

October 24, 1986

REPORT TO THE HONORABLE
MAYOR AND CITY COUNCIL
SETTLEMENT OF PEOPLE OF THE STATE OF CALIFORNIA V.
BASKIN-ROBBINS, INC.

The Consumer Fraud Unit of my office has negotiated the settlement of a civil consumer protection lawsuit it brought against Baskin-Robbins, Inc., the corporate franchisor of nearly five-hundred Baskin-Robbins Ice Cream stores in California, and thousands nationwide.

The suit involved allegations that Baskin-Robbins, through its franchises, sold hand-packed containers of ice cream in less quantity than represented. This practice was alleged to have been occurring over approximately the last twelve months throughout California. Consumer complaints to several county weights and measures departments initiated a State-wide investigation spear-headed by the California State Division of Measurement Standards, which investigation included the examination of undercover test purchases made in San Diego and many other counties.

My Consumer Fraud Unit is part of a State-wide network of consumer and environmental prosecutors' offices formed under the California District Attorney's Association. These other jurisdictions agreed to defer to my office in order to centralize the prosecution effort in this case. Under California law, the San Diego City Attorney can seek and obtain State-wide relief on behalf of all consumers throughout California. Such has been accomplished in this case with the filing of a stipulated judgment which permanently enjoins Baskin-Robbins from engaging in the prohibited practices. This judgment also required the payment of \$148,195.27 in costs and civil penalties, \$87,871.21 of which is paid directly to the City of San Diego as its share of the penalties and costs of prosecution. The balance is paid to the County of San Diego as its share of the penalties (also \$50,011.22) as required by statute, and the remainder (\$10,312.84) is paid to the participating weights and measures

departments for their costs incurred in the investigation. This judgment has been paid in full.

As you may know, I established the Consumer Fraud Unit in 1973 as a specialized section of the Criminal Division. This most recent case settlement is a fine example of how broad-based

and effective law enforcement can be accomplished through such an organization.

Respectfully submitted,
JOHN W. WITT
City Attorney

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