



# CONSUMER NEWS

## SAN DIEGO CITY ATTORNEY'S OFFICE

### Scanner Overcharges

April 2012

Many savvy consumers take advantage of coupons, sales, and weekly specials. To ensure the discounts are being honored, shoppers should double-check their receipts to make sure they are not being overcharged at the scanner.

A scanner is any computer or electronic system used to look up codes, like UPC codes to determine the price charged to the consumer. Retailers who use scanners must register with the county weights and measures department and are subject to inspection to ensure pricing accuracy.

#### *SCANNER INSPECTION RESULTS*

The County of San Diego has a scanner enforcement system in place and regularly inspects establishments that use scanners.

In 2010, inspectors for the County Department of Agriculture, Weights and

Measures found 22% of the 1,340 inspected stores in the county had price-scanning errors. Of the errors, shoppers were more than 2 ½ times more likely to be overcharged than undercharged.

More recently, a statewide Department of Food and Agriculture price verification survey, completed in February 2011, found that of the 6,360 scanner items tested, 2.09% of items tested by inspectors were overcharged.

#### *PROTECTION IN SAN DIEGO*

The County of San Diego Department of Weights and Measures inspectors who find violations of the law present the retailer with a Notice of Violation and have the choice to seek an administrative fine or submit the case to a prosecutor.

The San Diego City Attorney's Consumer and Environmental Protection Unit handles cases submitted by the County Dept.

of Weights and Measures when the overcharge occurred in the City of San Diego.

#### **Consumer Tip:**

- Under California law, businesses must charge the lowest price posted even if that price term has expired. So, if a price sign posted in the store indicates the price was good until a date in the past, the retailer must still charge you that price.

#### *CONSUMER AND ENVIRONMENTAL PROTECTION UNIT'S NOTABLE CASES*

In March 2012, the Consumer and Environmental Protection Unit settled a case with Wal-Mart due to price scanning discrepancies. As a part of the settlement, if a customer in a Wal-Mart store in California is charged a price for an item which is higher than the lowest price currently listed on the

shelf, store sign, or advertisement, Wal-Mart must:

- Give the purchaser a three dollar discount from the item's lowest posted, listed, or advertised price;
- If the price of the item is less than three dollars, give the purchaser the item for free; and
- If a customer purchases more than one of the same item, Wal-Mart must give a three dollar discount on the first item and charge the customer the lowest advertised price on all remaining identical items.

In June 2010, the Consumer and Environmental Protection Unit settled a case with Petco Animal Supplies due to price scanning discrepancies. As a part of the settlement, if a customer in a Petco store in California is charged a price for an item which is higher than the lowest price currently listed on the shelf, store sign, or advertisement, Petco must:

- Give to the purchaser a three dollar discount from the item's lowest posted, listed, or advertised price.

**Consumer Tip:**

- Always check your sales receipt for accuracy.
- Many businesses have been ordered by the court to give the consumer a discount if

the store overcharges. Look for signs at the checkout stands.

***HOW TO REPORT VIOLATIONS OF THESE LAWS:***

To report a violation of the laws discussed in this newsletter, when those violations occurred in San Diego County, contact the San Diego County Dept. of Weights and Measures at telephone number (858) 694-2778 or visit their website at [www.co.san-diego.ca.us](http://www.co.san-diego.ca.us).

The inspectors will follow up immediately on your complaint and will submit appropriate cases to the San Diego City Attorney's Office for prosecution.

To view a list of San Diego County businesses that have been prosecuted for committing scanner violations, visit the County of San Diego Dept. of Agriculture, Weights & Measures website at: [www.sdcounty.ca.gov/awm/violations\\_scanners.html](http://www.sdcounty.ca.gov/awm/violations_scanners.html)

To report other instances of false advertising, contact the City Attorney's Consumer hotline at the number below.

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**San Diego  
City Attorney's Office  
Consumer and Environmental  
Protection Unit  
(619) 533-5600**

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This newsletter was written by legal intern Stacey Kim. Source: Business & Professions Code §§12000 *et. seq.*; California Department of Food & Agriculture

“2011 Statewide Verification Survey”; San Diego County Dept. of Weights and Measures Publication “Gift List? Check. Store Receipts? Double Check!”

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The information provided in this newsletter is intended to convey general information and is not intended to be relied upon as legal advice.