

What is Price Verification?

Background:

The NCWM established the Price Verification Working Group in 1993 to respond to public concern about price accuracy in retail stores. More than 500 retailers, consumer representatives, and State and local weights and measures officials participated in the development of the procedure. It was adopted by the NCWM at the 80th Annual Meeting in 1995.

The procedure applies to all retail stores, including food, hardware, general merchandise, drug, automotive supply, convenience, and club or other stores. Model inspection reports are included to promote the collection of uniform data. The model reports and uniform procedures will serve as the foundation for the collection and summarization of price accuracy data on a national basis. This information may be used to provide reliable information on price accuracy with a national perspective. The procedure provides administration with the tools, guidance and background information, as well as uniform test procedures and enforcement practices, to enhance the economic well being of consumers and retail businesses in their jurisdiction. By implementing this program in cooperation with industry, officials will help restore and maintain consumer confidence in retail pricing practices and technologies, such as scanners, and provide economic benefits for consumers and the business community.

INSPECTOR & SEALER OF WEIGHTS AND MEASURES

David Tilton, INSPECTOR & SEALER
INSPECTOR'S OFFICE
978-454-8021 ext. 17

Portions of....

The Consumer and Merchant's Protection Act of 1998 As relates to "scanner inspections"

Section 56D of Chapter 98

The director or his inspectors, and sealers and inspectors of weights and measures...shall in every 24-month period examine and test the operation of all automated retail checkout systems...to determine whether the price which an item is offered or advertised for sale, including any advertised special price offered to a customer with a store-issued discount card, conforms to the unit and/or net prices displayed to the customer on the visual display and conforms to the price for which a purchaser is charged by such automated retail checkout systems to determine whether the total price for items purchased is correctly represented, and may issue notices of violations in this section.

If such examination and test reveals that there is evidence of price misrepresentation, or misleading or deception of the purchaser of items, the owner, manager or designee of said owner or manager of the retail establishment using such automatic checkout system shall be punished for the first offense by a fine of \$100, for the second offense by a fine of \$250, and for a subsequent offense, by a fine of \$500. Notwithstanding the method for determining the amount of civil fines pursuant to said section 29A, a civil citation may be issued for \$100 for each violation, up to a maximum of \$2,500 per inspection. For purpose of this section each item which scans erroneously shall constitute a separate civil citation.

The director shall promulgate and shall enforce regulations based on national industry standards and other criteria necessary to carry out the provisions of this section.

If you have any questions regarding the above information please contact:

Weights and Measures
978-454-8021 ext 17.

OR

Commonwealth of Massachusetts
Division of Standards
617-727-3480

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IT'S THE LAW

Portions of...

The amendment to 202 CMR 5.00

As relates to "Notice to Consumers".....

Section 6:10

- (1) Display requirements-Stores 3,000 square feet or more of sales area. Every retail establishment which has a sales area of 3,000 square feet or more, shall display a consumer notice on how a consumer may contact the Division of Standards or a local Weights and Measures official.
- (2) If any retail establishment which has an area of less than 3,000 square feet does not use any weighing or measuring devices, the retail establishment must post a consumer notice in accordance with the requirements of 202 CMR 6.10. (1)

Failure to comply with posting notices could result in fines.

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NOTICE

Pursuant to the Consumer and Merchants Protection Act of 1998, the Department of Weights and Measures will conduct annual price verification inspections in all stores using automated retail checkout systems, i.e. scanners.

An accuracy rate of 98% or greater is considered passing. **FINES WILL BE ISSUED FOR ANY OVERCHARGES, PASS OR FAIL.**

Additional inspections will be carried out until a 98% passing rate is reached.

FINES FOR OVERCHARGES ARE \$100.00 EACH WITH A MAXIMUM OF \$2,500.00 PER INSPECTION.

There are no fines for undercharges, and they will not count against your accuracy rate.

There is a fee set by state law for this inspection, based on the number of automated devices, pass or fail.

1 to 3 devices = \$75.00
4-11 devices = \$150.00
12 or more devices = \$250.00