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## Oral Testimony

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### Public Hearing Summary

05/04/2011 10:00 AM B-1

### Item Pricing Legislation

**Note: All testimony in support of eliminating individual item pricing testified on HB987 & SB1844, the versions of the bill crafted by House Chair Linda Dorcena Forry. All opposition test in reference to all bills.**

#### Testified in Opposition

- Deirdre Cummings, Legislative Director, MassPIRG ([Hide Testimony](#))

I personally have been working on this issue for almost longer than Sen. Rodrigues. I oppose all of these bills. Food store item pricing is longstanding and overwhelmingly popular. We don't oppose new technology, just allowing stores to offer fewer consumer benefits than they do now. When consumer info is hard to find, consumer power is compromised - and we are more easily taken advantage of. It's not a coincidence that milk is located in the back of the store.

Stores are constantly coming up with new gimmicks to get us to buy more. They may be offering good sales - or not - but we must have easy to learn, easy to compare pricing info to know. No proposed alternatives provide all of the benefits that now exist. People will make more purchasing decisions based on price, keeping the prices in the market low.

Rep. McMurtry: I'm just curious - this proposes a model that's worked in every state but Massachusetts. I wonder if the gain in customer service would outweigh the current benefits.

Cummings: Arizona switched over a few years ago and just started using shelf tags, and they became much less compliant. We are afraid that over time, compliance with disclosure will get weaker. We don't look at it as more or less.

Rep. McMurtry: Individuals who've testified have said the success of the business relies on customer service. The only people I can see getting mad about this are the manufacturers of the price guns and labels.

Sen. Rodrigues: When I am doing real comparing, I am looking at the unit price, not the item price. Consumers who want to compare accurately do unit pricing. Unless you want to add the unit price to tags too?

Cummings: We'd support that.

Sen. Rodrigues: I agree that enforcement is key. The Division of Standards has limited resources, though.

Cummings: Well, in the bill, the cap on overall fines stays the same, and the number of inspections will decrease. In that way, enforcement has gotten worse.

Rodrigues: Isn't the most fair way to do it by unit pricing?

Cummings: We simply feel this bill erodes some of the tools for consumers.

- Corey Pilz, Cambridge Consumer Council ([Hide Testimony](#))

These bills have prompted some concern among consumer advocates. It's important to draw the distinction between grocery store and retail pricing. In grocery stores, you purchase many more items and you go to the store much more frequently.

Respondents to a 7 News survey a few years back overwhelmingly support item pricing - 95% said they'd like to keep the current system. In that same survey, 9 out of 10 said they'd like to go back to item pricing in stores that have scanners. Please think back to your last shopping experience. I compared the price between the store brand and the name brand using stickers. With stickers, it's a built-in verification process. You can't check with scanners to see if you're overcharged. Are seniors and the disabled going to be able to get to scanners? We ask you to keep the consumer in mind.

- Peter Derouen, Director of Political & Legislative Affairs, UFCW Local 791 ([Hide Testimony](#))

In 2003, the AG had a hearing prior to changing the regulations for non-food retailers. They warned against the merger of food and non-food regulations. There is talk of Massachusetts being the last state - but I think that's due to a change of politics more than anything. There is a lot of talk about the job situation. The fact of the matter is - full-time workers will be forced to go part-time. I've attended these hearings for several years and this is the first I've heard of the costs of pricing guns and stickers. I think labor costs are the real thing. If there was so much to do in stores, why do we have so many full-timers at Shaw's moved to part-time involuntarily?

This would be impossible to enforce accurately. The law has served the citizens of Massachusetts well. The only winners in this are operators.

#### Testified with Comments Only

- Jack Walsh, Sealer of Weights & Measures, Town of Framingham ([Hide Testimony](#))

I think we all agree that the current law needs to be changed. We need to level the playing field - for example, health and beauty items don't need to be individually marked in other stores, but they do in supermarkets. When I testified in July of 2009, the committee saw the light on enforcement tools. The problem with price verification inspection is with

non-food stores - if I can't figure out the price, I skip it. I can't do anything about items without obvious prices. I just want to make the committee aware of that. It's also difficult to read prices as you get older. If you can't read a price, you walk away and don't purchase the product.

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