

South Los Angeles Grocery Stores Installment #II

This document is a follow-up to the field survey of grocery stores in Los Angeles County's Service Planning Areas (SPA) 6. In Installment #I, we determined that several policy issues required clarification. Based upon our research, there are still unanswered questions as much of the information is generic or in some cases does not specifically focus on California policies. Thus, we present the information gleaned from our research efforts as a beginning of the discussion around the policy issues identified in Installment #1.

The responses to the questions are organized as noted in the Table below.

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#1.What are the requirements for scales for weighing produce in the grocery stores?

The National Conference on Weights and Measures offers a couple of tips for customers when shopping in the produce area of a grocery store. The first is to be observant of the scale and the amount of weight shown. The second one, that would determine if the scale is properly working, is to be sure that the scale shows zero before any item is weighed. This latter suggestion will ensure that the cost reflects the actual weight of the produce purchased.

Due to the fact that scales are used all day long in the grocery store, it is essential that these weighing devices are regularly monitored and inspected to assure a proper function. These inspections are regularly done through the Weights and Measures Division (WMD). This division monitors weights and scales that are of commercial use including those of grocery stores, open air farmers markets and road side stands. The WMD ensures standardization in the weights and scales and makes sure that vendors are following applicable regulations. Any device used as a method for calculating the value of a product is required to be certified and inspected. When the WMD inspects the devices, an approval sticker seal with the date is attached. If the devices do not meet the regulations such as not being of commercial quality or if not being used for their intentional purpose, these will be rejected and will not get certification. The certification seal must be visible for customers to see. Store inspections are conducted by the WMD at different times and for various reasons. These might occur due to a regular inspection; a state law required inspection; when there is a new scale; or when there is an investigation due to a customer complaint. Inspections may be random; it is not a requirement to inform stores of upcoming inspections. Fresh fruits and vegetables that are sold by bunch and weight should include a deduction at the register for the tare weight. Tare weights include plastic bags, protective wraps or rubber bands that may be used to hold these items in a bunch. Packaging of these should comply with federal and state regulations which are linked to the Fair Packaging and Labeling Act.

When shopping at the produce area of the grocery store, it is important that the produce items are of good quality. Aside from good quality, it is important to assure that consumers are actually paying for the correct quantity of produce

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#2. What are the requirements for receipts at point of purchase?

A receipt is described as the written documentation for the purchase of goods and payment. When customers make any type of purchase it is important to obtain a sales receipt. This document lets the customers see exactly what has been purchased. The owners of the business might have their own specific guidelines relevant to receipts as it regards their store policies. Most often these rights deal with returns and exchanges with or without a sales receipt. Sometimes errors do occur at the checkout point at stores and sale receipts are very useful in determining and correcting the error.

According to the Texas Tax Code, a receipt serves a customer because it shows the total amount paid for a taxable item. It details the cost for an item that was sold, leased or even rented. Therefore it is important to keep and examine sales receipts. A sales receipt should display specifics such as the business name, the city, state and county in which it is located. Other important details are the transaction date and often receipts also show the time of the transaction. If the transaction was done using a credit card, some other information should be documented. It is necessary for receipts to identify the transaction as a sale (retail), credit or a disbursement. Another important aspect of the receipt is that it shows a description of the item listed; this will assure the identify of the purchase can be done easily and properly.

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3.What is the requirements for posting prices at point of purchase?

The Los Angeles County Department of Consumer Affairs (DCA) has specific recommendations for retailers to assure customer satisfaction and also to protect themselves from claims when it comes to pricing. The DCA suggest the use of registers that clearly let customers see the price of the item that is being purchased. It is suggested to post special sales and prices at the cash register; this serves as a reminder to both customers and their employees about the sale is that is occurring. It is also important to promptly remove signs of sales and promotions once these have terminated. The last suggestion is that signs should always clearly state what items have that specific price so as not to be too ambiguous to customers. Following pricing regulations and suggestions will benefit both retailers and customers.

Price posting is among one of the many inspected areas that a grocery store or any retail store undergoes. It is necessary that all retail grocery stores using a point of sale system have a price listed that is easily and clearly understood. In the state of California, the Business and Profession Code system states that it is dishonest for a retailer to change the price or amount of an item at the point of sale if it is being advertised at a different price. Therefore, if a specific advertised price for a pound of tomatoes at the grocery store is different at the time of purchase, customers can complain and should get the cheaper price. Another detail in this code states that if there is more than one price for a specific item, then the price that the customer should be charged is the lowest one posted or advertised. It is important to note that state and county laws do not allow retailers to change the prices if different ones were advertised.

Just as the Weights and Measures Division (WMD) of each state monitor that weighing scales are properly working, this division is generally also the agency that is authorized by the state to guarantee that laws and regulations pertaining to pricing are followed. Regulations and laws might vary from state to state. Random price accuracy inspections are performed by (WMD). When these occur; inspectors simulate a purchase to verify that customers are actually charged correctly. If customers have problems with such issues, complaints usually should be directed to the county's Weights and Measures Division. The division investigates and determines whether legal action should be taken regarding the specific complaint

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#4. What are the standards for stores accepting WIC vouchers?

Nationwide, the special Supplemental Nutrition Program for Women, Infants and Children (WIC) provides services that benefit about 1.8 million people. The goal is to provide healthy nutritious foods to the target population. Participants are given vouchers that can be redeemed for food items approved in the WIC Authorized Food List Shopping Guide (WAFL SG). The most common places to redeem these vouchers are grocery stores. The vendors or stores that accept these vouchers are authorized by WIC state

agencies. Just as the state agencies approve stores, they also play a role in determining food prices, food quantities and varieties that should be available at WIC approved stores. Once the stores are authorized by the state agencies to accept vouchers, the stores or vendors are required to follow specific rules that the WIC program has established. The rules vary from proper redeeming procedures to stocking guidelines. The stores need to comply with the agreements that the WIC program has set for them to follow. These compliance agreements are very specific. WIC requires that the stores meet the minimum stocking requirements and that these are met at all times regardless of how many participants go to the stores. Those WIC specific items should always be on the shelves. Records of redeemed vouchers, invoices or receipts should always be kept. Stores should never offer incentives for people to redeem their vouchers at the specific store and prices should always be clearly printed on the item or on the shelves.

Store employees need to be trained to make sure that proper procedures are being followed correctly. When a WIC participant enters a store and wants to redeem the voucher, the cashier needs to make sure to follow established procedures. The store employee is only allowed to accept WIC vouchers for foods that are from the WAFL SG. Once the cashier checks for this, each voucher should be treated as a separate operation. The cashier should also make sure that a WIC Identification (ID) folder is available. If this ID is not available, then the voucher will be refused. Other reasons for refusing a voucher include: if the dates printed are invalid, if these seem altered in any form, and if participants want to substitute with food items that have not been approved as WIC food items. The cashier should ask for the WIC ID folder and should keep it until the end of the purchase. Once the transactions are done, it should be signed and returned to the participant. The last thing that the cashier should do is compare the signatures and keep record of the redeemed vouchers. All of this is to assure that the standards of the WIC program are being followed correctly.

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#5. What are the standards for stores accepting food stamps?

The Supplemental Nutrition Assistance Program (SNAP) formerly known as the Food Stamp Program served as a form of aid to approximately 31 million people in 2009. The program's goal is to provide a healthy diet to many families. This program consistently continues to provide to more low income families through Electronic Benefit Transfer (EBT) cards which are used by cardholders as a form of money at many local stores. The program is administered through the United States Department of Agriculture (USDA) Food and Nutrition Service (FNS) Department. This type of aid is available in all 50 states in the USA and the Federal government oversees the development of the program. Standards and requirements are necessary for those that apply to receive the aid as well as for all those retailers that accept EBT cards. Participants go through a process of applying to receive aid; retailers go through an application process and must meet certain requirements in order to be eligible to accept EBT benefits at their store. Local FNS offices are responsible for monitoring and licensing retailers to be participants of the program. Just like any other program there are requirements and standards that local retail stores need to follow in order to assure their eligibility. The USDA has established that stores that wish to participate in accepting what was formerly known as food stamps need to sell foods for home preparation and consumption. Most importantly stores need to meet at least one of the following criteria:

- Offer at least three different varieties of food in each of the four staple food groups which are breads/cereals, dairy and dairy products, fruits and vegetables and finally meat, fish and poultry.
- Or at least 50% of the total sale of the store should come from the earnings of these staple foods.

Foods that are permitted and considered as staple foods are those used for consumption. Foods that are not considered staple foods are items such as candy, chips, soda and/or coffee among others. Stores are not permitted to accept EBT cards to charge for these items or other non-food items such as vitamins, medications or alcohol.

Local stores are said to benefit from being able to accept EBT cards at their businesses because it is said that this will increase their clientele and therefore increase their sales. Retailers must become licensed by the USDA prior to accepting the EBT cards from SNAP participants. The procedure for retailers consists of three steps. The first is to obtain a USDA account, the second is to complete an online application and the third is to submit required paperwork to local FNS offices. Once again, each state has local agencies that oversee that the standards and procedures are being followed by the participants and the stores. Once the procedure to become an eligible store is completed, it takes approximately 45 days to determine if it will be licensed by USDA. After

approval has occurred the stores must choose one of three methods to accept EBT cards. The eligible store can decide to use the existing equipment at point of sale, use the point of sale equipment supplied by the government or they can decide to manually fill out paper vouchers for the transactions made. The USDA offers trainings for stores that wish to receive training to successfully accept the cards.

The SNAP benefits many households in the United States and it seems that food stores all over the country also benefit by accepting the electronic benefits allotted to program participants because this helps increase sales. Stores are ordered to assure that those specific food items are available on their shelves in order to continue being participating stores.

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#6. What are the requirements of ‘use by dates’ including carrots already bagged in 1# units and other fresh produce?

Consuming a healthy diet is of extreme importance to our health. Just as we want to make sure to include a variety of foods especially fruits and vegetables in our diet, it is also of crucial importance to assure that the foods that we select are safe for consumption. Food safety begins when the foods are grown, harvested, selected, processed and packaged and it continues with the handling given when at grocery stores and later at the consumers home. All of these precautions are made in order to help to reduce the risk of

foodborne illnesses which can cause health problems. Due to this emphasis on food safety, we often see a date on certain food items along with an explanation right adjacent to the date at the grocery store. Such explanations might say “Sell by” “Best if used by” or “Use by” dates. Different types of foods have a different explanation for the date given. It is important to look at the dating system and what is being said about the dates listed. Open dating refers to an exact calendar date that is placed on food products. These dates must include a month and the day. The dates are right on the packages of food items where they are visible for consumers. Right next to the date there will be terms that might say “Sell by” “Best if used by” or “Use by” date.

The “Use by” dates are usually seen in foods such as fresh meat, fish, milk, and prepackaged salads. The prepackaged salads are an example of when produce falls into the dating system. Often times, fresh cut produce are trimmed, peeled, washed and finally bagged in a package to be sold. Such examples of produce items that can be found sold in this manner are carrots, lettuce and broccoli among others. In this case consumers should watch for the “Use by” date stamped on the food package. The explanation for the “Use by” date is that this date will let the consumer know the time limit until that specific item will be at its best quality. It is important to mention that the date stamped has been determined by the product manufacturer. The determination of the date has to do with when bacteria can start forming and reach levels that might be of risk to the health. This date is said to serve as a safety issue. The Food Standards Agency has suggested not to eat/drink any food item after the date stamped has passed even if the odor and appearance is still pleasant. It is recommended that the item is discarded after the date has expired. Once the date has passed it does not necessarily mean that the product is urgently unsafe to eat, rather that the quality is not the optimal and that there might be a risk of bacteria forming. If these items are not stored at the proper temperatures they will spoil even before the “Use by” date indicated. On the other hand although manufacturers have the last say as to what is the best “Use by” date, the USDA has said that the date is not a safety date. The USDA recommends that once the stamped date has passed the product might still be safe for consumption if it is handled with the proper care and it is kept at the proper temperatures. In the case of produce items, these should be kept at 40° F or below. If fresh produce is frozen (before the “Use by” date), the shelf life can be extended.

In the United States there is no constant or uniform method being used for food dating. With exception of baby food items such as formula and some baby food, it is said that product dating is not generally a Federal regulation requirement. Out of 50 states in the country, the dating of certain food items is required by more than 20 states. As consumers it is our responsibility to give produce products and all foods the proper temperature storage at home. Produce products might be sensitive and need good handling prior to consumption. Items that are bagged or prepackaged are not the exceptions, these should also be handled correctly. We should all follow the guidelines given to make sure that we are consuming safe and healthy foods. On the other hand, there should be more of a standard wide system to approach product dating throughout the USA.

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