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***** PRESS RELEASE *****

Raybern Foods, LLC, to Pay \$168,000 to Settle Consumer-Protection Lawsuit

Joint Prosecution by Santa Barbara, Riverside, and Ventura County District Attorneys

Santa Barbara County District Attorney Joyce E. Dudley announced today the resolution of a consumer-protection action against Raybern Foods, LLC. Raybern Foods prepares and sells pre-packaged sandwiches through various retailers including Wal-Mart, Sam's Club, and Costco. The action was filed in Santa Barbara County Superior Court in Santa Maria. The complaint alleges that Raybern Foods sold, offered for sale, or distributed over 1,000 sandwich products in less quantity than represented on the sandwich label. Selling underweight products is a violation of California's False Advertising Law and Unfair Competition Law.

The consumer violations were discovered when the Santa Barbara County Weights & Measures Division, during a routine inspection, sampled various Raybern Foods's sandwiches. The Division coordinated with weights-and-measures departments in other counties and they determined that the violations were widespread. Within Santa Barbara, Riverside, and Ventura counties, approximately 1,170 sandwich products were ordered off-sale for violating the net-weight labeling requirements. The matter was initially referred to the Santa Barbara County District Attorney's Office, which teamed up with the Riverside and Ventura County District Attorney's Offices for a joint investigation and prosecution.

The negative consequences of short-weight products are twofold. First, consumers are harmed because one basis for product comparison is weight and they are paying for an amount of product that they are not actually receiving. Second, competitor companies are harmed because they are not on a level playing field; a company that lowers its costs by not complying with the law can charge less for its products.

Due to the cooperation of Raybern Foods and its agreement to take corrective action and pay appropriate penalties, the lawsuit was settled. In the Final Judgment by Stipulation, which was entered without admission of liability, Judge James F. Rigali ordered Raybern Foods to implement a compliance program, including the installation of automated check-weighing equipment. In addition, Judge Rigali ordered Raybern Foods to pay a total of \$168,139, divided as follows:

- \$22,209 in investigation cost recovery to the weights-and-measures divisions of multiple counties, including \$3,480 to the Santa Barbara County Weights & Measures Division;
- \$30,000 in investigation cost recovery, split equally among the Santa Barbara, Riverside, and Ventura County District Attorney's Offices;
- \$105,930 in civil penalties, split equally among the Santa Barbara, Riverside, and Ventura County District Attorney's Offices; and
- \$10,000 in *cy pres* restitution to the Consumer Protection Prosecution Trust Fund.
