of November, we received seven consumer complaints. One was related to a local restaurant, one to the scales at a local recycler and the rest service stations.

A sharp consumer called our office and filed a complaint against a local restaurant. The complaint alleged that the amount of soup that was being advertised and sold to customers was short in volume. A local chain restaurant was advertising a soup bowl at a specific unit of measure that was actually greater than what they were truly giving to their customers. Our inspector ordered and measures the soup in question and it was determined that the soup was in fact being sold at less than the represented amount. This was brought to the business's attention and it was quickly corrected.

Only one of the service station complaints was. I customer of a local station called our office and let us know that the dispenser at a local service station would stop one penny short of the true monetary prepaid amount.

This is illegal because the business is giving the customer less than what they truly paid for. The initial under cover buy of a prepay with a credit card verified the complainants experience but three follow up purchases with prepaid cash resulted in the dispenser calculating correctly. We are continuing to look in to this case because it may be that the integration of the dispenser and the credit card console are not communicating as they are designed to do.

The rest of the service station complaints were related to misunderstanding regarding the dual pricing of cash and credit prices to the complaints about the dispenser pumping slower than normal giving the customer the feeling that something was wrong with the dispenser. Dispensers frequently will slow down if everyone at the service station is pumping the same fuel at the same time or if the fuel filters in the dispenser have become clogged and are slowing the pumping speed of the fuel. No action was required on any of these additional complaints.



Did You Know?

Have you noticed (maybe you haven't) that fuel advertised at your local service station is sold to you in fractions of 1/10 of a penny. You typically pay for your fuel at \$1.99 and 9/10, just look at the street advertisement signs.

Customers tend to look at the dollar value they are accustomed to and drop the 9/10 of a penny. This is instinctive because customers are not used to purchasing items in values of 10ths of pennies. When was the last time you

paid for an item, other than fuel, in 9/10ths of a penny?

When you look at it closer, if you purchase ten gallons of fuel for \$1.99 and 9/10, you will be charged \$19.99 or 9¢ more than if you purchase the fuel at just \$1.99 without the 9/10 of a penny per gallon. That 9/10 of a penny adds up to an extra 9¢ difference when you buy ten gallons or 27¢ if you purchase thirty gallons of fuel.

Weights and Measures

The office of Weights and Measures has been in existence in the county of Sonoma since 1916. The program is currently administered by the County Sealer who also serves as the Agriculture Commissioners' under the Agriculture Commissioner/Sealers Office. The division's main function is to provide a fair and equitable environment for both buyers and sellers. We not only help protect the interest of consumers but also the interest of businesses who are themselves customers of other businesses.

Under California state law, counties are required to establish a Weights and Measures office and are mandated to inspect commercial devices used in the county. Devices are considered "commercial" if they are used in a manner where their accuracy is crucial in determining fees being charged to customers. Commercial devices come in all shapes and sizes and are used to measure and weigh gravel up to 80,000 pounds to gems being purchased in units of carats (1 carat = 0.000441 pounds) Following is a very condensed list of some of the devices that we inspect under our Device Enforcement program. You probably use some of these devices daily and may not even be aware that Weights and Measures officials inspect them on a regular basis. The types of devices we frequently inspect are:

- gasoline pumps at retail service stations (look for our starburst seal on the display)
- scales at grocery stores (used to sell produce or cut meat or fish)
- taxi cabs (distance and time meters)
- sub-meters for gas, electricity and water (in non-PG&E regulated mobile home parks)

Under our Petroleum program, we also routinely audit local fuel stations for labeling and price advertisements. We are responsible for inspecting:

- advertising price signs (content, accuracy and size requirements)
- fuel dispensers (labeling requirements)
- complaints with fuel quality of or contamination
- labeling of petroleum products such as antifreeze, motor oils and transmission oils

Under our Quantity Control program our inspectors also audit local businesses for "net quantity" of products that they sell and package. The labeling and quantities of varying

products are checked throughout the year. The thrust of this program stems from the Federal Government's Fair Packaging and Labeling laws which permit consumers to make informed decisions about what they are purchasing and to allow them the ability to compare one product's value to another's.

A growing amount of our inspection responsibilities are shifting to "price verification". The growth of new technologies has allowed retail businesses to entice you to shop with their establishment by allowing them to control "sales discounts" on a more frequent basis and on a larger scale. The marriage of the product barcode (UPC) and the checkout scanner system has automated pricing and has sped up the time needed to pay for your items. This all happens behind the scenes and frequently works as it is designed but on occasion sale prices are incorrectly entered in to the computer, or sales price signs are not removed from the sales floor and customers are overcharged for products. If the error is an overcharge and occurs at a chain store that does business throughout the state of California, all customers who purchased that item will be overcharged.

To minimize these types of occurrences, we currently administer our Price Verification program as a preventative program that allows our Weights and Measures Inspectors to audit businesses for pricing accuracies by randomly selecting an amount of products that they offer for sale.

The business is either given a passing grade or is put on an increased inspection frequency if they fail the audit. Companies may face possible fines if they do not correct the problems that have been brought to their attention.

WAS THE PRICE CORRECT ?



**SONOMA COUNTY WEIGHTS & MEASURES
VERIFIES RETAIL PRICE ACCURACY**

Weights and Measures (cont...)

In 2008 Sonoma County Weights and Measures officials along with other counties and Consumer District Attorneys participated in the investigative efforts resulted in the eventual settlement of the following cases:

- Kelly Moore Paints settled for \$560,000
- Kragen settled for \$665,000
- Safeway settled for \$2.2 million,
- Wal-Mart settled for \$1.4
- Target settled for \$1.7 million

Recently Target settled for overcharging errors that investigators were able to prove were a consistent problem with the company's practices. Repeated attempts by Weights and Measures official to have this problem corrected were unsuccessful and this prompted

the participating District Attorneys threatening to file a lawsuit.

You can find more information about the Target case if you visit the Sonoma County District Attorneys web site under their "press release" links found at the following address: <http://www.sonoma-county.org/da>



Consumer Tips

An informed consumer should never allow themselves to be overcharged for an item they purchase. An informed consumer should make it a habit to know the monetary value of what they expect to be charged at the register for an item they are interested in buying. With any transaction, before you agree to part with your money, make sure that any discrepancies, misunderstandings or errors are clarified to your satisfaction. If a low level attendant is not helpful, ask for a manager and discuss your concerns with them. If you believe the advertisement is purposely ambiguous or deceptive, please call your local Weights and Measures office and report your complaint.

Here is an example, if you are interested in an item that is regularly priced for \$78.33 and it is on sale at a 25% discount, what is the monetary value you should be charged for that item at an 8% tax rate? The 25% discount reduces the regular price to a sale price of \$58.75 (\$58.747). Retailers are allowed to round up to the next penny if the final price is 5/10 of a penny or greater. If you are charged an 8% sales tax rate, this should increase your final price that you should expect to pay to \$63.45. An

easy rule of thumb to use for taxes is to think of the rate in terms of single dollars. If the tax rate is 8.0%, you can expect to pay 8¢ for every dollar or 80¢ for every \$10.

Here are some additional examples of consumer issues that have been dealt with by our office:

- Can a business advertise "going out of business sale" when they really are not going out of business?
- Is a store obligated to honor the "sale price" of an advertisement sign that has expired? How about a printed error in the Sunday sale flyer in the local paper?
- If you intend to buy firewood in bulk, how much would you expect to receive in a cord?

For answers to these questions and many more visit our website and browse through our Spotlight Newsletter to keep your self informed about consumer related issues. You can find our newsletters at the following link: http://www.sonoma-county.org/agcomm/weights_measures/newsletters.htm

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