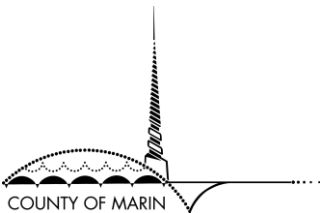

2020
Marin County
Consumer Protection Report

DOLLAR\$
&
SENSE

*Protecting the interests of the
consumer and the marketplace*



Department of Weights and Measures

Marin County Board of Supervisors

Damon Connolly, District 1

Katie Rice, District 2

Stephanie Moulton-Peters, District 3

Dennis Rodoni, District 4

Judy Arnold, District 5

Dear Supervisors:

I am pleased to submit the fifth annual Consumer Protection Report for the County of Marin. This report highlights some of the consumer protection services that the Department of Weights and Measures provided to the residents, visitors, and businesses of Marin in 2020.

In a year disrupted by the COVID-19 pandemic, our Department continued to serve Marin. While much of our workforce transitioned to telework, our staff conducted hundreds of site inspections safely while utilizing health and workplace precautions. And like other Departments, our staff contributed to the important Disaster Service Work that serves our communities in these challenging times.

Of special note last year was our collaboration with the County District Attorney's office to investigate dozens of instances of alleged price gouging. In March, Governor Newsom signed Executive Order N-44-20 that made it unlawful to increase the price of food items, consumer goods, or medical and emergency supplies by more than 10 percent. Staff from our two departments worked together to assist our community during this time of economic disruption and hardship.

In 2019 our department partnered with dozens of other counties around California to perform special price and commodity inspections targeted in low-income areas and found many pricing and packaging issues. We look forward to dedicating additional focus – including important educational and outreach efforts – in coming years to serve Marin's historically under-resourced populations, supporting the County's initiatives on diversity, inclusion, and equity.

Respectfully submitted,



Stefan P. Parnay

Acting Agricultural Commissioner

Acting Director of Weights and Measures

NUMBERS at a GLANCE

Weights and Measures Expenditures	\$782,875
Weights and Measures Revenue	\$266,990
Total Employees	14
Weights and Measures FTE* Inspectors/Admin	3.3
Total Weights and Measures Program Hours	6,634
Businesses Inspected	345
Total Inspections Performed (devices & price items)	8,489
Consumer Concerns Investigated	32
Price Accuracy Inspections Performed (locations)	223
Items Inspected for Price Accuracy	6,338
Items Found Overcharged to the Customer	258
Items Found Undercharged to the Customer	165
Devices Inspected and Sealed	1,862
Most Common Devices Inspected:	
Gas Pumps	984
Electric Submeters	445
Counter and Computing Scales	269
Notices of Violation Issued (to 134 businesses)	204
Most Common Violations:	
• Weighing/measuring equipment not maintained accurately	
• Stores overcharging customers	
• Customer not able to see price or weight of item displayed at time of purchase	

*Full-Time Equivalent

All figures cover 2020 Fiscal Year
(7/1/19– 6/30/20).

PRICE ACCURACY

Marin's Weights and Measures inspectors regularly conduct price verification audits at businesses that use automated point-of-sale systems (e.g., barcode/UPC scanner or price look-up codes) to verify that prices charged to customers match the prices posted in the store or advertised by the store.

When computer-based register systems are inaccurate, customers may be overcharged and be unaware that they have paid more than the posted or advertised price.

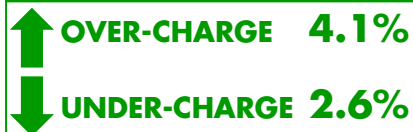
It is against California law for a business to charge more than the store's posted or advertised price.

Customers are entitled to the lowest advertised or posted price for any items offered for sale by a store.



Under a promotional sign such as this, all items on this table should ring up for \$5.00 when scanned at the register. If charged more, the customer should speak up and request the lower price they are entitled to by law.

Are consumers over-charged or under-charged more frequently?



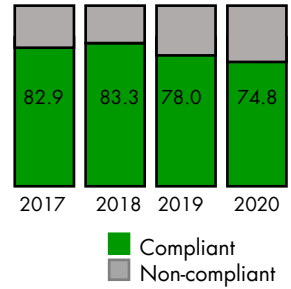
Marin County price accuracy transaction inspection statistics, FY2020.

In the past year, the Department conducted price verification inspections in every city and town in Marin.

223 price verification inspection visits were performed at 153 unique businesses around the County.

74.8% of Marin businesses inspected complied with price accuracy requirements upon initial inspection.

Marin Businesses Compliant with Price Accuracy Requirements on Initial Inspection



When a business fails an inspection, they are re-inspected on a monthly basis until they comply with California regulations.

To ensure equity in the marketplace and to protect businesses, inspections also identify when a business under-charges customers so that the business can improve its pricing system to charge customers the correct amount they are expecting to pay.

BUSINESS PRICING PERFORMANCE:

Of 6,338 items inspected for price accuracy in 2020 in Marin, 258 or 4.1% rung up as 'over-charges' at the register. This resulted in 101 notices of violation being issued to 65 unique businesses in Marin County. 19 establishments had more than 1 notice of violation issued.

TIP FOR BUSINESSES:

Be sure to remove promotional signage immediately after the expiration date of the sale or special offer: by law, there's no such thing as an expired sale sign. If the sign is still up, that's the price your customers are entitled to pay.

GAS PUMPS

When buying gas, you want to be sure you're getting what you paid for. And the service station wants to be paid for all the gas they deliver to you.

To ensure fuel dispensers in Marin are accurate, inspectors test the pumps on a regular basis.

Devices dispensing a range of fuels – gasoline, diesel, propane and hydrogen – at locations such as service stations, marinas, and equipment rental agencies must meet California standards for performance.



DID YOU KNOW?

Gas pumps must be accurate to a tolerance of approximately **99.5%** to meet state requirements.

FREE AIR & WATER

California law requires station operators to provide free compressed air, water, and an air gauge to customers who purchase gasoline or diesel fuel.



Only those devices meeting California's requirements receive the County of Marin Seal.

If you don't see the seal or suspect the pump is not functioning properly, please call us immediately at 415-473-7888. The color of the seal changes each year.

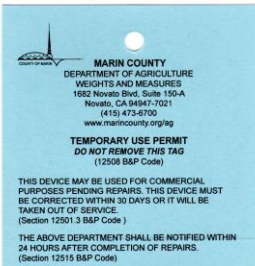
At 36 of Marin's 67 service stations, 1,048 fuel dispensers were inspected in the past year. 984 passed inspection, and 64 were tagged for problems.

On initial inspection 92.9% of Marin's retail motor fuel dispensers tested in 2020 were found accurate.



Gas pumps not meeting California standards are 'tagged' immediately.

A red tag means the pump cannot be used until repaired by a state-licensed technician; the pump is locked by inspectors. 3 red tags were issued to incorrect fuel meters in 2020.



A blue tag indicates the pump is 'over-delivering' – giving the customer more than they are paying for; the pump can be used in this condition for up to 30 days while awaiting repair.

CREDIT CARD SKIMMER ALERT



If you suspect a gas pump might contain a credit/debit card skimmer, please notify our Department and/or local law enforcement so we can investigate.

HOW MANY GAS PUMPS ARE THERE IN MARIN?

Marin has over 1,800 retail gasoline and Diesel fuel dispensers.

SCALES

Many goods are sold on the basis of weight: fruit and vegetables, prepared take-away foods, meat and seafood, deli meats and cheeses.



Weighing devices are also used in a variety of specialized applications around Marin such as livestock and livestock products, bulk grapes, parcel shipping, jewelry and precious metals, landscape materials and vehicle scales.

Scales that Department inspectors find to be inaccurate in favor of the business or seller are placed **OUT OF ORDER**. The scale cannot be used in commercial transactions until it is serviced by a state-licensed technician.

ARE YOU PAYING FOR PACKAGING WHEN YOU SHOULDN'T?

It is unlawful to sell any commodity by weight without subtracting the weight of its container, wrapper or non-consumable material such as packaging.

Scales must be "tared" to deduct the weight of such materials so the customer pays only for the net weight of the product.

In the example of frozen yogurt in the photo at right, the weight of the cups and spoons must be deducted from the total ("gross weight") when the items are weighed and rung up at the register.



Commercial scales inspected in Marin in 2020:

Businesses Inspected (unique locations)	96
Total Inspections Performed on Scales	381
Scales Sealed (meeting standards for use)	349

Some of the most common scales tested and sealed in Marin in the past year include:

- Computing Scale (indicates weight and price) 253
- Platform Scale (parcel shipping, dry cleaners) 45
- Counter Scale (indicates weight) 16
- Hanging Scale (farmers market, hardware store) 10
- Livestock Scale (2,000 – 10,000 lb.) 10

DID YOU KNOW?

Commercial scales in Marin range from prescription and jewelry scales (that measure in thousandths of a gram or milligrams) to a vehicle scale with a capacity of 120,000 pounds.



90.6% of Marin's Counter and Computing Scales tested in 2020 were found accurate on the initial inspection.

When you shop, be certain to verify that the posted or advertised price is what you're actually paying at the register. At retailers around Marin, these stickers at registers remind customers to inspect receipts and contact us if you suspect you were overcharged.

Check Your Receipt!

Call us if you think you were overcharged.

Marin County Weights & Measures Department

Consumer Protection is what we do.

(415) 473-7888



By law, you are entitled to the lowest advertised or posted price for items offered for sale by this store.

¡Verifique su recibo!

Llámenos si piensa que le han cobrado de más.

Departamento de Pesos y Medidas del Condado de Marin

Protección al Consumidor es lo que hacemos.

(415) 473-7888



Por ley, usted tiene derecho al precio más bajo anunciado o exhibido para los artículos ofrecidos a la venta en esta tienda.

SPECIAL CONSUMER FOCUS

In 2019 Marin County joined 26 other counties around the state in conducting focused price verification inspections at retailers in low-income communities. While pricing errors affect all consumers, these inaccuracies have a disproportionate effect on low-income disadvantaged households.

Important state-level findings from this survey include:

- Over 62% of stores visited for Test Purchases (e.g., meat, seafood and deli counter) had violations, resulting in an average dollar value overcharge of 1.24%
- Nearly one out of three prepackaged items (e.g., pre-weighed deli counter) experienced violations, with an average dollar value overcharge of 1.8%
- Almost 33% of stores inspected for scanner point-of-sale price accuracy had violations, resulting in an average overcharge of \$1.63

According to the state-wide report,* “Within Disadvantaged Communities economic impacts and marketplace overcharges run 3.8 times higher than the frequency of any past county or state survey results completed in the past nine years.”

Consistent with the County’s equity initiatives, our department plans to commit additional education to and scrutiny of retail establishments operating in disadvantaged areas of Marin to ensure community members receive fair and equitable treatment in commerce.

Electric Submeters:

New in 2020 the Department launched an ongoing initiative to audit all sites selling electricity to end-users via submeters (mobile home parks, marinas, apartment buildings). The Department’s goal is to improve testing frequency compliance for all facilities that meter and sell electricity through submeters, to ensure the devices are accurate and bill customers correctly.

*The Value of Statewide Support & Coordination of Weights and Measures in the Marketplace: Necessary Advantages for Disadvantaged Communities (Dec. 2019)

If you have a concern or complaint about a business in Marin, immediately report it to our office.

CONSUMER HELP LINE

(415) 473-7888

or

Marin.Dept.Ag@MarinCounty.org

In 2020 our Department responded to 32 customer inquiries, concerns, and complaints about businesses operating in Marin. This was a 39% increase from the prior year. Many complaints alleged price gouging in violation of statewide orders mandated by the Governor.

SHOP WITH CARE:

Due to frequently overcharging consumers and failing price verification inspections at stores across California, some businesses have had legal settlements or injunctions imposed on them through the courts. For any item overcharged and brought to the store's attention, some stores give the item free or provide a \$5 gift card – be sure to ask.

Per publicly available court records, businesses with current and past injunctions/settlements include:

7-Eleven

BestBuy

CVS

Kohl's

Office Depot

Petco

RiteAid

Safeway

Staples

Target

Walgreens

Whole Foods

COUNTY OF MARIN

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<http://www.marincounty.org/depts/ag>

(415) 473-7888 Consumer Help Line

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Requests for accommodations may be made by calling (415) 473-6700 (Voice),
(415) 473-3232 (TTY) or by e-mail at SParnay@marincounty.org.
Copies of documents are available in alternative formats, upon request.