

# ALAMEDA COUNTY WEIGHTS AND MEASURES

Ensuring equity in the marketplace

The Department of Weights and Measures regulates commercial transactions across Alameda County to protect both consumers and businesses. This brochure is designed to encapsulate the daily activities of our team as we execute our mission to ensure equity in the marketplace.



# ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY

AGRICULTURE / WEIGHTS & MEASURES DEPARTMENT

Sandra Rivera  
Agency Director

April 21, 2025

Cathy Roache  
Deputy Director  
Agricultural Commissioner/  
Sealer of Weights  
and Measures

The Honorable Board of Supervisors  
County of Alameda, California

224 West Winton Ave  
Room 184

Hayward, California  
94544-1215

phone  
510.670.5232  
fax  
510.783.3928

[www.acgov.org/cda](http://www.acgov.org/cda)

I am pleased to submit this first annual report on Weights and Measures in Alameda County. This report highlights some of the consumer protection services that the Department of Weights and Measures provided to the residents, businesses and visitors of Alameda County in 2024.

In 2024, our Investigators inspected over 1,917 businesses for pricing accuracy and quantity control. We inspected 7,136 measuring devices such as gas stations, water/electric submeters, and electric vehicle charging stations. We also inspected over 2,793 weighing devices such as large vehicle scales, grocery store scales and small prescription scales. Over 87% of these inspections were compliant, ensuring fair commercial practices across the county. A violation notice was issued and/or administrative civil penalty action taken on non-compliant businesses.

We investigated 80 businesses following consumer complaints in Alameda County. Many of these investigations revealed inaccuracies in motor fuel measurements or discrepancies in advertised prices. We continuously work with the Alameda County District Attorney's office on local and statewide cases.

If consumers have concerns about price or commercial device accuracy, we encourage them to contact us immediately so our Investigators can inspect the business that same day or the next. Conversely, if a business has questions regarding pricing requirements or device types that are approved, they should not hesitate to contact us.

Our department continues to serve and protect Alameda County consumers by ensuring accuracy and equity in the marketplace and safeguarding the economic well-being of our consumers and business.

Respectfully submitted,

Cathy Roache,  
Agricultural Commissioner / Sealer of Weights and Measures





### Department Statistics

- 52 Employees
- 18 Agricultural and Standards Investigators
- 12,899 Hours on Weights and Measures Programs in 2024



### Price Accuracy

- Overall
  - 8,200 Registered Point-of-sale Devices
- In 2024
  - 1,917 Businesses Inspected
  - 29,574 Items Inspected for Price Accuracy
  - 240 Items Overcharged During Inspection



### Measuring Devices

- Overall
  - 71,766 Registered Measuring Devices
  - 378 Registered Gas Stations
  - 10,722 Registered Gas Station Dispensers
- In 2024
  - 7,136 Measuring Devices Inspected
  - 309 Measuring Devices Out of Tolerance



### Weighing Devices

- Overall
  - 4,782 Registered Weighing Devices
- In 2024
  - 2,793 Weighing Devices Inspected
  - 138 Weighing Devices Out of Tolerance



### Notices of Violation

- 769 Notices of Violation for Measuring and Weighing Devices Combined
- 375 Notices of Violation for Price Accuracy
- 329 Notices of Violation for Petroleum Product Labeling and Advertising
- Common Violations:
  - Customer overcharged for a product
  - Measuring or weighing device operating out of the legal tolerance
  - Inadequate petroleum product labeling or advertising

# Price Accuracy

## Overview

The Alameda County Department of Weights and Measures is tasked with enforcing consumer protection regulations across a variety of commercial transaction types. Alameda County is home to a large and diverse suite of retail businesses with nearly 2,000 retail locations that operate point-of-sale devices which electronically retrieve prices at checkout. To foster this business landscape, inspectors perform annual price audits at retail locations across the county to ensure compliance with California law that requires businesses to charge the lowest advertised price for a product or commodity.

A typical inspection requires the inspector to randomly select ten to fifty items, depending on the size of the store, that represent products from all parts of the store – high or low on the shelf, on sale or regular price, etc. As items are scanned, the inspector will confirm that the point-of-sale system honors the lowest advertised price for a given product and that prices can be seen by the customer as they are interpreted by the system. The most common error found during these inspections is a mismatch between the price in the database and the price listed on the shelf. This mismatch often occurs when the price database is updated before shelf prices are adjusted accordingly.



Figure 1 Any sunglasses in this case that did not scan at 50% off would be in violation of unlawful computation of value.

By enforcing these regulations, the Department of Weights and Measures acts to maintain a fair and equitable marketplace for Alameda County residents, visitors, and businesses.

## Enforcement

The Department of Weights and Measures works to bring businesses with documented violations back into compliance with a combination of education and penalties. Businesses that fail a price verification inspection will receive a notice of violation for the relevant code section. Violation notices are followed up with charged reinspections and/or enforcement action through the civil administration process.

When large retail chains that operate many locations across the state are found to be out of compliance with consumer protection regulations, the potential for widespread harm to consumers rises significantly. In many cases, counties across the state have cooperated to bring these large chains back into



NEWS

## Target settles for \$5M+ over allegations of false advertising, including in Alameda County

Accused of charging customers prices higher than lowest advertised price, changing costs on app unfairly



Figure 2 Headlines from settlements where Alameda County Department of Weights and Measures was a participant.

compliance through lawsuits filed by the District Attorney's office. Alameda County has participated in several of these cases, with some examples headlined to the left, by providing inspection records that form the foundation of the lawsuit.

# Gasoline Dispensers

With over 10,000 gasoline dispensers registered in Alameda County, our retail petroleum device program is one of the largest programs administered by the Department of Weights and Measures. On a biannual inspection frequency, inspectors measure a minimum of a five-gallon draft of every product and every octane level at every fueling station in the county. These tests are designed to confirm that consumers are delivered the correct quantity of fuel when they fill up in Alameda County.

Our department also collects fuel samples when a consumer complaint indicates that fuel quality issues may be of concern. We work in collaboration with the California Department of Food and Agriculture Division of Measurement Standards to test samples for different types of contamination, such as sediment, water, or other fuel types. Samples are also tested to confirm that octane levels match the advertised octane level.

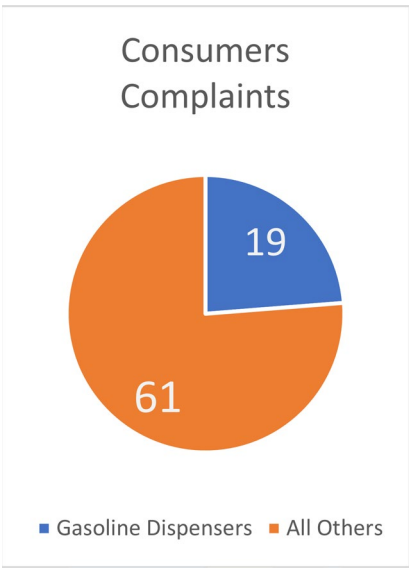
Finally, our inspections at retail fueling stations check for compliance with labeling and advertising guidelines. These regulations are designed to ensure that petroleum products are advertised fairly to consumers and that these products are labeled correctly so that they can be handled safely by delivery drivers, fuel station attendants, and consumers.

## The Seal of Approval

Sticker seals on the face of the device inform the public that this device was correct as of the date of testing and indicates who performed the inspection.



## Addressing Complaints



Of the 80 consumer complaints received in 2024, nearly a quarter were related to retail gasoline dispensers. Dispensers found out of tolerance will be tagged out of service pending repair.

Below are examples of identifying tags that inspectors can use to condemn a tank of gasoline that is contaminated or otherwise unfit for sale (Figure 3) or that inspectors can use to mark a device as out of order pending repair (Figure 4).

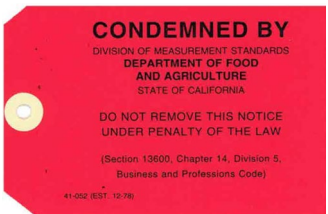


Figure 3 Condemned tags are used to mark tanks of fuel off sale.



Figure 4 "Red Tags" are used to mark a device as out of service pending repair.



## Growing Device Counts

California law SB 7, which came into effect in 2018, requires all new multifamily residences to install water submeters to facilitate water conservation. All utility submeters that bill customers must be tested and sealed prior to installation.



Figure 5 Examples of water submeters commonly used in multifamily residences.

In figure 6 below, the device on the left is our “prover” used to test electric vehicle charging stations. Plug in an electric vehicle charger, and the computer will measure how much electricity was delivered.



Figure 6 An electric vehicle charging station prover used to measure delivered quantities of electricity.

# Measuring Devices

Our measuring device program encompasses all devices that measure the quantity of a product or commodity for direct sale to a consumer. Examples of these devices are electric utility submeters, water utility submeters, gasoline dispensers, electric vehicle charging stations, taximeters, and fabric meters. Each device type has its own unique testing procedures and tolerances that inspectors must apply before sealing the device as correct and accurate.

The number of commercial measuring devices registered with the Department of Weights and Measures will likely increase in the near term, with most of these registration increases coming from electric vehicle charging stations and utility submeters in multifamily residences.

Alameda County currently has over 1,000 electric vehicle charging stations installed and delivering electricity to consumers. With the sustained adoption of electric vehicles by residents, visitors, and businesses in Alameda County, inspections of electric vehicle charging stations appear poised to grow at a rapid rate, as they have risen from just 172 registered electric vehicle charging devices in the 2022-2023 fiscal year. Along with this, California law is requiring more electric vehicle charging stations that were previously exempted from our regulations to now register with our department and participate in our routine testing procedures.

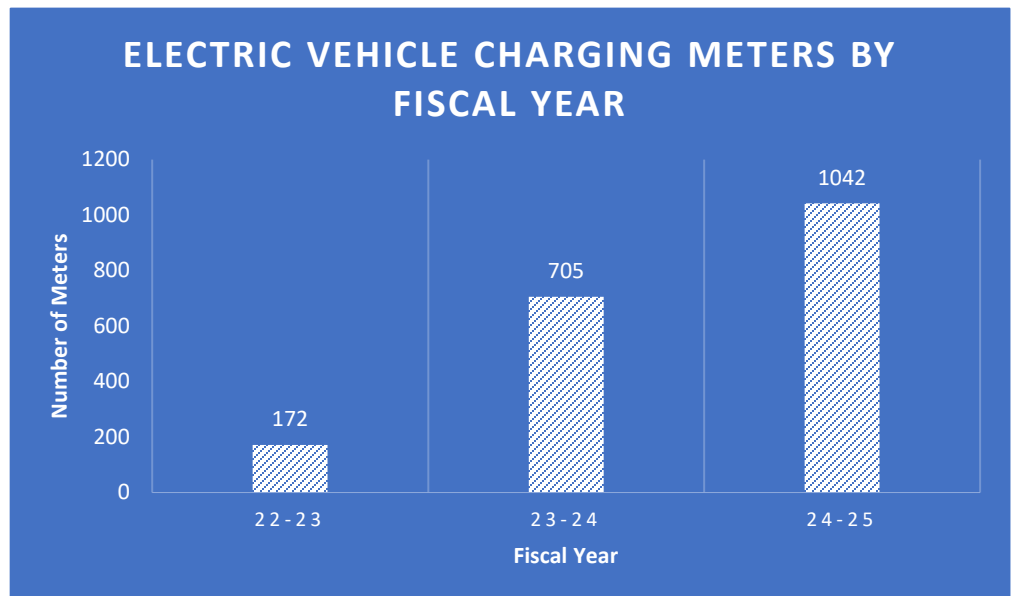


Figure 7 Chart of increasing electric vehicle charging stations registered with our department over time.

California law requires all utility submeters used to bill customers are tested and sealed by the Department of Weights and Measures prior to installation. As new multi-family construction is finished, more of these devices are expected to fall under our jurisdiction.

# Weighing Devices

Much like our measuring device program, our weighing device program focuses on certifying that commercial weighing devices are correct for use in determining the weight of products involved in commercial transactions. There are nearly 5,000 such devices in use in Alameda County, around 75% of these devices are used to measure small quantities, like the scales used at a grocery store checkout stand or at the deli counter. The remaining 25% weigh heavier commodities or products, like livestock, pallets of goods to calculate shipping fees, or vehicles transporting commodities.

During a routine inspection of a weighing device, a county inspector places weights of a known quantity onto the scale to certify that it operates within the legal tolerances. The test procedures, including the tolerances, the amount of test weight used, and the pattern in which it's placed on the scale, are dictated by the National Institute of Standards and Technology (NIST). NIST publishes handbooks to guide local regulators across the country to maintain uniformity in weighing and measuring regulation. Along with making sure the scale is accurate, inspectors also look to confirm that businesses are abiding by other weighing regulations, such as taking proper tare weights, positioning the scale such that the consumer can see the weight as it's interpreted by the scale, and maintaining their equipment.

## Breaking down a transaction by weight

When buying a product or commodity by weight, there are several terms intended to inform a consumer about what they're purchasing.

*Gross weight* refers to the total weight of a product and its packaging.

*Tare weight* is the weight of the packaging and other non-product components that the product is sold with.

*Net weight* is the weight of only the product inside the packaging.

*Net weight = Gross weight – Tare weight*

Products sold by weight are required to accurately indicate the *net weight* of product that the consumer will receive. Our department performs routine audits of pre-packaged goods to confirm that the net weight statement on the product label is accurate. Packages that are rejected based on selling less quantity than represented are ordered off sale pending correction by the owner, and an enforcement action, typically in the form of a fine, can be levied by the department.

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*"Weights and Measures," said John Quincy Adams in 1821, "may be ranked among the necessities of life to every individual of human society."*

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*Figure 8 An example of a scale that failed a routine inspection. With 25 lbs. of known weight, the scale under-registered. This scale would be marked for repair, but the owner would be allowed to use it pending correction because the error is in the favor of the customer.*



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Agricultural Commissioner  
Sealer of Weights & Measures  
CATHY ROACHE

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Agricultural Commissioner/Sealer of Weights and Measures  
Cathy Roache

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Assistant Agricultural Commissioner/Sealer of Weights and Measures  
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Cheryl Mailho

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Karina Chavez	Keely Kirkman	Joie Toscano
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Agricultural & Standards Technicians		
Mohamed Elhashash	Jonathan Gomes	Samuel Moran
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Agricultural & Standards Aides (SAN) (TAP*)		
Kathleen Ahern	Amare Haileselassie	Alan Shen
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Ricardo Chavez	Angelo Palmeri	Vacant*
Woodrow Creech	Julio Reyes	

Canine Inspection Teams-Agriculture and Standards Investigators  
Lisa Sampson and Tank      Sheila Stenger and Draco

Administrative Manager  
Nicole Bouldin

Administrative/Clerical Support		
Raquisha Broughton	Mariel Ronquillo	Clarice Walker