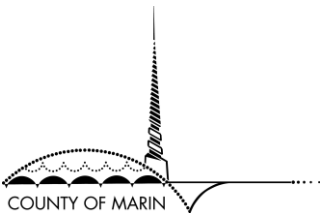

2023
Marin County
Consumer Protection Report

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:

We are pleased to submit the eighth 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 Marin County residents, visitors, and businesses in 2023.

Marin County continues to be a desirable place to live, work, and play! With a population of over 262,000 and another 12-14 million annual visitors, Marin County enjoys a thriving business environment. Over the past year the department has noticed a decrease in the number of businesses overcharging customers. The Department is working closely with businesses to ensure this consumer harm does not occur, with a special focus in low-income communities.

This year our Department conducted inspections throughout Marin to assess whether local retailers are properly accounting for the tare weights of various packaged items. Tare weight is the weight of packaging materials; its value must be subtracted from the total weight of goods ensuring customers only pay for the weight of the product. In 2023, our inspectors performed over 13,524 inspections at more than 453 unique Marin businesses to verify the accuracy of weighing and measuring devices and of prices charged to consumers.

If anyone has concerns about store pricing or the accuracy of any commercial devices, please have them contact us immediately so our inspectors can investigate. Conversely, businesses with questions about pricing requirements 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	\$672,523
Weights and Measures Revenue	\$310,455
Total Employees	13
Weights and Measures FTE* Inspectors/Admin	3.20
Total Weights and Measures Program Hours	6,425
Businesses Inspected (unique locations)	453
Total Inspections Performed (devices & price items)	13,524
Consumer Concerns Investigated	57
Price Accuracy Inspections Performed	395
Items Inspected for Price Accuracy	11,296
Items Found Overcharged to the Customer	477
Items Found Undercharged to the Customer	325
Devices Inspected and Sealed	1,985
Most Common Devices Inspected:	
Gas Pumps	846
Electric Submeters (mobile home parks, marinas, apartments)	402
Counter and Computing Scales	498
Notices of Violation Issued (to 189 businesses)	329
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 2023 Fiscal Year
(7/1/22– 6/30/23).

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.

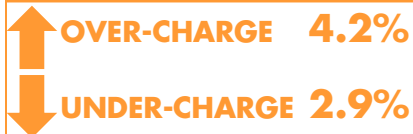
It is against California law for a business to charge more than the store's posted or advertised price.

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



This promotional sign advertises 38% off the original price of \$39.95, but then lists a current price of \$24.95. When you do the math, 38% off \$39.95 is actually \$24.76! Although the store posted an adjusted sale price, the customer is entitled to the lowest posted price according to California law: they should request the \$24.76 price if charged more.

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



Marin County price accuracy transaction inspection statistics, FY2023.

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

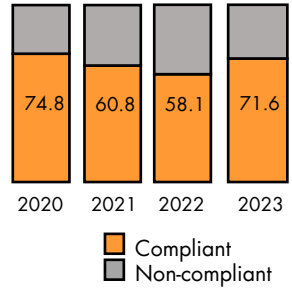
395 price verification inspection visits were performed at 221 unique businesses around the County.

71.6% of Marin businesses inspected complied with price accuracy requirements upon 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.

Marin Businesses Compliant with Price Accuracy Requirements on Initial Inspection



BUSINESS PRICING PERFORMANCE:

Of 11,296 items inspected for price accuracy in 2023 in Marin, 477 or 4.2% rung up as 'over-charges' at the register. This resulted in 202 notices of violation being issued to 116 unique businesses in Marin County. 48 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, customers want to be sure they receive what they paid for, and the service station wants to be paid for all the gas they deliver.

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 41 of Marin's 67 service stations, 918 fuel dispensers were inspected in the past year. 846 dispensers passed inspection and were sealed, and 72 were tagged for problems.

In 2023, 92.2% of Marin's retail motor fuel dispensers tested 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. 16 red tags were issued to inaccurate or incorrect fuel meters in 2023.



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. In 2023, 56 blue tags were issued to inaccurate meters.

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 based on 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.



91.0% of Marin's Counter and Computing Scales tested in 2023 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 2023:

Businesses Inspected (unique locations)	147
Total Inspections Performed on Scales	705
Scales Sealed (meeting standards for use)	642

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

- Computing Scale (indicates weight and price) **484**
- Platform Scale (parcel shipping, dry cleaners) **91**
- Counter Scale (indicates weight) **12**
- Hanging Scale (farmers market, hardware store) **9**
- Livestock Scale (2,000 lb and higher) **13**

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 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 2023, the Department investigated multiple complaints related to bulk and custom packed items costing more than expected.

Based on California State law (Business and Professions Code 12023), retailers must charge customers only for the net weight of the contents of a package. This means that when items are packed in store and sold by weight, the retailer must subtract the weight of packaging – known as tare weight. This ensures the customer is not charged for the weight of the packaging, only the weight of the contents.

In response to Marin residents' complaints alleging incorrect tare, the Department's investigations revealed that in many cases, businesses were not removing sufficient weight to account for the weight of the packaging.

When tare weights are inaccurate, it can result in overcharges to many consumers – they end up being charged for more product than they receive. For example – a customer wants to purchase one pound of fish at \$20 per pound. If the business packages this fish in one pound of packaging and doesn't take tare, that customer would be charged \$40 for one pound of fish!



In all cases, inspectors worked with the retailers to have the tare weight adjusted, ensuring customers are paying only for the net contents of a package.

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.gov

Online Form:

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

In 2023, our Department responded to 57 customer inquiries, concerns, and complaints about businesses operating in Marin. This was a 39% 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

1682 Novato Boulevard, Suite 150-A
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

TEAM

Agricultural Commissioner
Director of Weights and Measures
Stefan Parnay

Assistant Agricultural Commissioner
Assistant Director of Weights and Measures
Scott Wise

Supervising Agricultural, Weights and Measures Inspector
Dann Walters

Agricultural, Weights and Measures Inspectors

Emmett Brady	Anna Dirkse	Kayla Friedrichsen	Johanna Good
Allison Klein	Alexa Schieferecke	Inderpal Singh	Eric Smith

Senior Agricultural Program Assistant
Eric Richardson

Administrative Services
Associate
Tanya Nelson

Administrative Services
Technician
Pilar Marin-Stein

Office Assistants
Terra Cruz
Mary Wahlberg

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