

## **COMPLAINTS**

Consumer or other agency complaints are recorded on the Complaint Report, Form 41-016(Rev, 02/01). If the complaint is regulated by a different agency or concerns another jurisdiction, the form should be sent to the appropriate agency. A complaint covering more than one local jurisdiction should be referred to the area specialist or DMS in order to coordinate the investigation.

### **Complaints should have the highest priority.**

Each complaint should be thoroughly investigated. Many occurrences with the potential of becoming major problems have been found and corrected as the result of anonymous complaints.

Information concerning the source of the complaint or the identity of the complainant does not have to be disclosed to the subject (individual or business) of the complaint. This information may be kept confidential.

At the completion of the investigation, be sure to notify all parties, including complainant, referring agency and your Area Specialist, as to the action, correction, or disposition of the complaint.

STATE OF CALIFORNIA  
DEPARTMENT OF FOOD AND AGRICULTURE  
DIVISION OF MEASUREMENT STANDARDS

This form may be completed online and printed  
before mailing to DMS, 6790 Florin Perkins  
Road, Sacramento, CA 95828-1812.

## COMPLAINT REPORT

41-016 (REV. 2/01)

DATE SUBMITTED	TIME
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<b>WHERE</b>	LOCATION WHERE THE PROBLEM/COMPLAINT OCCURRED	
ADDRESS	TELEPHONE NO.	
CITY	COUNTY	
<b>WHEN</b>	DATE	TIME
<b>WHAT</b>	DESCRIBE COMPLAINT IN DETAIL	

<b>WHO ASSISTED YOU AT THE LOCATION</b>	<b>DESCRIBE THE PERSON</b>						
	NAME						
	SEX	RACE	AGE	HEIGHT	WEIGHT	HAIR	EYE
	DISTINGUISHING CHARACTERISTICS						
<b>WHO DID YOU COMPLAIN TO AT THE LOCATION</b>	<b>DESCRIBE THE PERSON</b>						
	NAME						
	SEX	RACE	AGE	HEIGHT	WEIGHT	HAIR	EYE
	DISTINGUISHING CHARACTERISTICS						

HAVE YOU CONTACTED ANY OTHER AGENCY: CONSUMER OR LEGAL?  YES  NO

IF YES, WHO:

IF WE CONTACT THE BUSINESS, DO YOU WANT YOUR NAME KEPT CONFIDENTIAL?

YES  NO

WOULD YOU LIKE TO BE INFORMED WITH THE RESULT OF OUR INVESTIGATION/ACTIVITIES?

YES  NO

<b>IF YES, PLEASE FILL OUT</b>	NAME	
	ADDRESS	
	CITY	ZIP
	TELEPHONE NO.	E-MAIL
	FAX	

## **COMPLAINT**

### **DOOR-TO-DOOR MEAT SALES**

Door-to-door meat sales complaints are a recurring problem. The complaints generally concern false and misleading statements made during the sales presentation and the quality of the meat.

On investigation, usually it is found: (1) The meats have been sold by the box or case and not by weight; (2) If there were any weight representations, they were orally stated in a manner designed to mislead the buyer into believing there was more than is actually there; (3) The packages generally are mislabeled and do not comply with all regulations; (4) The Three-Day Notice of the right to rescind the purchase has not been given as required; (5) There is no business license, health permit, or local itinerant sales permit.

Investigations can be complex and time consuming, many times involving other agencies such as Police Departments, Sheriff's Offices, local Health Departments, or USDA. Frequently, the company is based out-of-state and sales have been made in more than one county. In some unethical companies, salespersons have extensive criminal histories, change identities, and claim to have been employed a short period of time and have no knowledge of the requirements. Principals claim to be employees and deny responsibility or knowledge. Generally, the correct corporate or business information is not on file and required permits have not been obtained.

It is recommended that all complaints be investigated and the strongest legal action be taken whenever these complaints have been sustained by investigation.

Notify DMS of any door-to-door sales activity as soon as possible. Your area specialist can assist in the investigation and can provide information as to prior violations or pending legal actions in other agencies.

#### **A. Equipment**

1. Door-To-Door Meat Sale Complaint Form.
2. Scale, calibrated test weights.
3. Calculator.

#### **B. Procedure**

1. Interview the complainant, face-to-face is preferable. Generally, let the complainant relate the details of the sale, then go back over the specific questions covered in the form. Be sure to record all details of the sale including any representations as to the reasons for the sale, quantity, origin and quality of the items, and any guarantees.
2. Inspect the cases, boxes, and packages of meats, poultry, or seafood. Check that each box and case (and individual cut if sold by the piece) is properly labeled with:

- a. Name and address of responsible party.
- b. Identity of each type and cut.
- c. Net weight of each type and cut and the total net weight.
- d. Price per pound for each type and cut and the price per pound for the total net weight.

If the sale consisted of boxes of cuts sold in a case, both the individual boxes and the case must be completely labeled with all information. A box labeled 12/6 meaning 12 - 6 ounce portions is not acceptable.

If the packages are labeled with a price per pound, verify that the values correspond with the actual purchase price. It is a violation to label the package with an inflated price per pound then discount the sales price. The price per pound must be the actual sales price.

Even if pieces have been used, the packaging is still evidence of the violation. If agreeable to the complainant, take the boxes and cases and keep as evidence.

3. If possible, check weigh the items.
4. Compute the true price per pound based on the actual net weight received and the price paid.
5. Keep or make copies of any documents left with the complainant, including advertising material, receipts, canceled checks, price lists, business cards, Three-Day Notice, etc.
6. If possible, make a controlled purchase.

Many times the salesperson will leave a contact number with the complainant. It is acceptable to phone and set up an appointment saying you are interested in the meats a friend or neighbor purchased.

Listen carefully to representations about the items, ask questions, be a hard sell. Use a credit card or check for the purchase and after it has been accepted, identify yourself, seize the check or credit card receipt, boxes or cases of meats purchased, ask for identification from the salesperson, and issue a citation.

If the salesperson has a receipt book, ask for it and copy the names, addresses, and phone numbers of previous buyers. These buyers should also be interviewed, and restitution requested for the purchasers in any subsequent civil action.

It is recommended that you have a Police Officer or Deputy Sheriff in a position to overhear the sales presentation and come out to assist you when you identify yourself. Ask the officer to check for wants and warrants, and to issue a citation for any violations of local ordinances.

If you do not have citation authority, the officer may also cite for violations of the Business and Professions Code. Provide him or her with the code section numbers and description of the violations.

Each nonconforming box or case may be considered a separate count for each section violated.

If you wish to make an undercover purchase, contact your area specialist prior to making the purchase for assistance and about the availability of investigative funds.

C. List of Possible Violations

Citation or Criminal Complaint

1. B&P 12024            Selling in less quantity than represented - misdemeanor
2. B&P 12024.2        Unlawful computation of value - misdemeanor or infraction in certain circumstances
3. B&P 12024.5        Sale of meat, poultry or seafood other than by weight - misdemeanor
4. B&P 12024.55       Door-to-door meat sales, price per pound - misdemeanor
5. B&P 12611           Unlawful Acts: Selling, etc., commodity in non-conforming container or with non-conforming label - misdemeanor

Criminal Complaint (Citation under certain circumstances)

1. PC 484 (a)            Money obtained by fraudulent representation - petty theft
2. PC 487.1             Value exceeds \$400.00 - grand theft
3. B&P 17500            False and misleading advertising

Civil Action

1. B&P 17500            False and misleading advertising
2. CC 17200             Unlawful business practice
3. CC 1689.5            Three-Day Notice to cancel  
   CC 1689.6  
   CC 1689.7

Copies of code sections may be obtained on the website; [www.leginfo.ca.gov/calaw.html](http://www.leginfo.ca.gov/calaw.html)

A blank door-to-door sales complaint form follows on Pages 3-8 and 3-9.

SEND A COPY OF ANY COMPLAINTS AND INVESTIGATOR'S REPORTS TO THE AREA PRICE AND QUANTITY VERIFICATION INVESTIGATOR.

DOOR-TO-DOOR MEAT SALES COMPLAINT

COMPLAINANT: MARY JONES

Address: 2588 MISSION HILLS RD, GREENVALE

Phone: Home 686-5175 Work 254-3000

SUBJECT:

Company Name: KANSAS CITY STEAK & SEAFOOD

Salesman's Name: JEFF

Description: M/F, Age 35-38, Height 6'1", Weight 185-195, Race C

Hair Color BLOND, Length SHORT, STYLED Eye Color BLUE, Glasses NO

Mustache/Beard YES, Complexion/Scars/Tattoos FAIR

Other Characteristics DIAMOND STUD, LEFT EAR LOBE

Vehicle Description: IMPORT PICK-UP, SMALL, LIGHT

BROWN, CHEST FREEZER IN BACK Lic # \_\_\_\_\_ State CA

DETAILS OF SALE OR ATTEMPTED SALE

Date of first contact 10-5-96 Date of sale 10-5-96

How did the salesman contact you, did you call them? DROVE UP DRIVE-  
WAY TO WHERE WORKING IN GARDEN. DID NOT CALL.

What was his reason for selling this to you? LEFT OVER FROM RESTAURANT  
DELIVERY, GIVE A GOOD DEAL SO HE WOULD NOT HAVE TO TAKE  
IT BACK TO WAREHOUSE.

How did he describe the meat; grade, quality, trim, where the beef came from?

RESTAURANT TRIM, CHOICE, CORN FED KANSAS BEEF,  
ALL NATURAL, NO ADDITIVES

How did he describe the weight or amount of meat? 6 boxes of

STEAKS, ABOUT 72 PIECES.

How was the price quoted; per box, per piece, per pound? \$2.50 PER PORTION, \$50 PER BOX, OR \$250 FOR A CASE OF 6 BOXES

What price per pound did you think you were paying? \$3.00/LB Why did you believe this? SAID IT WAS NORMALLY \$9.00/LB, BUT HE WOULD SELL IT FOR 1/3 OF THAT.

Did he sell the box that he showed? No What was the reason for giving a different box? WOULD GET ME A FRESH ONE

Was there a label on the case? YES Was it visible before the sale? NO

Did he leave the boxes with you? No What reason was given for not leaving the boxes? GETS 25¢ PER BOX WHEN HE RETURNS THEM

What did you purchase? 1 CASE OF 6 BOXES OF STEAKS

How much were you charged? \$250

Were you informed of your right to cancel the purchase? NO

Were you given a receipt or invoice? YES

Did you pay by cash, credit card, food stamps, or check? CHECK

Who was the check made out to? JEFF DOWNNEY

Do you have the boxes, invoice or (receipt), business card, (brochure), or your canceled check? YES May we make copies? YES

Would you be willing to testify to the information you have given? YES

ANY OTHER INFORMATION YOU WOULD LIKE TO ADD:

MEAT VERY TOUGH, HAS STRANGE SHELL, AND SOME IS FREEZER BURNT. DOES NOT LOOK LIKE THE SAME AS HE DISPLAYED BEFORE THE SALE. PHONED AND COMPLAINED. LADY ON PHONE SAID NO REFUNDS AND HUNG UP.

Mary Jones  
Complainant

PAT McDERMOTT  
Investigator

10-10-96  
Date

STATE OF CALIFORNIA

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Division of Measurement Standards  
6790 Florin Perkins Road, Suite 100  
Sacramento, CA 95828-1812  
(916) 229-3000  
Fax (916) 229-3064

**DOOR-TO-DOOR MEAT SALES COMPLAINT**

**Complainant:** \_\_\_\_\_

Address: \_\_\_\_\_

Phone: Home: \_\_\_\_\_ Work: \_\_\_\_\_

**Company Name:** \_\_\_\_\_

Salesman's Name: \_\_\_\_\_

Description: M \_\_\_\_ F \_\_\_\_ Age: \_\_\_\_ Height: \_\_\_\_ Weight: \_\_\_\_ Race: \_\_\_\_

Hair Color: \_\_\_\_ Length: \_\_\_\_ Eye Color: \_\_\_\_ Glasses: \_\_\_\_

Other Characteristics: \_\_\_\_\_

Vehicle Description: \_\_\_\_\_

**DETAILS OF SALE OR ATTEMPTED SALE:**

Date of first contact: \_\_\_\_\_ Date of Sale: \_\_\_\_\_

How did the salesman contact you? (Did you call them, did you have an appointment?)

\_\_\_\_\_

What was the salesman's reason for offering this to you?

\_\_\_\_\_

How did he describe the meats? (Grade, quality, trim, type, where it came from, special processing, etc.)

\_\_\_\_\_

How did he describe the weight or the amount of meat? \_\_\_\_\_

How was the price quoted? (Per box, per piece, per serving, per pound, per portion, etc.)

\_\_\_\_\_

What price per pound did you think you were paying? \_\_\_\_\_. Why did you believe this was the price? \_\_\_\_\_

Did the salesman sell the box he displayed? \_\_\_\_\_. What was his reason for giving a different box? \_\_\_\_\_

Was there a label or other printing on the box or case? \_\_\_\_\_. Was it visible before the sale? \_\_\_\_\_

Did he leave the boxes with you? \_\_\_\_\_. What was the reason he gave for not leaving the boxes? \_\_\_\_\_

What did you purchase? \_\_\_\_\_

How much were you charged? \_\_\_\_\_ Were you given a receipt or invoice? \_\_\_\_\_

Were you informed of your right to cancel the purchase? \_\_\_\_\_

Did you pay by cash, credit card, food stamps, or check? \_\_\_\_\_

Who was the check made out to? \_\_\_\_\_

Did you have the boxes, invoice or receipt, business card, brochure, your canceled check, or other materials from the company? \_\_\_\_\_ May we make copies? \_\_\_\_\_

Would you be willing to testify to the information you have given? \_\_\_\_\_

**IS THERE ANY OTHER INFORMATION YOU WOULD LIKE TO ADD?**

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Complainant

Investigator

Date

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