

# Spotlight on Weights & Measures

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## **Sonoma County Holiday Office Closure**

The Agricultural Commissioner and Sealer of Weights and Measures Office will be closed from December 24, 2009, through January 3, 2010, and will reopen on Monday, January 4, 2010.

This closure is due to a Mandatory Time Off program, one of several cost saving measures adopted by the county to balance its budget and preserve essential services. We appreciate your patience and understanding during the time that our office is closed. If you are in need of emergency services during this time, please contact 911. Best wishes to our community and industry for a Happy Holiday Season and healthy New Year!



## **Consumer Corner: Gift Cards**

We have all heard of gift cards, gift certificates, rewards cards and mail in rebates but what are the legal issues and protections you have as a consumer when it comes to issues such as :

- Expiration dates on cards
- Cash redemption of the cards value
- Service fees for unused cards
- Company bankruptcies



This holiday season, the marketing angle seems to be issuing a gift card to the customer with the purchase of a particular product. The gift card is only redeemable at the original retailer and contains an expiration date.

You can find more answers to your questions about gift cards and gift certificates in our October 2008 Spotlight at: [http://www.sonoma-county.org/agcomm/weights\\_measures/newsletters.htm](http://www.sonoma-county.org/agcomm/weights_measures/newsletters.htm) or check the California's Department of Consumer Affairs website: [http://www.dca.ca.gov/publications/legal\\_guides/s-11.shtml](http://www.dca.ca.gov/publications/legal_guides/s-11.shtml)

## Propane Fuel

If you are enthusiastic about your barbequing and you use propane as your energy source, you probably go through several propane tank fills a year. You undoubtedly have discovered that you can purchase propane in two different methods:

- In prefilled tanks at some of the local retailers such as Wal-Mart, CVS Pharmacy and other retailers
- By purchasing propane by the gallon at propane dispensers located at some local service stations and propane distributors.

Prepackaged propane sold at retailers is mainly sold by two companies, Blue Star and Amerigas. The tanks are limited in size to about 3.6 gallons of propane and the gross weight (tank and fuel) is about 33 pounds. In

order to use this service you must purchase or own a qualifying tank before you are allowed to turn in an empty tank for the exchange of a full tank. The price per gallon charged for this convenience is about two and a half times higher than if you purchased propane at the local service station.

Service stations that fill propane tanks charge about \$3.00 per gallon to fill your empty tank. Be aware that some locations charge a minimum fee or require you to purchase a minimum gallon amount (5 gallons). The price and the minimum purchase/charge are required to be clearly posted. If you need to locate a propane location in your area, you can call any of the propane distributors found in the yellow pages or you can call our office at (707) 565-2371 for assistance.

## Weights and Measures Division Overview

The function of the Weights and Measures Division is to enforce state and local laws under state and county jurisdiction. As a regulatory agency, our main responsibility is to maintain the integrity of the marketplace and trust in local commerce. This is done by inspecting commercial devices that are used to buy and sell goods, and enforcing accurate labeling and quantities of packages, correct point of sale pricing, and advertising laws throughout the retail sector.

Though we respond to consumer complaints from the public, we are not exclusively a consumer protection agency. Our mission is broader in scope, as our efforts and inspections protect not only the general public in Sonoma County but also businesses that are the customers of other business. As an independent party, we assist businesses that stand accused of wrongdoing by customers or competitors. Our agency partners with other county Weights and Measures divisions as well as the State's Division of Measurement Standards in order to tackle issues that may be found statewide. As a last resort, we partner with the District Attorney's Environmental and Consumer Law Division in order to resolve more difficult cases that may call for civil prosecution.

Our division manages several programs that are either mandated by the State of California or Sonoma County

Ordinance, in addition to two contracts with the state:

- Devices – (State mandated): inspect commercial weighing measuring devices once a year
- Price Verification – (County ordinance): verify pricing accuracies at local retail businesses
- Petroleum – (Contract): Enforce state labeling, advertising and fuel quality regulations
- Weighmaster – (Contract): Audit Weighmaster businesses that weigh or measure commodities in the absence of the end-user or buyer (cement companies, rock-sand-gravel, landscape material suppliers, vineyards and wineries)
- Quantity Control – (State mandated): Investigate labeling and packaging issues

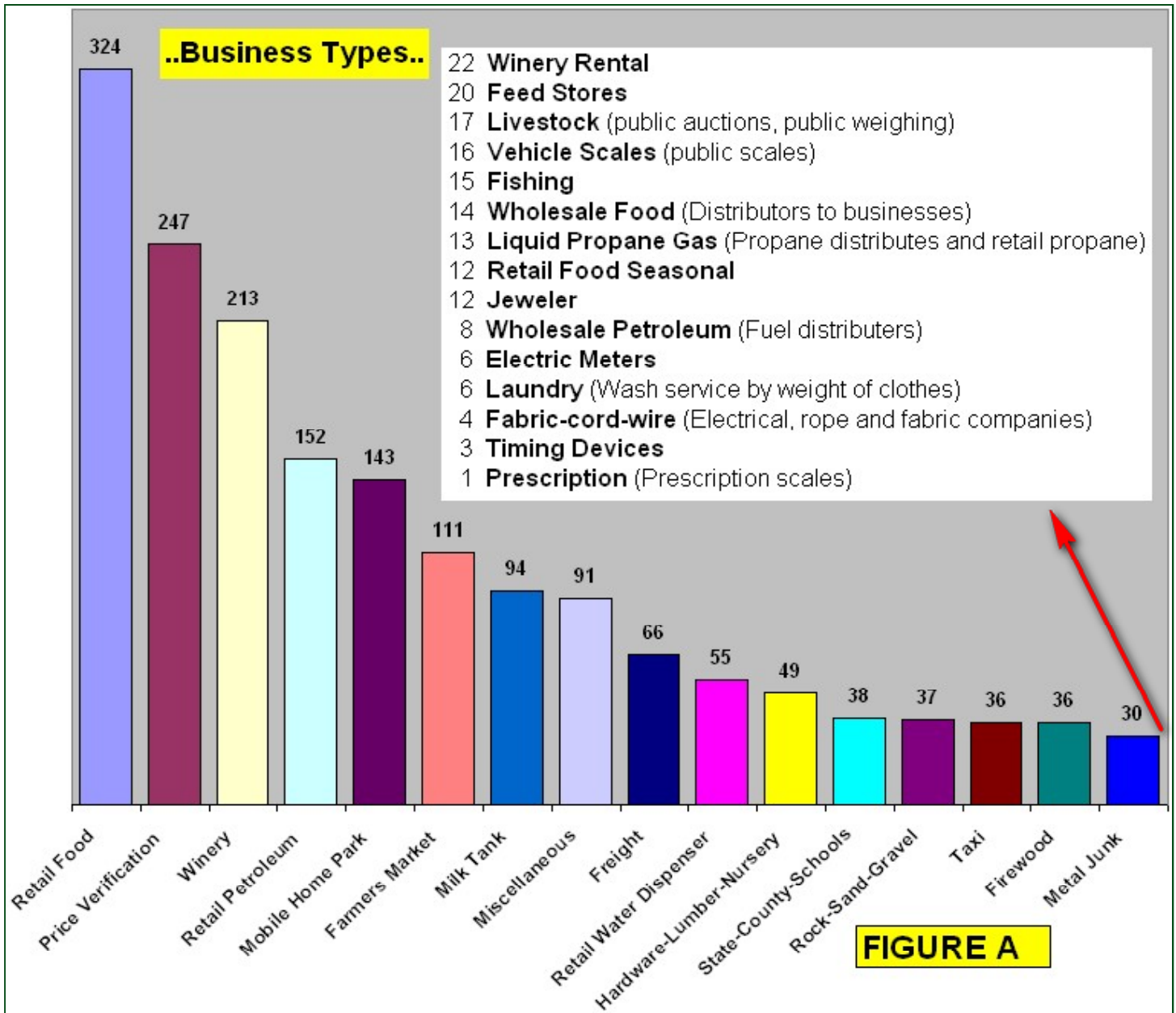


Because state law mandates the device program, the majority of the division's work encompasses inspection of commercial devices. We register approximately 1,900 businesses. The most common business type registered is "retail food", with 324 locations. Retail food establishments include small independent stores and chain stores like Safeway and Lucky. These businesses are categorized as "retail food" because they use scales to sell commodities like fruits, vegetables, and meats. The second most common business type is "price verification" and includes businesses that are retail merchandisers (non-grocery) that sell everything from clothes to fishing gear.

## Overview...Continued

Currently we have 247 business locations classified as “price verification”, and these also range from the small independent stores to the large national chain stores such as Target and Macy’s. The third most common business type on the list is “winery” coming in at 213 registered locations. Growing and harvesting grapes in Sonoma

County generates a lot of monetary transactions and in order to keep track of the value of grapes, wineries use commercial scales large enough to weigh 80,000 lb trucks and crane and floor scales that weigh individual grape bins up to 10,000 lb. Take a look at Figure A to see the remaining categories and their totals:



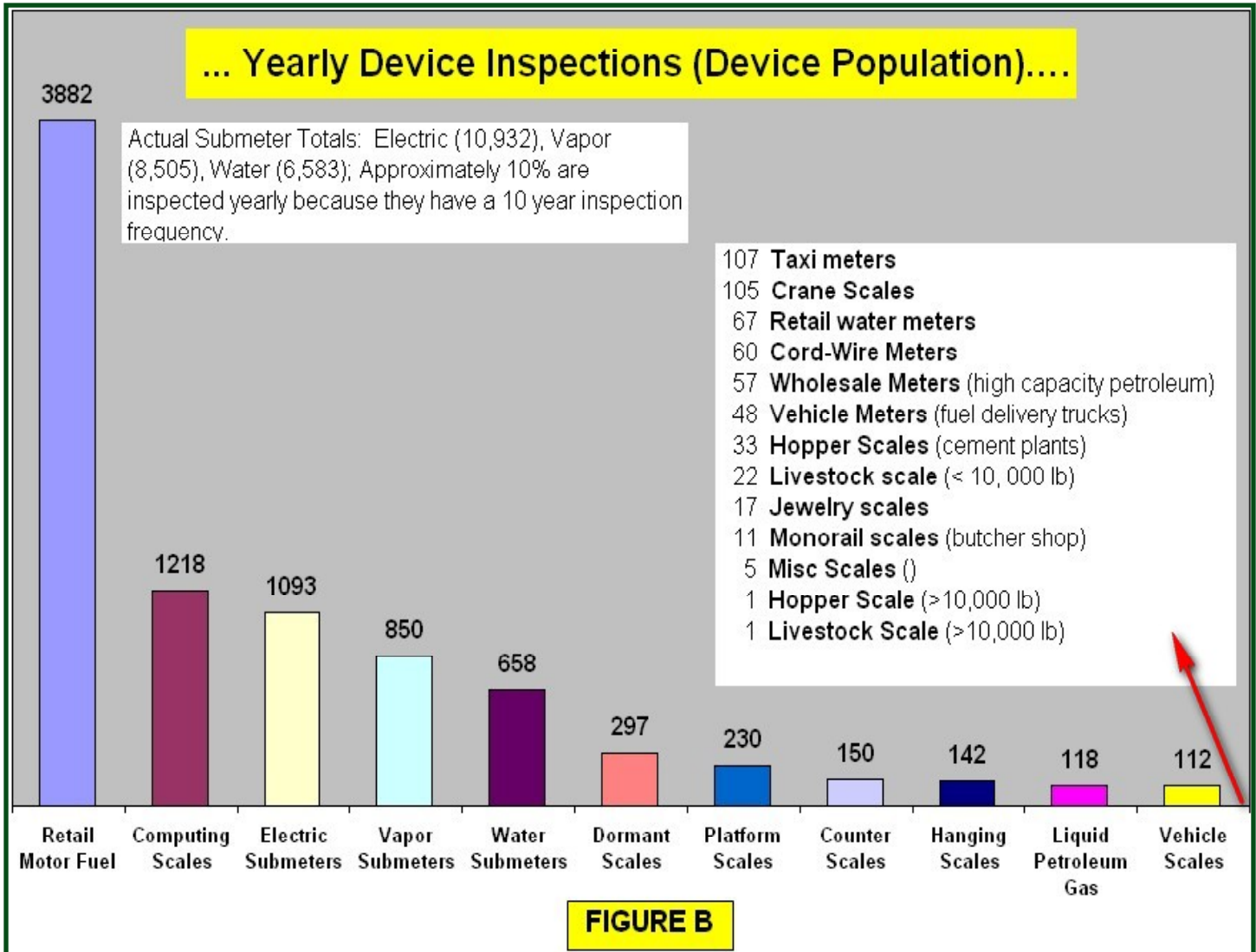
These businesses operate a combined total of 32,700 devices. The most common devices are sub-meters for electricity, natural and propane gas, and water meters. Annual workload for sub-meters is mitigated because the frequency of inspection is spread over ten years. The most common device that is inspected on a yearly basis is “retail fuel” meters coming in at 3,882 meters in

operation at 352 locations. The second most common device is the computing scale that is commonly found at your local grocery store or corner deli. These small capacity scales are used to weigh products and compute the price based on the price per pound entered by the cashier or the price preprogrammed in to the registers price look-up system.

## Overview...Continued

The third most common device is the electric sub-meter, which represent 1,093 annual inspections. These meters are found in local mobile home and recreational vehicle parks. Our largest mobile home park has 330

spaces, each with one electric, gas, and water meter for a combined total of 990 sub-meters. Figure B breaks down the commercial devices we inspect on a yearly basis:

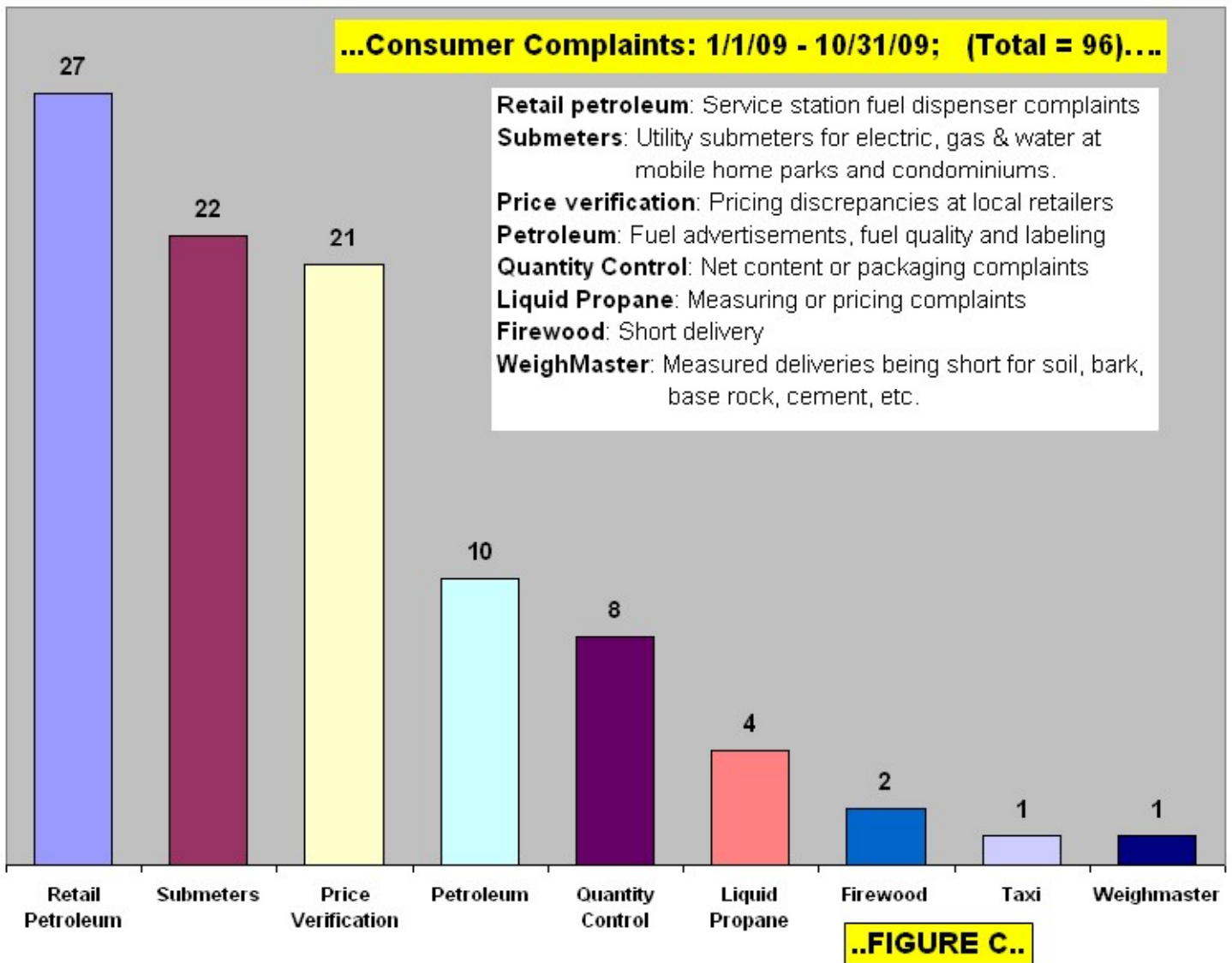


We investigate consumer complaints. Between January and October of 2009 our office logged and investigated 96 consumer complaints against a wide variety of businesses. Not all of these complaints were proven or substantiated. The most common complaint is filed against fuel stations when a customer feels there was a problem with the fuel dispenser. These complaints range from short measure delivery of fuel, to leaky hoses, to price computing problems with the dispenser.

Our second most common complaint is utility sub-meter complaints. These are typically filed by mobile home residents who feel they received an unusually high utility

bill caused by a faulty electric, gas or water meter.

Park managers also will complain about unusually high or low utility use. Utility diversion is not normally found, however we have found installations that have been altered. Tenants also complain when they feel there was an error in how their utility bill was prepared. Meters are read by park personnel and input readings into a computer. On occasion misreads or transposing of numbers occurs, or an incorrect rate applied, leading to errors in the utility bill. Take a look at Figure C on the following page for a full break down of all of the complaints we received in the last ten months:



## Did You Know?

As a fuel-purchasing customer, you are entitled to receive free air and water use at your local service station. Under California's Business and Professions Code Section 13651, retail fuel stations (members only stations are exempt) are required to provide free air (with air gauge) and water to customers that purchase fuel.

Most service stations operate a compressor



and water dispenser on their premises. Most of these have a coin operated vending setup and most businesses will give you a token or turn the device on if they recognize that you purchased fuel from them. If you purchase fuel but were denied the free use of the compressor-water dispenser, call our office to let us know. Our number is (707) 565-2371.

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We're on the Web!

Visit us at:

[www.sonoma-county.org/agcomm/weights\\_measures/](http://www.sonoma-county.org/agcomm/weights_measures/)