

Sacramento County DA Thien Ho Announces Consumer Protection Settlement with CVS



Sacramento County District Attorney's Office

Semper Justitia

Sacramento County District Attorney Thien Ho announced that the office's Consumer Protection Division along with the Santa Cruz District Attorney's Office settled a civil enforcement action against CVS Pharmacy, Inc., Longs Drug Stores California, L.L.C., and Garfield Beach CVS, L.L.C., ("CVS"). The settlement was in conjunction with the Contra Costa County, Fresno County, Marin County, Placer County, Riverside County, San Bernardino County, San Joaquin County, Shasta County, Solano County, and Yolo County District Attorneys' offices.

Retailers in California are prohibited from selling or offering for sale over-the-counter medication, baby food, or infant formula after the expiration date or "use by" date printed on the product packaging. The civil complaint, filed in Santa Cruz County Superior Court, alleged CVS sold and offered for sale expired over-the-counter medication as well as infant formula and baby food after the "use by" date during the last four years.

CVS operated 16 stores in Sacramento County and 895 stores throughout California during the investigation timeframe. Once notified by prosecutors, CVS cooperated and conducted internal checks on the expired or past "use by" dates for the prohibited products at all California stores. CVS further invested time and resources to create a program for verification of expiration dates and re-trained store personnel on checking dates. The investigation did not discover evidence that the sale of expired

products resulted in physical harm to consumers.

Without admitting or denying liability, CVS agreed to be bound by a court order which prohibits additional violations of California law relating to the sale or offer for sale of expired or past “use by” dates on over-the-counter medication, baby food, and infant formula.

As part of the judgment, CVS was ordered to pay \$6.5 million in civil penalties and investigative costs. Sacramento County will receive \$475,000 in penalties and \$8,000 in costs. An additional \$1 million in restitution will be contributed to several charitable organizations serving citizens throughout California.

District Attorney Thien Ho stated “Our Consumer Protection Division ensures that companies comply with the laws designed to protect the citizens of our communities. When a consumer purchases a product, they are entitled to trust the product is at the peak of freshness, is safe and effective, and has not exceeded the manufacturer’s pre-determined shelf life.”

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