

Quantity Control



***California Department of Food and Agriculture
Division of Measurement Standards
6790 Florin Perkins Road, Suite 100
Sacramento, CA 95828
www.cdfa.ca.gov/dms/***

***Consumer
Information Guide***

Introduction

The basic activities of the Quantity Control Program include:

- Checking packages for accuracy of net content statements.
- Verifying that businesses charge the correct amount of payment when customers make purchases.
- Enforcement of “Fair Packaging and Labeling Act” requirements, including laws against misleading and deceptive packages or advertisements.

In California, an estimated \$136 billion is spent annually on commodities sold by weight, measure, or count. Accurate quantity and price representations are essential in enabling purchasers to compare values and in ensuring fair competition for industry.

HISTORY

The basis for the Price and Quantity Verification Program was provided for in 1850. The first session of the California Legislature passed an act to establish standard weights and measures in conformity with the standards established by Congress.

Through the years following this act, packaged commodities were inspected on a very limited basis. There were no sampling plans, and all packages in a lot had to be individually weighed or measured. For the most part, this was time consuming and not cost effective. In an effort to increase effectiveness, several amendments were enacted which enhanced or repealed parts of the original weights and measures law.

In December 1960, California adopted Sampling Procedures into the California Code of Regulations. The average net content of a large lot of packages could now be determined by checking a few samples from the entire lot leading to cost-effective inspections of large numbers of wholesale and retail packages. California Sampling procedures were replaced in 1996 with the adoption of the National Institute of Standards and Technology Handbook 133 and referenced in Business and Professions Code 12211.

Information for Consumers

Local weights and measures officials work behind the scenes to protect consumers, businesses, and manufacturers from unfair practices. Accurate equipment is used to inspect scales, meters, scanning equipment and packaged products at all retail establishments. They also inspect weighing and measuring equipment and packages at warehouses, packing plants, feed mills, shipping companies, lumber yards, and gasoline stations. Enforcement actions are taken when violations are found. The level of compliance with the requirements is typically very good in California. If you suspect you have been overcharged or did not get full weight or measure contact your county weights and measures office.

Other agencies having jurisdiction over packages include:

- Federal Food and Drug Administration (FDA), packages containing food, drugs, or cosmetics for man or animal. Ingredients and ingredient labeling, nutritional labeling, quality standards or problems.
- United States Department of Food and Agriculture (USDA), Food Safety & Inspection Service (FSIS). Packages of food made entirely from or predominately from meat or poultry. Ingredients and ingredient labeling, nutritional labeling, quality standards or problems.
- Department of Treasury, Bureau of Alcohol, Tobacco, and Firearms (BATF), all package labeling for these types of commodities.
- Environmental Protection Agency (EPA), describes package labeling and ingredients and ingredient labeling for insecticides, fungicides and rodenticides.
- Federal Trade Commission (FTC), package labeling for consumer commodities not regulated by other Federal Agencies.

General Terms and Definitions

| | |
|--------------------------------|---|
| Gross Weight | The weight of the commodity and its packaging or tare. |
| Identity | The name of the commodity; for example: "Chocolate chips." |
| Net Weight | The weight of the commodity excluding packaging material. |
| Principal Display Panel | The side or sides of a package intended to be viewed by the consumer. The identity and quantity declarations must be on each principal display panel. |
| Quantity Declaration | A statement of the net amount of the commodity that is in the package. This will be listed in both metric and inch-pound units. |
| Tare Weight | The weight of a container, wrapper, or other material that is deducted from the gross weight to obtain the net weight. |

Questions and Answers for Consumers



Questions About Correct Pricing and Price Advertising

What is the correct price of an item in a store?

California's Business and Professions Code 12024.2 states that the correct price of any item is the **lowest** posted, quoted, or advertised price for which the buyer qualifies (club, coupon, minimum amount purchases, etc.). The store is responsible for removing expired shelf tags and sales signs. If there is a price sticker on the item and it is **lower** than the shelf price, the sticker or price tag is what the business should consider as the lowest or "correct" price.

I was overcharged for something I bought. Is the store required to refund off of the price or give me the item for free?

No, the store is required by law to charge you the lowest of the advertised or posted price. When there is an overcharge, many stores have a policy to refund part of the price or give you the item free, but they are not required to do so under weights and measures laws.

What should I do if I have been overcharged?

If at the store, bring it to the store's attention and try to resolve the problem. If the problem is not resolved, contact your local county weights and measures office for help. Your local county weights and measures office would also like to hear from you if overcharges occur repeatedly.

I was overcharged, where do I file a complaint?

Notify the store clerk or manager of the overcharge if you are still present at the store. If you want to file a complaint or if you believe that the store has not reprogrammed or corrected the price, contact your county office of weights and measures.

I went to a store and there were no prices on the shelf or on the items, don't they have they have to post the price?

Only food stores with automated checkout systems (computerized scanner or price look-up) are required to put a price on most of the items. (California Civil Code §§ 7100-7106). Other types of stores are not legally required to post a price or mark an item with the price.

Getting What You Pay For



When I opened a package, it was only half full. Is this legal?

Federal and state laws require that a package may not be "non-functionally" slack filled or deceptive. This means that if there is an acceptable reason for the amount of extra space, it may be okay. Some acceptable reasons are:

- To protect the contents.
- Capabilities of equipment typically available to fill the package.
- The commodity unavoidably settles after packaging.
- A large area is necessary to print required information.

An amount of slack-fill beyond an amount required to accomplish the intended results is not permitted even where such exceptions exist.

When I purchase salad at the delicatessen, what am I really paying for?

Whenever you purchase a commodity over a scale, the charge should only include the product weight, excluding any tare, such as wrapping paper, a plate or a container.

Remember, you pay ONLY for the product and NOT for the packaging.

When Purchasing meat from a door to door salesman, how do I know that I am getting what I paid for?

The price per pound and the net weight must be on meat packages offered door to door. **Before buying**, compare the value with your usual sources of purchase.



Labeling Questions

What information is required to be on a package?

1. A declaration of identity that is the common or usual name of the commodity.
2. A declaration of responsibility that includes the name, address, and zip code of the manufacturer, packer, or distributor. A street address is required if the name is not listed in a current directory, which can include an online source. The connection of a distributor must be shown (e.g., "packed for, distributed by"). This statement is not required to be on the principal display panel.
3. A declaration of the quantity of the commodity in the lower 30% of the principal display panel area, in a size depending upon the area of the principal display panel.

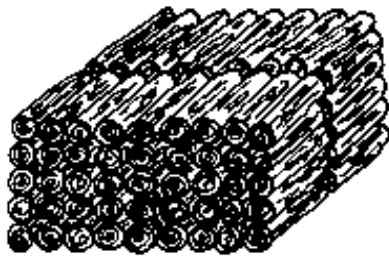


Questions about Firewood?

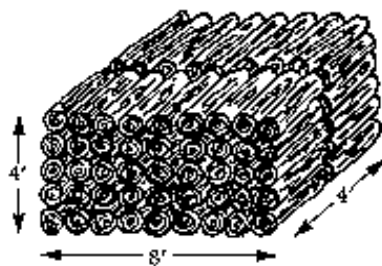
What is a Cord?

Bulk firewood must be sold by a measurement called a "cord." A cord equals 128 cubic feet. To verify you have a cord, stack the wood neatly by placing the wood in a line or a row, with individual pieces touching and parallel to each other, making sure that the wood is compact and has as few gaps as possible. Then measure the stack. If the width times the height times the length equals 128 cubic feet, you have a cord of firewood.

Stacking a Cord for Measurement



If it doesn't equal 128 cubic feet, it is not a cord!



$4' \times 4' \times 8' = 128$ Cubic Feet



$2' \times 4' \times 16' = 128$ Cubic Feet

Words That May Indicate You Are Not Getting Proper Measurement

A cord, like other measurements such as a foot, a gallon, or a ton, is defined by law. A seller may not legally use terms such as "truckload," "face cord," "rack," or "pile" because these terms have no legally defined meaning and, therefore, you have no way of determining how much firewood you are actually receiving. If a seller uses such terms it should alert you to a possible problem. Wood can only be sold by the cord or by fractions of a cord.

Get What You Pay For - Get It In Writing

When you buy firewood make sure to get a sales invoice or delivery ticket which shows at least the name and address of the seller, the date purchased or delivered, the quantity purchased, and the price of the quantity purchased.

When the wood is delivered, ask the seller to stack it (you may have to pay extra for this service) or stack the wood yourself. Measure the wood before using any. If the cubic measurement indicate that you did not receive the correct volume, contact the seller before you burn any wood.

What to Do If You Think You Have Been Short Changed

If the seller can't or won't correct the problem, contact your weights and measures office before you burn any wood.



Questions and Answers for Industry



I am starting a business and need to know, if any, weights and measures regulations will affect me?

Most businesses are affected by weights and measures laws based on the type of business.

- If you use any type of weighing and measuring device (scale, gas pump, or meter, etc.), you will be directly affected.
- If you weigh or measure items before sale, you will need to know the requirements for packaging and labeling, deceptive package definitions, and net quantity.
- If you determine the weight, measure, or count of bulk commodities and issue a statement or memorandum to be used by one or more persons as a basis for payment, you may need to be a licensed Weighmaster.

What are the requirements for package fill in California?

I am just starting a business and I will be packaging commodities for sale in California. What requirements must I comply with and are there any tolerances?

The law requires commodities in a lot may be packed to an “average quantity”. Some packages can contain more than the labeled quantity and some may have slightly less.

- The average quantity of any group of packages must equal or exceed the labeled quantity (i.e., average error must be zero or plus); and
- Individual packages may not be under-filled by more than the maximum allowable variation specified for the labeled quantity.

Most scientific quality assurance programs used by packagers set packaging apparatus to slightly overfill.

SHASTA COUNTY WEIGHTS AND MEASURES

Petroleum Inspections – These inspections maintain and enforce the minimum performance and drivability standards for most petroleum and automotive products (gasoline, diesel fuel, motor oil, kerosene, brake fluid, automatic transmission fluid, engine coolant and gear oil) sold in California. Additionally, the program regulates the advertising and labeling of these products.



Quantity Control -- The Shasta County Quantity Control program provides regular, systematic inspection of packaged commodities for correct quantity and labeling. Audits are conducted on packaged goods at packers, distributors, and retailers to ensure the correct weight, measure, or count is declared. Net content statements are checked for accuracy on commodities such as packaged meat, deli items, bread and bakery goods, cheese and dairy products, building materials and supplies, feed and grain, automotive products, and thousands of other items the consumer purchases in pre-packaged quantities. The Price and Quantity Verification Program fulfills this objective by monitoring commerce at all levels: retail, wholesale, and manufacturing, in order to minimize measurement errors in representations for both packaged and over-the-counter sales, and to ensure the accuracy of commodity pricing.



SHASTA COUNTY WEIGHTS AND MEASURES

Devices- All weighing and measuring devices used for commercial transactions are required to be type approved for use in California, registered annually with the County Sealer, and tested regularly to guarantee they are performing within State tolerances. Below is a list of total devices that the Shasta County Department of Weights and Measures office inspects & tests on an annual basis.



Small Scales: 493
Livestock Scales: 35
Vehicle Scales: 51
Railroad Scales: 2
Jewelry/RX Scales: 33
Hopper Scale: 1



Platform Scales: 91



Monorail/Meatbeam Scales: 2
Wire/Cordage/Rope Meters: 34
Taxi Meters: 14



Retail Water Dispensers: 14
Retail Motor Fuel Meters: 2,929
Wholesale Fuel Meters: 19



Vehicle Meters: 55

LPG Meters: 89

Electric Submeters: 2,427

Vapor Submeters: 2,161

Water Submeters: 1,283





**Shasta County
Department of Agriculture/
Weights and Measures**

3179 Bechelli Lane, Suite 210
Redding, California 96002 Telephone:

530.224.4949

Fax: 530.224.4951

Email: shastaag@co.shasta.ca.us

<https://agwm.co.shasta.ca.us>