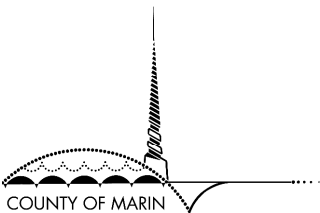

2022
Marin County
Consumer Protection Report

DOLLAR\$
&
SENSE

*Protecting the interests of the
consumer and the marketplace*



Department of Weights and Measures

Marin County Board of Supervisors

Mary Sackett, District 1

Katie Rice, District 2

Stephanie Moulton-Peters, District 3

Dennis Rodoni, District 4

Eric Lucan, District 5

Dear Supervisors:

I am pleased to submit the seventh 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 2022.

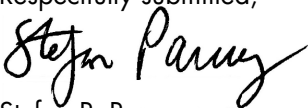
Emerging from the COVID-19 pandemic, Marin County remains a desirable place to reside in, work in, and visit, enjoying a thriving business environment and attracting approximately 12-14 million visitors annually. Our Department continues to serve and protect Marin by ensuring accuracy and equity in the marketplace and safeguarding the economic well-being of consumers and businesses in Marin.

Of note this year was our Department's investigation into local businesses' applications of California Redemption Value (CRV), a state fee that is charged to consumers upon the purchase of certain, recyclable beverage containers. Our Department conducted inspections at various stores in Marin to assess whether local retailers are correctly charging CRV. This investigation is ongoing.

In 2022, our inspectors performed over 12,537 inspections at more than 380 unique Marin businesses to verify the accuracy of weighing and measuring devices and of prices charged to consumers.

If consumers have concerns about price or commercial device accuracy, we encourage them to contact us immediately so our inspectors can investigate. Conversely, if a business has questions about pricing requirements, they should not hesitate to contact us.

Respectfully submitted,



Stefan P. Parnay

Agricultural Commissioner

Director of Weights and Measures

Numbers at a Glance

Weights and Measures Expenditures	\$576,582
Weights and Measures Revenue	\$282,204
Total Employees	14
Weights and Measures FTE* Inspectors/Admin	2.34
Total Weights and Measures Program Hours	4,599
Businesses Inspected (unique locations)	387
Total Inspections Performed (devices & price items)	12,537
Consumer Concerns Investigated	41
Price Accuracy Inspections Performed	307
Items Inspected for Price Accuracy	10,277
Items Found Overcharged to the Customer	467
Items Found Undercharged to the Customer	332
Devices Inspected and Sealed	1,991
Most Common Devices Inspected:	
Gas Pumps	1,081
Electric Submeters (mobile home parks, marinas, apartments)	310
Counter and Computing Scales	469
Notices of Violation Issued (to 169 businesses)	226
Most Common Violations:	
• Weighing/measuring equipment not maintained accurately by businesses	
• Stores overcharging customers	
• Customer not able to see price or weight of item displayed at time of purchase	

*Full-Time Equivalent

All figures cover 2022 Fiscal Year
(7/1/21– 6/30/22).

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.

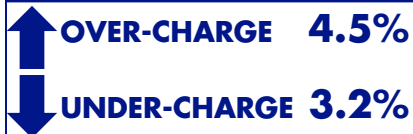
It is against California law for a business to charge more than the store's posted or advertised price.

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 of \$5.00, as required by law.

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



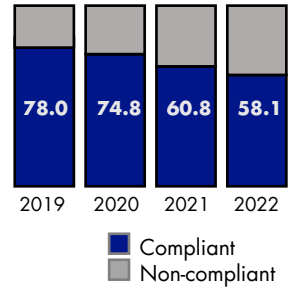
Marin County price accuracy transaction inspection statistics, FY2022.

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

307 price verification inspection visits were performed at 216 unique businesses around the County.

58% 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 10,227 items inspected for price accuracy in 2022 in Marin, 467 or 4.5% rung up as 'over-charges' at the register. This resulted in 170 notices of violation being issued to 109 unique businesses in Marin County. 37 establishments had more than one 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 by law.

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.

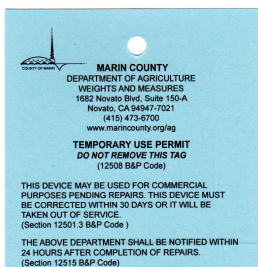
At 39 of Marin's 67 service stations, 1209 fuel dispensers were inspected in the past year. 1081 dispensers passed inspection, and 128 were tagged for problems.

On initial inspection 89.4% of Marin's retail motor fuel dispensers tested in 2022 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. 20 red tags were issued to inaccurate or incorrect fuel meters in 2022.



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.

CASH OR CREDIT?

Unless signage clarifies otherwise, gas stations must offer the cash price for fuel sold to debit card customers.

Scales

Many goods are sold on the basis of weight: fruits 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.



89.8% of Marin's Counter and Computing Scales tested in 2022 were found accurate on the initial inspection.

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.

Examples:

- Deli take-out containers
- Paper or plastic wrappers
- Bags
- Plates and utensils at food counters



Commercial scales inspected in Marin in 2022:

Businesses Inspected (unique locations)	111
Total Inspections Performed on Scales	583
Scales Sealed (meeting standards for use)	527

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

- Computing Scale (indicates weight and price) 457
- Platform Scale (parcel shipping, dry cleaners) 20
- Counter Scale (indicates weight) 12
- Hanging Scale (farmers market, hardware store) 8
- Livestock Scale (2,000 lb and higher) 14

KNOW THE WEIGHT

You are entitled to see the weight of the item you are purchasing.

The weight display/indicator must be visible to both the customer and the operator – that’s why many scales have display screens on both sides.



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 2022 the Department launched a consumer protection investigation into improper charging of CRV (California Redemption Value) fees on beverage containers sold by retailers in Marin.

Based on state regulations, retailers are permitted to charge consumers a CRV fee of either 5 cents or 10 cents on certain beverage containers, based on the contents, size and materials of the container.

In responding to a Marin resident's complaint alleging a large grocery retailer improperly charged CRV on containers not eligible for CRV, the Department has conducted audits at several retailers in the county.

Our findings document many instances of stores charging CRV on products that are ineligible or not marked for the CRV fee.



<https://calrecycle.ca.gov/bevcontainer>

Eligible for California Redemption Value (CRV)	Not Eligible for California Redemption Value (CRV)	When in Doubt Check the label on the container
 <ul style="list-style-type: none"> Beer and Malt Beverages Wine Coolers Carbonated Fruit Drinks, Water, or Soft Drinks Noncarbonated Fruit Drinks, Water, or Soft Drinks Coffee and Tea Beverages 100% Fruit Juice less than 46 oz. Vegetable Juice 16 oz. or less 	 <ul style="list-style-type: none"> Milk Medical Food Infant Formula Wine Spirits 100% Fruit Juice 46 oz. or more 100% Vegetable Juice more than 16 oz. Food and Non-Beverage Containers 	 <ul style="list-style-type: none"> "California Redemption Value" "CA Redemption Value" "California Cash Refund" "CA CRV" "CA Cash Refund"

Consumers are harmed by these overcharges because they pay CRV but are unable to recover their CRV upon bottle redemption because the containers are not marked for CRV.

The Department is working with Weights & Measures counterparts in other California counties, California Division of Measurement Standards, CalRecycle (the state-level agency responsible for the CRV program), and retailers to broaden the investigation and take steps to ensure that consumers are not improperly charged CRV fees.

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

Consumer Help Options

Phone: (415) 473-7888

Email: Marin.Dept.Ag@MarinCounty.org

Online Form:

<https://www.marincounty.org/depts/ag/consumer-complaint-form>

In 2022 our Department responded to 41 customer inquiries, concerns, and complaints about businesses operating in Marin. This was a 70% increase from the prior year. Complaints often involve over-charges at retailers, allegations of gas pumps “shorting” customers on fuel, or credit/debit card skimmers.

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

Department of Agriculture, Weights and Measures

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Novato, CA 94947

(415) 473-6700 T
(415) 473-7543 F
CRS Dial 711

<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 SWise@marincounty.org.
Copies of documents are available in alternative formats, upon request.