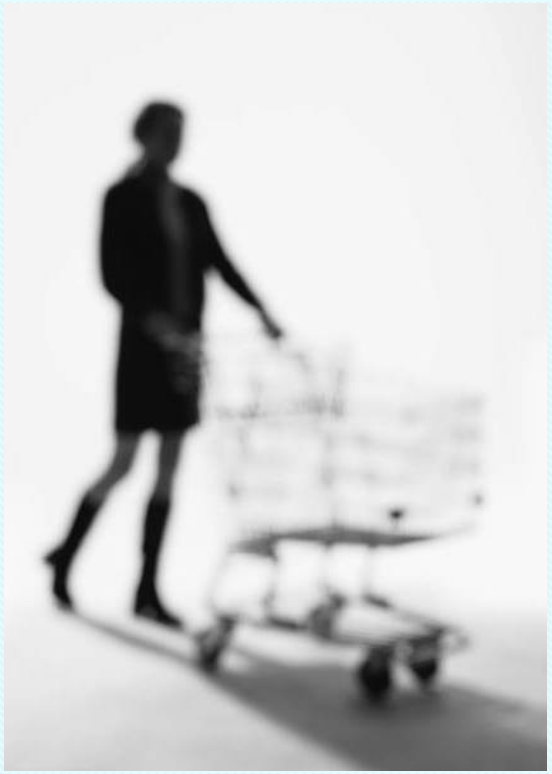
COUNTY OF SAN DIEGO

WHAT YOU NEED TO KNOW ABOUT A PRICE VERIFICATION INSPECTION

Department of Agriculture, Weights and Measures

What we noticed:



- Many retail stores using POS – Point-of –Sale Systems
- Consumer Complaints
- Overcharges/Undercharges

Consumer Protection Act of 1999

- County Ordinance adopted February 2, 1999
  - Retail price scanners are registered with AWM.
  - Registration and reinspection fees fund inspection program.

FEES support the program

Based on number of POS stations

- 1 – 3 POS stations = $145
- 4 or more POS stations = $170

Reinspection fee = $83/hour

Inspection Program

- Inspections are unannounced to reflect an “as found” condition.
- Inspector notifies management unless undercover (e.g. complaint or special investigation).
- Owner or management are not required to be present for the inspection.

What to Expect During an Inspection

Inspectors follow Business and Professions Code Section 13350.

- 1 – 3 P.O.S. stations,
  minimum of 10 items
- 4 – 9 P.O.S. stations,
  minimum of 25 items
- 10 + P.O.S. stations
  minimum of 50 items

During an inspection…

- A maximum of 50% sale items may be selected.
- Randomized sampling procedure:
  - used for routine inspections
  - not required for complaint investigations and follow-up inspections.

Inspection Results

- Accuracy includes overcharges and undercharges.
- Intentional undercharge is not an error.
- Meet with manager or price coordinator to review findings.
- Errors to be corrected immediately before inspector leaves.
- Return sample items to shelves if necessary.

Consumer Rights

County ordinance requires this notice to be posted at each point-of-sale station.

Customer Display

The California Business and Professions Code Section 13300:

Requires retail establishments using a point-of-sale system to conspicuously display the price of the item to the consumer at the time it is entered in the system.

Passing an Inspection!

County of San Diego

PRICE ACCURACY INSPECTION PROGRAM

NOTICE OF

PASSING INSPECTION

Retailer: _____

Location: _____

_____

On _____,
the County of San Diego Department of Agriculture, Weights and Measures
conducted a Price Verification Inspection at this establishment.

Section 12024.2 of the Business and Professions Code of California requires retailers to charge no more than the posted/advertised price for any commodity

On the above date, all items tested for price accuracy were found in full compliance.

This notice may remain on display no later than _____
County of San Diego Code of Regulatory Ordinances Section 21.2012

LISA M. LEONDIS
Sealer of Weights and Measures
Complaint Line: (888) TRUE SCAN

Notice of Passing Inspection may be posted when no price accuracy errors are found.

Reinspections

- Required when a business does not pass the initial inspection with a compliance rate of 98%
- Reinspection must occur within 6 months of failed inspection
- A reinspection fee is required for follow-up inspections

What if a violation is found?

1. Business is notified with a Notice of Violation (NOV).
2. County Sealer initiates a civil administrative action by sending business a Notice of Proposed Action (NOPA).
3. The NOPA includes:
   - Description of the violation,
   - Proposed penalty,
   - Order and Stipulation,
   - Request for a hearing

Notice of Proposed Action

4. Business (Respondent) may either:
   - Stipulate (agree) to the action by paying the fine to the County Sealer within 45 days or
   - Request an administrative hearing within 20 days of notification. Notice of time and place of the hearing is given at least 10 days before the date set for the hearing
5. Respondent has the right to review the Sealer's evidence.
6. If respondent does not stipulate or request a hearing in a timely manner, the Sealer will file his decision with the clerk of the superior court and a judgment will be entered.

Hearing

7. The hearing is presided over by a Hearing Officer.
8. Both sides present their evidence.
9. Hearing Officer makes proposed Decision and Order to the Sealer within 60 days.
10. Sealer mails final Decision and Order to respondent.

Penalties

- If a penalty is imposed, it must follow Section 4802 of the California Code of Regulations to determine the amount.
- Penalties range from $25 - $1000 for misdemeanors and not more than $100 for infractions.
- Penalties are due and payable within 45 days.
- Sealer's decision can be appealed to the Secretary of the Department of Food and Agriculture within 30 days.

Penalty Amounts

Overcharge ≤ $1.00 → infraction → $100 max.

Overcharge > $1.00 → misdemeanor

$25 - $1,000

Criteria:

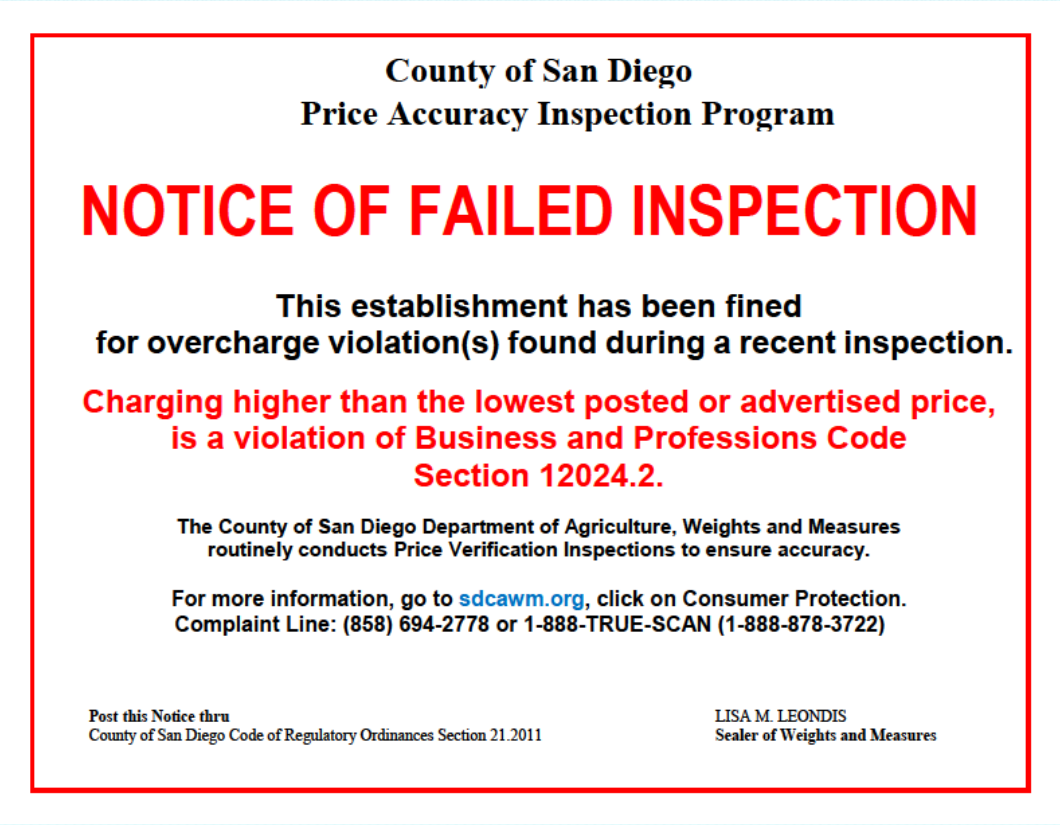
- Number of Overcharges
- Percentage of Overcharge (s) Overall Inspection
- Percentage of Individual Overcharge (s)
- Previous Actions in 2-year Period

Criteria Determine Category

- Category “C” $50 - $250
- Category “B” $150 - $600
- Category “A” $400 - $1,000

Repeat Violations – Raised to next higher category.

Notice of Failed Inspection Posting



County of San Diego
Price Accuracy Inspection Program

NOTICE OF FAILED INSPECTION

This establishment has been fined for overcharge violation(s) found during a recent inspection.

Charging higher than the lowest posted or advertised price, is a violation of Business and Professions Code Section 12024.2.

The County of San Diego Department of Agriculture, Weights and Measures routinely conducts Price Verification Inspections to ensure accuracy.

For more information, go to sdcawm.org, click on Consumer Protection.
Complaint Line: (858) 694-2778 or 1-888-TRUE-SCAN (1-888-878-3722)

Post this Notice thru
County of San Diego Code of Regulatory Ordinances Section 21.2011

LISA M. LEONDIS
Sealer of Weights and Measures

Required posting after Civil Administrative Penalty process for multiple overcharges or a charge greater than $1.00

Remember:

It is unlawful to charge an amount greater than the lowest posted or advertised amount!

How to avoid fines

1. Register your POS system, commercial weighing or measuring device.
2. Remove expired sales tags.
3. Be aware of multiple tags for same item.

4. Verify prices on secondary or special locations.

5. Have a price accuracy coordinator for internal audits.

6. Post Consumer Rights sign and Store Policy on overcharges so it is clearly visible to the consumer.

ATTENTION CONSUMERS:

Check your receipt and notify store management immediately of any overcharge.

Consumers are entitled to pay no more than the lowest posted, advertised, or quoted price for any commodity offered for sale at a retail establishment.

For information or to file a complaint, contact:
County of San Diego,
Department of Agriculture, Weights and Measures at:
1-888-TRUE-SCAN (1-888-878-3722) or www.sdcawm.org

7. Make sure the sales price and condition of sale is clear .

8. Indicate the CRV for beverages.

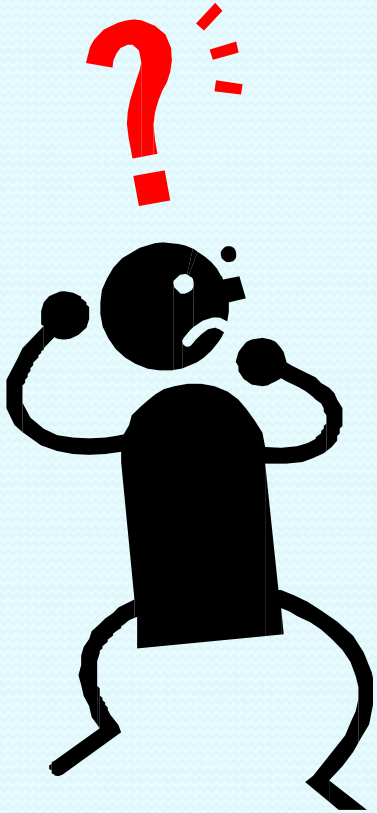
$6.99 + CRV or $6.99 plus 30¢ CRV
or $6.99 + 30¢ CRV = $7.29

- You are encouraged to show the CRV payments as separate items on your cash register receipts.
- If the beverage is taxed, the CRV is taxed.
- CRV is 5¢ for each beverage container < 24 fl oz and 10¢ for each beverage container ≥ 24 fl oz.

9. Look for mis-stocked items.

WASH CLOTH SET

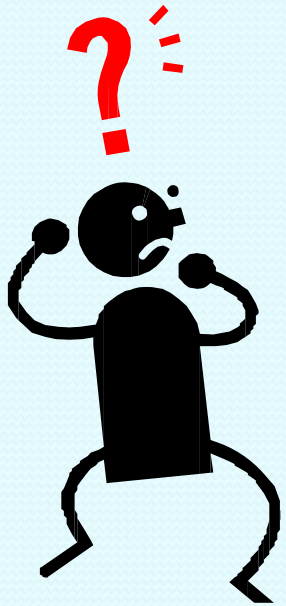
SIPPY CUP



DIFFERENT BRANDS

10. Share inspection results and price errors with management – They may be able to provide more training.
11. Work with customers to resolve concerns -before they notify us.
12. Consult with our Department!

Resources

- California Business and Professions Code, Div. 5, Sections 13300 – 13357;
- California Code of Regulations, Title 4, Div. 9, Chapter 10, Sections 4510 – 4512;
- San Diego County Code of Regulatory Ordinances, Title 2, Licenses, Business Regulations and Business Taxes, Div. 1, Business Regulations, Chapter 20, Consumer Confidence Protection Act;
- County of San Diego, Department of Agriculture, Weights and Measures, (858) 694-2778 or www.sdcounty.ca.gov/awm

QUESTIONS?