

THE NEW COMPONENT

NORTHEASTERN WEIGHTS AND MEASURES ASSOCIATION

Since 1972

ISSUE 33

NEWMA NEWSLETTER

August 2010
Newsletter Editor, Bob McGrath

NORTHEASTERN WEIGHTS & MEASURES ASSOCIATION OFFICERS 2010-2011

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Charles Carroll, Commonwealth of Massachusetts

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2010 NEWMA INTERIM MEETING

October 13-14, 2010

Marriott Courtyard, Norwich, Connecticut

181 West Town Street

Norwich, CT 06360 (860) 886-2600

Reservations

www.marriott.com/hotels/travel/goncy-courtyard-norwich/

1-860-886-2600

Please mention the "NEWMA Conference" to obtain the special group rate. Room Rates \$105.00/night, plus tax 10/12/2010 to 10/14/2010 rate lock

Hotel Parking-No Charge

Interim Meeting Registration

The registration fee this year is only \$25.00.

NEWS FROM THE NORTHEAST

NEWMA SPONSORED

HANDBOOK 130 TRAINING, PACKAGING AND LABELING CLASS (5DAYS)

October 25 (10:00 AM) – October 29 (12:00 PM) 2010

Holiday Inn, Route 1North, Peabody, MA

Room rate is \$89+ per night (NEWMA Rate)

<http://www.holidayinn.com/hotels/us/en/peabody/bospb/hoteldetail>

Please contact the Massachusetts Division of Standards by e-mail, Fax @ 617-727-5705 or phone @ 617-727-3480 if you would like to attend. All requests must be submitted no later than September 2, 2010.

There is no "registration fee" for this training!

[Tentative Agenda on Page 10](#)

Massachusetts Item Price Law Remains Unchanged

The Massachusetts Legislature ended their formal session without making change to the "item pricing" laws and regulations. One "bill" that would have significantly amended the law stalled in the House Ways and Means Committee. A late amendment to exempt "warehouse clubs" from the law was added to an "Economic Development" bill, but it was subsequently vetoed by Governor Deval Patrick. Governor Patrick stated that the exemption was not justified to his satisfaction and further stated "Accurate price disclosure is one of the most basic consumer protections and must be protected".

DATES TO REMEMBER

2011 NCWM Interim Meeting – January 23-26, 2011

The Fairmount Dallas, Dallas, TX

Contact: NCWM HQ (info@ncwm.net)

NEWMA Annual Meeting 2011

Saratoga Springs, NY May 9-12, 2011

Holiday Inn Saratoga Springs

232 Broadway

Saratoga Springs, NY 12866

Reservations

www.holidayinn.com/hotels/us/en/saratoga-springs/sgany/hoteldetail

1-518-584-4550

Please mention the "NEWMA Conference" to obtain the special group rate. **Room Rates**

\$106.00/night, plus tax

2011 NCWM Annual Meeting

July 10 - 14, 2011

Holiday Inn at the Park, Missoula, Montana

Contact: NCWM HQ (info@ncwm.net)

NEWMA Website Revamped

The NEWMA web-site has a new look and is now managed by the NCWM staff. The web-site is uniform with the other three regions. Many thanks to **Steve Burgess**, Sealer of Somerville, MA, who created and managed the former NEWMA web-site. Several years ago at the bequest of NEWMA, Steve "stepped up to the plate"

2010 NCWM ANNUAL MEETING RECAP, ST. Paul, MN July 11-15, 2010

For the first time in a long time, the Annual Meeting of the National Conference on Weights and Measures was not dominated by the "Temperature Compensation" issue. The meeting, held in the unspectacular Crowne Plaza Hotel in the equally unspectacular downtown St. Paul, MN seemed to suffer a bit of letdown without the controversy we've become accustomed to. Although "seed count", "animal bedding" and the tentative code for the method of sale for hydrogen are important in the grand scheme of things, they're just not breathtaking issues. The "printer ink and toner" issue is to be further developed by a sub-committee so that took the wind out of sails of this anticipated controversial item. We did experience some intrigue at the voting session when a motion came from the floor to remove the "seed count" item from being voted on. After much debate, it was voted on and passed. Our Parliamentarian Lou Straub might have thought this was going to be an easy year, but you never know. Lou did a great job as usual.

The "moisture loss" allowance for pasta products item did not received the required amount of votes and was returned to the L & R committee.

Once again the new NCWM management team, headed by Don Onwiler did a great job organizing the Annual Meeting. Randy Jennings did a great job as Chairman. Kurt Floren of Los Angeles County, CA was named Chairman Elect. Several well done presentations were given, including Henry Oppermann's technical session on "Risk-Based Inspection Schemes". The outing at the Wabasha Caves was one of the better ones this writer has been to.

Newly installed NIST Director Dr. Patrick Gallagher came and gave a supportive speech of the NCWM and the relationship between NIST and the NCWM. Let us hope Dr. Gallagher follows those words with actions in the future.

and put the site together.

Down the Road

2012 NCWM Interim Meeting: January 22-25 in **New Orleans, Louisiana**

2012 NCWM Annual Meeting: July 15-19, 2012 in **Portland, Maine**

2013 NCWM Interim Meeting: January 27-30 in **Charleston, South Carolina**

2010 NEWMA ANNUAL MEETING RECAP

Our 2010 Annual Meeting was held in Mystic, CT (5/10-14) and it was both successful and well attended. Jerry Farrell, Jr., Commissioner of the Connecticut Department of Consumer Protection, gave an excellent "welcome to Connecticut" address to the group during the "opening ceremony". NWCM Chairman Randy Jennings, Chair Elect Tim Tyson as well as Carol Hockett of the NIST WMD all gave very interesting reports during the "opening ceremonies. The NEWMA "outing" to Mohegan Sun was enjoyed by all. Jack Walsh of Framingham, MA did a great job during his year as NEWMA chairman. Thank you Jack for your service. Bob McGrath has been elected to serve as the new NEWMA Chairman.

**INTERIM MEETING AGENDA
NEWMA
OCTOBER 13TH AND 14TH, 2010**

Wednesday, October 13th

- | | | |
|------|----------------------------------------------------------------------|---------------------------------------------|
| 1:00 | Call to Order and Introductions | NEWMA Chairman Bob McGrath, Boston, MA |
| 1:10 | S&T Committee Open Hearing | Chairman Steve Giguere, State of Maine |
| 3:00 | Break | |
| 3:15 | L&R Committee Open Hearing | Chairman John Gaccione, Westchester Co., NY |
| 5:00 | Adjourn | |
| 6:00 | Chairman's Reception - Location (on site) to be announced at meeting | |

Thursday, October 14th

- | | | |
|-------|----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------|
| 9:00 | Professional Development, Open Hearing | Chairman Ross Andersen, NY |
| 10:00 | Break | |
| 10:15 | Executive and NTEP Open Hearing | Mike Sikula, NY & Mark Coyne, MA |
| 11:00 | Old Business
Secretaries Report
Treasurers Report
Correspondences | Secretary Jim Cassidy, Cambridge, MA
Treasurer Charles Carroll, MA |
| 11:30 | New Business
2010 Meeting and nomination of next Chairman, 2010 Interim Site selection & Beyond | Open discussion |
| 12:00 | Working Lunch | |
| 1:00 | Adjourn | |

HOTEL INFORMATION

Marriott Courtyard, Norwich
181 West Town Street
Norwich, CT 06360 (860) 886-2600
Room Rate \$105.00 plus tax per night (10/12-114/2010 Rate Lock)
Parking N/C
<http://www.courtyardnorwich.com/>

MEMBERSHIP & MEETING REGISTRATION FORM

FIRST NAME:

MIDDLE NAME:

LAST NAME:

TITLE:

ORGANIZATION:

MAILING ADDRESS:

CITY:

STATE:

ZIP:

TELEPHONE:

OFFICE

OTHER

FAX

EMAIL

REGISTRATION:

- 2010 NEWMA MEMBER - \$25.00**
- NON-MEMBER - \$50.00**

Make Check Payable to: **Northeastern Weights & Measures Association**

**Mail to: Charles Carroll
Division of Standards
One Ashburton Place, Room 1115
Boston, MA 02108**

If you wish to pay the registration fee at the door, please register by phone, fax or e-mail in advance

Phone: (617) 727-3480, ext. 21131

Fax: (617) 727-5705

E-mail: Charles.Carroll@state.ma.us

NEWS FROM AROUND THE REGION-Connecticut

Department of Consumer Protection Finds Short-Weight Frozen Seafood in Stores Statewide

HARTFORD, February 22 – The Department of Consumer Protection has found that ice glazing on packaged frozen seafood such as shrimp, scallops and fish sold in Connecticut can make a significant impact on the amount of product that consumers get for their money, agency Commissioner Jerry Farrell, Jr. said today.

Following a 2009 federal report on ice glazing in frozen foods, the Department joined 18 other states in a multi-state frozen seafood investigation. Connecticut's review included packaged seafood from 20 different grocery locations statewide, including major grocery chains and independent grocers.

"We tested 52 different seafood products and exactly half of them failed, in that the packages contained less actual product in weight than was labeled," Farrell said. "Excess ice made up the difference, which on average was 4.5% per package. If you're buying a 5-pound bag of shrimp at \$6.00 a pound, but a quarter pound is just ice, you're really paying \$6.31 a pound for the shrimp you get."

Inspectors removed all packages of the 26 failed products from sale. In all, 847 packages of short-weight seafood were taken off sale. The actual dollar cost of the shortages ranged from just two cents to \$1.95 per package.

"On average, a customer buying one of these short-weight packages would pay 50 cents on just ice, so the economic impact of just the 847 packages we removed was more than \$425.00," Farrell said. "These short-weights are grossly unfair to the consumer, and quickly add up. No one should be paying for excess ice on frozen seafood," he said.

Connecticut has adopted National Institute of Standards and Technology (NIST) standards for verifying how much the actual seafood weighs (the net weight). Ice and glazing in seafood packages is not allowed to be counted in the net weight of the product.

The following branded seafood products failed the inspection due to short weight.

Department Cites Wal-Mart Stores, Inc. for Pricing Violations

HARTFORD, April 23 -- Department of Consumer Protection Commissioner Jerry Farrell, Jr., announced today that his agency is charging Wal-Mart Stores, Inc., with pricing violations. Wal-Mart store #5439 in New Haven and Shelton Wal-Mart #2163 were both inspected by Consumer Protection agents in recent months as part of the agency's economic compliance checks. Both stores are alleged to have been in violation of unit pricing laws during the inspections.

"Although we notified these two Wal-Mart Stores about the pricing violations found in the first inspections, when our agents revisited the stores in question four months later, they again found more items in violation," Farrell said. "Connecticut's unit pricing laws are designed to uphold a fundamental marketplace principle – that consumers can make informed purchasing decisions based on cost, quality and convenience. We expect stores to be fully compliant with the law – particularly when for most consumers, every penny counts."

During the November 2009 inspection of Wal-Mart #2163 at Bridgeport Avenue, Shelton, a Department of Consumer Protection inspector checked 25 consumer commodities and reviewed them for appropriate price labeling; 12 of these were incorrectly unit priced. After notifying the store of its infractions and requesting corrective action, a Department agent again visited the Shelton store in March 2010 and of 50 items checked, found 15 items not in compliance with State laws. Examples include: potato chips, fruit juice, oatmeal and butter.

During the December 2009 store inspection of Wal-Mart # 5439 on Foxon Boulevard in New Haven, an agency inspector checked 50 consumer commodities and reviewed them for appropriate price labeling; 9 were found to be incorrectly unit priced. After notifying the store of its infractions and requesting corrective action, a Department agent again visited the New Haven Wal-Mart store in April and of 50 items inspected, found 17 of them not in compliance with State labeling laws. Examples include: detergent, deodorant, paper plates and maple syrup.

A consumer commodity is defined as a food, drug, device, cosmetic or other item produced for and used by consumers, and which is usually consumed or expended over time. For example, a tube of toothpaste, a carton of milk, a can of soup and the items noted above, each qualify as a consumer commodity. Unit pricing is designed to allow consumers to compare the price of an item by some standard measure, such as weight or volume, so the consumer can easily ascertain which product and/or size of product is more economical. Unit pricing information may be found on either the item or on the orange shelf tag. (See photo below).

The Department may impose civil penalties for each violation of the pricing law. The stores have been notified of a hearing that is scheduled for May 31, 2010 at the Department of Consumer Protection in Hartford if the matter is not resolved beforehand.

Consumers to Receive up to \$100,000 through Department's Settlement with Phoenix Oil, LLC of Stonington

HARTFORD, May 28 – Department of Consumer Protection Commissioner Jerry Farrell, Jr. today announced that Phoenix Oil, LLC of Stonington, Connecticut will provide a total of up to \$100,000 to 535 consumers to settle complaints about unfair practices in the billing of heating oil.

More than 40 consumers complained to the Department about billing practices at the company for the 2008-2009 heating season.

Consumers with cap price contracts during the 2008-2009 heating season complained that according to their contracts, they were supposed to benefit from lower heating oil prices when the market for heating oil went lower, but when the price of oil did drop, they continued to be charged by Phoenix Oil at the higher cap price.

In addition, customers from the 2008-2009 heating season who did not receive all of the heating oil they contracted for under a fixed price contract with Phoenix Oil will be compensated by the company in either cash or heating oil.

While admitting to no wrongdoing in today's settlement, Phoenix Oil, LLC guarantees those consumers pro-rated restitution for the alleged improper billing.

The mediated settlement assured that consumers receive repayment on the alleged overcharges and payments

NEWS FROM AROUND THE REGION-Massachusetts

Underweighted Steaks Found at Ruby Tuesdays across Massachusetts by Division of Standards

Inspection finds consistently smaller-than-advertised sizes at Colorado packager

BOSTON – December 10, 2009 – An inspection of Ruby Tuesday restaurants across the state by the Patrick Administration's Division of Standards found that lots of steaks in every eatery checked were smaller than their labeled weight, and the Division announced today a \$700 fine against Ruby Tuesday's supplier of the prepackaged steaks, Colorado Premium Foods of Greeley, Colo.

The Division checked boxes of steaks at five of the nine Ruby Tuesdays in Massachusetts, and found steaks smaller than their advertised weight at each one. Ruby Tuesday's menus include size-specific items such as seven- and nine-ounce sirloins, and

12-ounce rib-eyes, that the restaurants purchase from Colorado Premium Foods. The Division inspected the weight of steaks at the chain after receiving a consumer complaint regarding a steak that was too small.

“This conduct is unfair to consumers, who need to trust that they are getting what they pay for,” said Barbara Anthony, the Undersecretary of the Office of Consumer Affairs and Business Regulation. “In these tight times, going out dinner is more of a luxury than in the past. It shouldn’t be a guessing game as to whether or not a meal is weighed accurately.”

After receiving the consumer complaint, the Division of Standards inspected the Ruby Tuesday restaurants and found the steaks were short weight. The Division notified the Colorado Inspection and Consumer Services Division, which inspected packages at the packing plant. Their findings confirmed the shortages as found by the Division. After receiving confirmation from Colorado officials of the short-weight packages at the packing plant, the Division issued fines for the short-weight packages shipped to the restaurants.

The Division of Standards visited Ruby Tuesdays in Swansea, where packages of seven-ounce and nine-ounce sirloins were short weight; Taunton, where packages of 12-ounce rib-eyes were underweight; Worcester, where seven- and nine-ounce sirloins were short weight; Springfield, where small lots of seven- and nine-ounce sirloins were short; and Attleboro, where seven- and nine-ounce sirloins were underweight.

“This was a coordinated effort with our colleagues in Colorado to get to the root of this problem with the distributor of the steaks,” said Charles Carroll, the Director of the Division of Standards. “Diners shouldn’t be paying prices for a certain sized meal and getting small portions.”

The Division of Standards plans on expanding its inspections in the future, checking the weights of beef in other chain restaurants in the future. The Division is part of the Patrick Administration’s Office of Consumer Affairs and Business Regulation. It enforces laws, rules and regulations relating to weights and measures, and the use of weights of measuring devices in commercial transactions.

NEWS FROM AROUND THE REGION- New York

STATE ENSURES CONSUMERS ARE PAYING FOR SEAFOOD, NOT ICE Survey Finds 11% of Seafood Packers in Violation for Inclusion of Ice in Labeled Weight

New York State Agriculture Commissioner Patrick Hooker today announced the results of a special statewide survey of seafood retailers that checked compliance with labeled weights. The survey, done in conjunction with a national investigation, found 11 percent of the surveyed seafood packers wrongfully including the weight of ice in the labeled weight for the seafood.

Seafood packers often apply a coating of ice glaze to frozen seafood prior to packaging to preserve the quality during storage and distribution. This practice is acceptable, but state and federal laws prohibit including the weight of the ice in the labeled weight of seafood. The state survey, conducted by the Department’s Division of Weights and Measures, found 185 packages out of the 1,615 inspected throughout the state in violation of state and federal law. All violations found in New York were from products packaged and labeled by out-of-state seafood packers.

“Ice is an important precaution taken in the retail sales of fish to ensure the quality and safety of the

product,” the Commissioner said. “The issue with ice is that some packers are including the weight of the ice in the product’s labeled weight, thus charging consumers the same price for ice as the seafood, which could easily be over \$10 a pound. While we did not find rampant violations at retail establishments, consumers should know that stores must either weigh the product without ice or include a tare weight for the ice that is used in packing.”

The state survey was conducted in January and February of this year, in conjunction with a national investigation, which a total of 17 states participated. In those 17 states, over 14,000 retail packages of seafood were tested. Comparisons between the states are difficult to make since packages were tested at both retail and wholesale. The worst violation in New York was a package including 30 percent ice, resulting in an additional \$2.65 being charged to the consumer. At the national level, one state found ice comprising over 40 percent of the product weight and priced \$6.09 over the actual value of the seafood. The states combined reported removing over 20,000 packages off-sale, which includes some larger wholesale lots.

Randy Jennings, Chairman of the National Conference on Weights and Measures said the seafood investigation is an example of government agencies working together effectively. "The weights and measures inspector is perhaps the least known element of daily commerce in the United States, but serves to protect buyers and sellers in every transaction. Inspectors are highly trained professionals ensuring accuracy of scales, gas pumps, taxi meters, package weights, price scanners, fuel quality, and much more.”

Weights & Measures in New York is a partnership between local agencies and the New York State Department of Agriculture and Markets. Local inspectors do the bulk of the retail inspections of store scales, gas pumps, fuel oil meters, and packaged goods. This includes over 200,000 packages weighed each year to assure accurate net weights. If consumers suspect fraud, they can contact the Department or their local weights and measures authority.

NEWS FROM AROUND THE REGION-Pennsylvania

12/16/2009 6:00:00 AM

Police find skimmers, but damage already done

Devices for stealing credit card information discovered at 2 Kingman gas stations



Erin Taylor
Miner Staff Reporter

KINGMAN - Those who paid at the pump while filling their tank at two gas stations along Beale Street in the last four months are being advised to check their credit card statements.

Citigroup and Discover credit services have identified dozens of accounts that were compromised through the use of a skimming device at the pump at the Exxon station at 999 W. Beale Street and the Chevron station across the street.

Police believe the skimming devices were installed in July, but the crooks didn't actually begin accessing the accounts until September.

Skimmers work by grabbing information off of credit



Courtesy
Authorities handle a credit card skimmer found recently in a gas pump at a station on Beale Street.

or debit cards when they are scanned at the pump or an ATM machine.

In most cases, the skimmers are wired into the card reader out of view of the patron.

The suspects then take those numbers and stamp their own credit cards, which can be used anywhere.

Card numbers stolen from the Kingman gas stations have been tracked to purchases made at Walmart, Walgreen's and various restaurants in Phoenix.

The [Kingman Police Department](#) was notified of the fraud after being contacted by a Las Vegas representative from Citigroup working out of the company's loss prevention division.

Sgt. Bob Fisk said that one of the devices was hooked into the keypad at the pump, meaning that pin numbers from debit cards could also be compromised.

The crooks gain access inside the pumps using keys that can be bought off the Internet, Fisk said. The suspects usually install the devices out of view of the clerks and oftentimes at night.

Installation takes less than a minute, Fisk said.

"In 15 seconds, they're in and done," he said.

The suspects are taking advantage of technology, using Bluetooth-enabled devices so that they can download the stolen credit card numbers remotely without having to return to the scene of the actual device.

The chances of tracking down the suspects is unlikely, Fisk said. Most credit card users are reimbursed for the fraudulent charges, meaning the companies eat the costs.

Banks and gas stations are now becoming more vigilant to the crime, Fisk said, with some owners installing alarms that go off when a pump or ATM is tampered with.

Consumers can protect themselves by paying the clerk inside and monitoring monthly statements for any red flags. Individuals should also report suspicious card readers at ATM machines and gas pumps to the property owner and police.

NIST Inspector Training Class on Packaging and Labeling
 “Tentative Agenda” **October 25-29, 2010 Peabody, MA** “Tentative Agenda”

	10/25 Monday	10/26 Tuesday	10/27 Wednesday	10/28 Thursday	10/29 Friday
10 A.M.	Welcome/Introductions Charlie Carroll??? Pre-Class Activity: Foundations FPLA Scope Definitions Requirements FDA, FTC, FDCA Cosmetics, Drugs Meat and Poultry BATF Packaging and Labeling Resources	Prominence and Placement of Information Net Quantity Declarations: SI Units Inch-pound Units Conversions: (Group Activity)	Field Trip to Local Retail Stores (Group Activity)	P&L Requirements for Non- Consumer Package Requirements Identity Net Quantity Responsibility Packaging Requirements in NIST HB 133 “Checking the Net Contents of Packaged Goods”	Class Examination: Post Assessment - David S. Practical Application of Packaging Requirements. Class Evaluation Form Certificate Presentation
	Lunch	Lunch	Lunch	Lunch	Class Ends at Noon
5 P.M.	Consumer Packaging and Labeling Requirements Declaration of Identity Parallel Declaration Declaration of Quantity Principal Display Panel & Minimum Type Sizes: (Group Activities)	Declaration of Responsibility Requirements for Specific Commodities Exemptions to Labeling Requirements Method of Sale of Regulation	Review Field Trip Special Commodities Retail Price Representations Activity: Practical Application of Requirements to Pkgs. by Mass and Volume	Class Discussion of Approach’s to Compliance & Enforcement Class Evaluation of Package Label Examples:	