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**DEPARTMENT OF CONSUMER AFFAIRS COMMISSIONER MINTZ ANNOUNCES RESULTS OF SECOND YEARLONG CRACKDOWN ON SUPERMARKETS: LOW COMPLIANCE SINKS EVEN LOWER**

***Commissioner Calls for New Laws to Pay Consumers Overcharged at the Register, Triple City Fines***

Department of Consumer Affairs (DCA) Commissioner Jonathan Mintz today announced that, following a commitment last August the agency doubled the number of supermarket inspections in response to low industry-wide compliance, and found that compliance declined from last year's low of 48 percent down to only 41 percent. Last year, DCA announced that its inspection of 983 supermarkets throughout the five boroughs resulted in having to issue violations in 516 of those inspections. Making good on the Commissioner's promise, DCA inspectors this year conducted 1,980 supermarket inspections and had to issue violations in 1,162 of those inspections, with total fines assessed of close to a million dollars. Inspectors check for accurate pricing, proper taxing of products, and accuracy of scales and scanners, all of which affect New Yorkers' wallets at the check-out counter.

"For too long stores have enjoyed the rewards of their overcharges and seen paying city fines as just 'the cost of doing business.' This year doubling the number of inspections and thus doubling that 'cost of doing business' still was not enough to get the City's supermarkets to get it right at their check-out counters," said Commissioner Jonathan Mintz. "Public pressure hasn't worked, doubling enforcement activity hasn't worked, and so today I propose the Grocery SHOP Act, which would both give overcharged consumers ten times the amount they were overcharged and that item for free, and also triple current City fines."

In the past year's inspections the most common violations were for failure to mark proper quantities and provide required accountability information on food packaged in the store, adding tax to items that are not taxable, charging the wrong prices at check-out scanners, failing to affix price tags on individual items, and maintaining inaccurate scales or failing to make scales available to customers for products sold by weight

In light of low and decreasing supermarket compliance, Commissioner Mintz called for the *Grocery Shoppers Have Overcharge Protection (SHOP) Act*. Under the Grocery SHOP Act, every time a consumer is overcharged, they would get both ten times the amount of the overcharge and that item for free. Both Connecticut and Michigan have similar, successful laws on their books, and customer payback is a standard industry best practice. Second, the Grocery SHOP Act would triple existing fines. Currently, fines for some violations begin at \$25 and others begin at only \$300, and would increase to either \$75 or \$900 depending on the violation.

In July, as part of its crackdown, DCA launched [#nickeled&dimed](#), an outreach initiative to educate New Yorkers about their rights at the supermarket and encourage them to report their incidents of overcharges at the check-out counter. Like the dozens who already have contacted DCA, New Yorkers can tweet their stories to [@NYCDCA](#) using the hashtag [#nickeled&dimed](#) and post to DCA's [Facebook](#) page. The messages received as part of [#nickeled&dimed](#) will be treated as enforcement tips, so they should include the name of the supermarket, address or cross streets, and an explanation of the overcharges. For a complete guide to smart shopping, download DCA's guide [Saving at the Supermarket](#). To file an official overcharge complaint, call 311 or visit [nyc.gov/consumers](#).

DCA enforces the Consumer Protection Law and other related business laws throughout New York City. Empowering consumers and businesses to ensure a fair and vibrant marketplace, DCA licenses more than 78,000 businesses in 55 different industries. Through targeted outreach, partnerships with community and

trade organizations, and informational materials, DCA educates consumers and businesses alike about their rights and responsibilities. DCA's Office of Financial Empowerment (OFE) is the first local government initiative in the nation with a mission to educate, empower, and protect New Yorkers with low incomes so they can build assets and make the most of their financial resources. Toward that end, OFE seeks to increase access to high-quality, low-cost financial education and counseling; improve access to income-boosting tax credits; connect households to safe and affordable banking and asset-building products and services; and enforce and improve consumer protections to enhance financial stability. For more information, call 311 or visit DCA online at [nyc.gov/consumers](http://nyc.gov/consumers). Follow us on [Twitter](#) and find us on [Facebook](#).

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## Know your rights at the register:

- **Scanners** - Scanners provide a detailed receipt for the items you buy. Check the receipt against your purchases to make sure you were charged the same price as on the item and the shelf, and that you weren't taxed on nontaxable items such as medicines, contraceptives, and certain medicated items.
- **Advertised Items** - Ads must truthfully describe the name, variety and size of the item on sale and list any purchase restrictions. Stores must honor advertised prices and make reasonable quantities of those items available.
- **Scales** - Markets must have a scale within 30 feet of their prepackaged food sections. Check for short weight and the tare weight deduction — the deduction taken for the weight of the empty container from the overall weight. The scale must have a DCA seal on it, start at zero, and come to rest before weight or price is quoted.
- **Unit Pricing** - The unit price — the cost per measure (pound, pint, etc.) — must be listed on the shelf below most products.
- **Item Pricing** – Most products sold at supermarkets in New York City must have individual stamps, tags, or labels on each item listing its cost, except:
  - baby food in jars
  - tobacco
  - bulk-food sales
  - vending machine products
  - display items at the end of the aisle
  - eggs
  - food sold for on-premise consumption
  - fresh produce
  - items on sale for seven days or less
  - milk
  - snack foods
  - frozen foods with packages that don't allow stickers
- **"Open" or "Freshness" Dates** - These dates show the last recommended sale or use date, and must be marked on perishable food product packages, such as egg cartons, dairy products, and baked goods.
- **Packaged Products** – Every packaged product must have a label which includes: the product's identity, net weight, measure or numerical count, and the name and address of the distributor.