

Quantity Control



California Department of Food and Agriculture
Division of Measurement Standards
6790 Florin Perkins Road, Suite 100
Sacramento, CA 95828
www.cdffa.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 request only 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 promoting fair competition for industry.

Information for Consumers

Local weights and measures officials work behind the scenes to protect consumers, businesses, and manufacturers from unfair practices. Highly 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. Effective steps 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 Agricultural Commissioner and Sealer of Weights and Measures](#).

Other agencies having jurisdiction over packages are:

- [United States 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.
- [Bureau of Alcohol, Tobacco, Firearms, and Explosives](#) (BATF), all package labeling for these types of commodities.
- [Environmental Protection Agency \(EPA\)](#), describes package labeling and ingredients and ingredient labeling for pesticide labels.
- [Federal Trade Commission \(FTC\)](#), Fair Packaging and Labeling Act: Regulations Under Section 4 of the Fair Packaging and Labeling Act.

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. Does the store have to take some money off the price or give me the item 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 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.

If you are not sure about your package, contact the Division of Measurement Standards at (916) 229-3000 or by e-mail at DMS@cdfa.ca.gov or your [County Office of Weights and Measures](#).

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

Whatever you purchase over a scale 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 and who requires it?

The Division of Measurement Standards has jurisdiction or concurrent jurisdiction over some of the required package labeling. Those requirements are:

- Identity: The usual or common name of the commodity in the package.
- Responsibility: The name and address of the company or individual responsible for the package and its contents.
- Quantity: The amount of the commodity in the package.

I bought a pound of hamburger at the store labeled up to 12% fat and after I cooked it my pan was filled with lots of grease. Who handles food quality complaints?

If you suspect that fat content of the hamburger is misstated, call the California Department of Health Services, Food and Drug Branch toll free at 1-800-495-3232.



Miscellaneous Questions

I have an old recipe that calls for a #2 can of tomatoes. What amount of tomatoes is this?

Many recipes specify a can size instead of a volume or weight. You can find a chart of equivalents by clicking on this link:

<http://homecooking.about.com/library/archive/blhelp7.htm?terms=can+sizes>



Questions About Firewood

Click [here](#) for detailed information about this subject.