

*Granite State Home and Garden*  
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## **The Chronicles of a Weights and Measures Investigation**

By

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I recently received a complaint from a consumer who knew he was being cheated when he attempted to buy one-pound of tuna salad from his local deli. You see, he used to work in a deli as a young man and knew the proper procedures for weighing a product. In this case, the clerk was including the weight of the container (tareweight) as part of the weighing process that resulted in an over charge. The customer claimed that the clerk was aware he was cheating but said that it was how this store operated.

I sent a weights and measures investigator to pose as a customer and observe the business practices of this establishment. He reported back to me that cheating was rampant—that customers were being overcharged on every sale because the weights were being falsified.

Over the next several days, my investigator, again posing as customer, made several purchases and documented the transactions. In all cases he was overcharged by being sold less than the quantities represented. In one case he purchased a lobster at \$7.99 a pound and was overcharged 96 cents for the weight of the bag and another 96 cents for excess water weight.

The next step in this process was to uncover the “mens rea” or state of mind of the owners, managers and clerks who perpetrated these inequities. I entered the establishment with the investigating officer and we began to interview the staff. It was immediately evident that the staff was aware that their course of conduct was in violation not only of the law but also of the expectations of honesty and fairness. The sum of the matter was that the staff felt powerless to change the status quo and they were relieved that the situation was about to change for the better for all concerned.

We then met with the owner. Although the owner was cooperative, his explanation as to the ongoing violations was weak. He finally admitted that he did not take the necessary steps to make sure that his customers were being treated fairly. We asked if he was willing to offer and sell his goods in the future without cheating. He readily agreed. We then asked if he was willing to make restitution to the people for the profits he received because of his cheating. He asked how this could be done to which I answered, “You will pay a suitable fine.” At this, his countenance fell. Nevertheless, he agreed. This case will shortly be closed and we are pleased that we could help our citizens in this way.

I learned something new in this case. I knew there were two victims when sellers of commodities cheat—the customer and the competitor. Now I realize there is a third— the employee.

Remember that we are at your service. You are welcome to contact us with any concern you may have as you purchase commodities for your daily needs. For more information, contact the Bureau of Weights and Measures, NH Dept. of Agriculture, Markets & Food, PO Box 2042, Concord, NH 03302-2042, Tel: (603) 271-3700, Fax: (603) 271-1109 or visit our website: [www.agriculture.nh.gov](http://www.agriculture.nh.gov)