

DEPARTMENT OF FOOD AND

A.G. KAWAMURA, Secretary

Division of Measurement Standards
6790 Florin Perkins Road, Suite 100
Sacramento, CA 95828-1812
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DMS NOTICE
QC -08-1

January 7, 2008

Discard: Retain

TO WEIGHTS AND MEASURES OFFICIALS

SUBJECT: California Redemption Value (CRV) and Similar Overcharges

The question was brought before the CACASA Laws and Regulations Committee regarding Business and Professions Code Section 12024.2 and excessive or non-authorized recycling redemption charges on beverage containers. The concern is over the requirement that the value must be advertised posted or quoted before there can be a violation of Section 12024.2.

It is the opinion of this Division that the Division of Recycling controls the CRV fees found in Section 14560 (3) of the Public Resources Code. The values are represented in statutes, in public messages, in news releases, and on the World Wide Web and are therefore both authorized by law and posted by the entity authorized by law to do so. Complaints received concerning incorrect CRV charges demonstrate the postings are effective in informing the public. Section 14561 also requires that containers be individually marked if the specified CRV applies.

It is a violation of Section 12024.2 to charge more for the purchase of an item than its represented price plus these posted, advertised, and authorized CRV values. To support weights and measures officials, the Division of Recycling has also responded to the Committee's request with plans to require the amount of the redemption value be posted in each store, possibly with a few exceptions. A draft sample is enclosed. We believe actions can be taken for overcharges, those that exceed the authorized rates or are collected on non-qualified containers, even if the store does not post these signs.

When the required signs are not posted, enforcement actions may best include a statement from a competent representative from the Division of Recycling that a particular location is indeed collecting a value greater than authorized by the corresponding CRV for the item.

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If you have questions or comments, please contact Ken Lake, Program Supervisor at (916) 229-3047 or klake@cdfa.ca.gov.

Sincerely,

A handwritten signature in blue ink that reads "Ed Williams". The signature is cursive and fluid.

Ed Williams
Acting Director

Enclosure

cc: QC Special Investigators
Kevin Masuhara, Director, County Liaison Office
George Donker, Division of Recycling, George.Donker@conservation.ca.gov

RECYCLE

Beverage containers for CASH*

*California Redemption Value/Cash Refund (CRV)



CRV is 5¢ for each beverage container less than 24 ounces,
and 10¢ for each container 24 ounces or more.

Recicle sus envases de bebidas y recibirá dinero en efectivo*



www.bottlesandcans.com
1-800-RECYCLE

This sign must be readable by the consumer and must not be altered, covered or obliterated in whole or in part.

At location below: