



San Diego City Attorney Jan I. Goldsmith

NEWS RELEASE

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Whole Foods Market Fined For Pricing Errors City Attorneys prosecute market for overcharging consumers

San Diego, CA: San Diego City Attorney Jan Goldsmith announced today that Whole Foods Market California, Inc., and Mrs. Gooch's Natural Food Markets, Inc., who operate Whole Foods Markets in California, agreed to pay \$800,000 in penalties, cost and *cy pres* restitution to settle a consumer protection case filed by the Santa Monica, Los Angeles and San Diego City Attorneys' Consumer Protection Units. The complaint and stipulated final judgment were filed in the Santa Monica courthouse of the Los Angeles Superior Court.

The prosecutors filed a civil law enforcement complaint alleging Whole Foods Market stores charged more at the time of checkout than what was posted in advertisements and on items in the store. In addition, prosecutors alleged that the stores failed to deduct the weight of containers before charging consumers in self-serve food areas, provided product in less weight than stated on the label, and sold kebabs and other prepared deli foods by the piece instead of by the pound, as required by law. The prosecutors alleged these actions violated consumer protection laws prohibiting false advertising and unfair competition.

The owners of Whole Foods Markets entered into an agreed judgment which includes an injunction prohibiting all 74 Whole Foods stores in California from committing these violations. Under the injunction Whole Foods Market agreed to several new procedures which will audit practices and ensure the stores are complying with the injunctive terms. As part of the judgment, the companies will pay \$630,000 in civil penalties, \$68,394 in investigative costs, and \$100,000 in *cy pres* restitution to a statewide weights and measures enforcement trust fund.

Whole Foods Markets throughout California had been issued multiple administrative citations and fines by weights and measures agencies in an effort to bring the stores into compliance. State and county weights and measures officials brought the matter to the prosecutors' attention when violations continued. Weights and measures officials inspected 69 stores in 19 counties where multiple violations were found to be on-going.

San Diego City Attorney Jan Goldsmith said, "**Our citizens need to have confidence when they shop that the price advertised is the one that is charged. Civil law enforcement actions like this are important to ensure businesses deal fairly with their customers and compete fairly in the marketplace.**"

There are currently four Whole Food Markets in San Diego County in the neighborhoods of Hillcrest, La Jolla, Del Mar and Encinitas.

The San Diego County Department of Agriculture, Weights and Measures, is the agency which inspected the Whole Food Markets throughout San Diego County. The agency takes complaints from members of the public who believe they have been overcharged by businesses, at (858) 694-2778.

The City Attorney's Consumer & Environmental Protection Unit (CEPU) maintains a Consumer Hotline at (619) 533-5600, which consumers can call to report consumer complaints. For consumer tips and information check out consumer news on the City Attorney's webpage, Newsletters/Office of the City Attorney or at <http://www.sandiego.gov/cityattorney/media/newsletters.shtml>.

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