



COUNTY OF SAN DIEGO

WHAT YOU NEED TO KNOW ABOUT A PRICE VERIFICATION INSPECTION

Department of Agriculture, Weights and Measures

How It Began



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

Consumer Confidence Protection Act of 1999



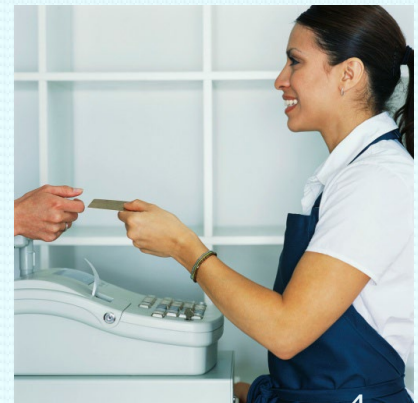
- County Ordinance adopted February 2, 1999
 - Retail businesses using a POS system are registered with AWM
 - Registration fees fund the inspection program

Fees Support the Program

Based on number of POS stations

- 1 – 3 POS stations = \$162
- 4 – 9 POS stations = \$220
- 10 or more POS stations = \$274

Reinspection fee = \$172/hour



Inspection Program



- Inspections are unannounced to reflect an “as found” condition
- Inspector notifies management unless undercover
- 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 POS stations, minimum of
10 items

4 – 9 POS stations, minimum of
25 items

10 + POS 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



Overcharge Samples

BPC 12024.2 violations



Special Locations

BPC 12024.2 violations



End Caps



Refrigerator Doors



Multiple locations



Aisle/Shelf Hangers

Condition of Sale Samples

Ensure the sale price and condition of sale is clear,
BPC 12024.2(f) violations



Notifying customers of a higher price than an item price, is not a condition of sale.



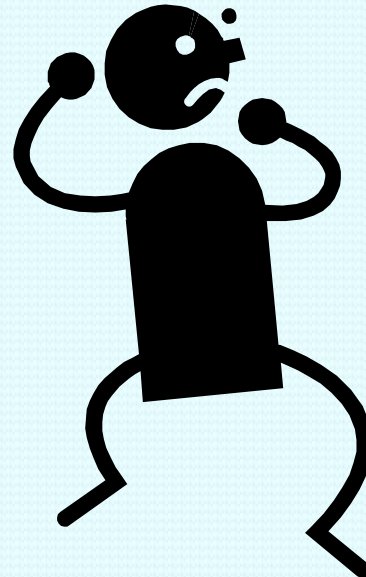
Mis-stocked Samples

BPC 12024.6 violations

DIFFERENT ITEMS



DIFFERENT BRANDS



CRV Violations

Indicate the CRV for beverages, BPC 12024.13

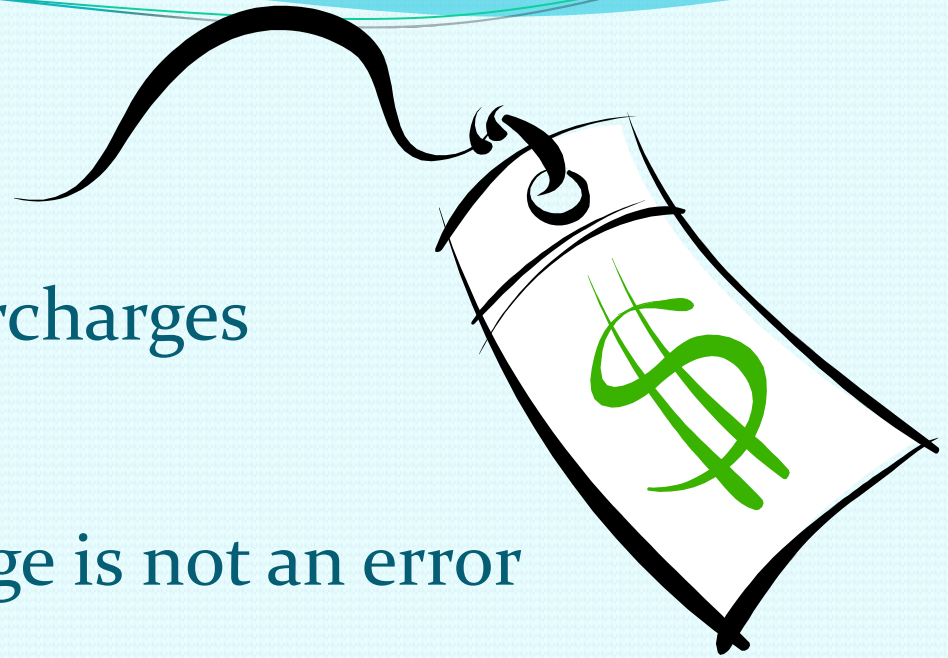
**\$6.99 + CRV or \$6.99 plus 30¢ CRV
or \$6.99 + 30¢ CRV = \$7.29**



- You are required 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

Inspection Results

- Accuracy includes overcharges and undercharges
- Intentional undercharge is not an error
- Meet with the staff on site to review findings
- Errors to be corrected immediately before inspector leaves
- Return sample items to shelves if necessary



Attention Consumers Notice



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



Overcharged? Notify our department with the "Tells Us Now" App



SCAN
HERE
↪

County ordinance requires this notice to be visible 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



Reinspections

- Required when a business does not pass the inspection with a compliance rate of 98%
- Reinspections must occur within 6 months of failed inspection
- A reinspection fee is required for follow-up inspections
- Reinspections will continue until an inspection is passed





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 (Agreement)
 - Request for a hearing

Notice of Proposed Action



4. Business (Respondent) may either:
 - Stipulate (agree) to the action by paying the fine within 45 days or
 - Request an administrative hearing within 20 days of notification
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 a Notice of Decision to the Clerk of the Superior Court and a judgment will be filed

Hearing



- The hearing is presided over by a Hearing Officer
- Both sides present their evidence
- Hearing Officer makes a proposed Decision and Order to the Sealer within 60 days
- Sealer mails final Decision and Order to the business
- Violations are strict liability

Penalty Amounts



Overcharge \leq \$1.00 → infraction → \$100 max.

Overcharge $>$ \$1.00 → misdemeanor
up to \$1,000

Criteria:

- Percentage of dollar overcharge amount to total correct price
- Percentage of overcharge(s) to items purchase
- Previous actions in 2-year period



Remember...

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

- Register your POS system
- Remove expired sales tags
- Be aware of multiple tags for same item
- Watch out for mis-stocked items



- Have a price accuracy coordinator for internal audits
- Clearly post Attention Consumer Notices and they are visible to the consumer



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ATENCIÓN CONSUMIDORES:

Revise su recibo y notifique inmediatamente a la gerencia de cualquier cobro de más.

Los consumidores tienen el derecho a pagar el precio más bajo marcado, promocionado, o estimado por cualquier producto ofrecido a la venta en un establecimiento de venta al menudeo.

Para mayor información o presentar una queja, póngase en contacto con El Condado de San Diego, Departamento de Agricultura, Pesas y Medidas al:
1-888-TRUE-SCAN (1-888-878-3722) ó www.sdcawm.org

Cobro de más? Notifique a nuestro departamento con la app "Reportelo Ahora"






Share inspection results with management – They may be able to provide more training

Work with customers to resolve concerns before they notify us

Consult with our Department!



QUESTIONS?

Office

(858) 694-2778

THANK YOU!