

SYN. NO. _____

AGN. NO.

MOTION BY SUPERVISOR GLORIA MOLINA

January 29, 2001

RELATES TO SET ITEM NO. 1

On December 18, 2001, the Board of Supervisors instructed the Department of Consumer Affairs and the Agricultural Commissioner/Weights and Measures Department to determine the prevalence of deceptive advertising by surveying—at a minimum—a sample of Kmart, Wal-Mart, and Macy’s stores. They discovered an average overcharge of \$2.35 at Kmart; \$2.69 at Wal-Mart; and \$14.95 at Macy’s. When including Target, Robinsons/May, Sears, Mervyns, and JC Penney and other stores in their investigation they found that, on average, consumers were being overcharged on 11 percent of the items they purchased with an average overcharge of \$3.89. These findings were particularly troubling since our investigators focused primarily on sale items, and since so many consumers—particularly low-income shoppers—rely on bargains found at discount chains in order to make ends meet.

I, THEREFORE, MOVE that the Board of Supervisors adopt the recommendations provided by the Department of Consumer Affairs and the Agricultural Commissioner/Weights and Measures Department.

MOTION

Molina _____

Burke _____

Yaroslavsky _____

Knabe _____

Antonovich _____

I FURTHER MOVE THAT the County:

1. Seek State legislation requiring stores to use cash registers that reveal the price to the consumer as a product is being scanned.
2. Ensure that store personnel are more aware of temporary sales—such as “Early Bird,” “Blue Light Specials,” and “Four Hour Sales”—by developing a more intensive outreach program for scanner users that emphasizes the maintenance of accurate pricing.
3. Establish an “800” number to report deceptive advertising; include publication of the County’s monthly deceptive advertising convictions on the County’s website; and send monthly press releases to local news media for broadcast/publication of adjudicated deceptive advertising cases.
4. Direct the Department of Consumer Affairs and the Agricultural Commissioner/Weights and Measures Department to report back to the Board of Supervisors in six months about how the recommendations are operating and whether adjustments need to be made.
5. Direct County Counsel to work with the Department of Consumer Affairs and the Agricultural Commissioner/Weights and Measures Department to draft an ordinance establishing an “L.A. County Buyer Beware” notification system that requires stores convicted of deceptive advertising counts to place a notification of their conviction in a visible area at the store’s entrance; include in the ordinance specific penalties for stores that fail to post notifications indicating a deceptive advertising conviction; and report back to the Board of Supervisors in 30 days with a draft ordinance ready for Board adoption.

6. Direct County Counsel to work with the Department of Consumer Affairs and the Agricultural Commissioner/Weights and Measures Department to draft an ordinance requiring stores to post signs at cash registers with language similar to “Attention Consumer. You are Entitled to the Lowest Advertised Posted or Quoted Price. Call the Agricultural Commissioner/Weights and Measures Department to report all complaints at (800) ***.****”; include in the ordinance specific penalties for stores that fail to post these signs; and report back to the Board of Supervisors in 30 days with a draft ordinance ready for Board adoption.

MS/rm