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Office of New York State Attorney General Eliot Spitzer

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## INVESTIGATION REVEALS APPARENT MILK PRICE GOUGING

*Spitzer Notifies Retailers of Possible Enforcement Actions*

Attorney General Eliot Spitzer said today that an investigation by his office has revealed that many retailers across the state are failing to pass on historically-low milk prices to consumers and appear to be violating state law.

Over a three-day period in mid-June, investigators from the Attorney General's office conducted a statewide survey and found that dozens of stores were charging prices for milk that may be defined as "excessive" under the state's milk price gouging law.

"With prices to farmers at historic lows, retailers must answer why their milk prices continue to be so high," Spitzer said.

Investigators checked the retail price of a gallon of milk at 190 supermarkets, convenience stores and other retail shops throughout New York State. The investigation found that nearly 30 percent of the stores were selling milk at prices that exceeded the state-published "threshold price."

Unlike virtually all other products, milk is regulated by the state. State law limits the retail price for milk to 200 percent of the price of Class I fluid milk paid to farmers.

At the beginning of June, the New York State Department of Agriculture and Markets set the threshold price at \$2.44 per gallon in the New York City area and \$2.27 for the upstate region.

The stores in the metropolitan New York City region that were identified as possible violators charged an average of \$2.82 per gallon. Upstate New York stores identified as possible violators charged an average of \$2.59 per gallon of milk. Some stores were charging as much as \$3.49 per gallon.

John Lincoln, President of the New York Farm Bureau, said: "At a time when dairy farmers struggle to cut costs on their farms to help make ends meet, it is troubling to find there are some retail operations violating state law. New York farmers simply desire to work in a fair system, and I applaud Attorney General Spitzer and his office for ensuring that retail stores play by the rules."

Russ Haven, Legislative Counsel for the New York Public Interest Research Group, said: "Shame on the supermarkets for gouging consumers on the price of milk. Jacking up the retail price of milk certainly doesn't help New York's struggling farmers or encourage shoppers to choose nutritious milk over junk beverages."

The stores found selling milk above the threshold price are being sent a warning notice from the Attorney General's office and may face enforcement actions under the state's price gouging statute if they fail to reduce prices or justify the increased price as attributable to charges beyond their control.

"An additional thirty or forty cents on gallon of milk may not seem like a lot of money, but it quickly adds up for working families," Spitzer noted.

Spitzer's office conducted a similar survey of milk prices in 1999 and found that many retailers had not passed on to consumers a significant decline in the price of milk paid to farmers. After the survey was released and retailers were notified of pending enforcement actions, milk prices dropped by an average of 50 cents.

"What we have seen repeatedly is that the price of milk can be raised with incredible speed, but declines extremely slowly," Spitzer said. "This apparent manipulation of milk prices benefits only the retailers."

"Our goal is always to enhance compliance with the state's milk pricing law," Spitzer said. "The law was implemented to protect consumers and dairy farmers and must be complied with fully. "

Separately, Spitzer has proposed legislation to strengthen the state's milk pricing law by reducing the threshold price from 200 percent to 150 percent and by making other changes to facilitate enforcement.

This investigation was handled by Deputy Attorney General Marty Mack and Assistant Deputy Attorney General Christopher Walsh of the Division of Regional Offices.

### **Related Material**

- [Highest Retail Prices for Whole Milk in Upstate Region](#)
  - [Retail Prices Exceeding June 2003 Milk Threshold Price \(Upstate Region\)](#)
  - [Highest Retail Prices for Whole Milk in Metro Region](#)
  - [Retail Prices Exceeding June 2003 Milk Threshold Price \(Metro Region\)](#)
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## Highest Retail Prices for Whole Milk in Upstate Region In Descending Order

THRESHOLD PRICE: \$2.27

Price of 1Gallon of Regular Milk

rank	Store	Milk Brand	Whole	2%	1%	Skim	Code	Region
1	CVS	Crowley	\$2.99	\$2.99	\$2.99	\$2.99	36-1781	Binghamton
1	HESS- Avon	Upstate	\$2.99	\$2.99	\$2.99	\$2.79	36-1880	Binghamton
1	HESS- Geneseo	Upstate	\$2.99	\$2.99	\$2.99	\$2.79	36-1880	Rochester
1	TEMPLE'S	Husted	\$2.99	\$2.79				Syracuse
2	HESS- Binghamton	Upstate Farms	\$2.89	\$2.69	\$2.69	\$2.69	36-1880	Binghamton
3	KWIK FILL- Buffalo	Meadow Brook	\$2.75	\$2.59			42030-A4,A2	Buffalo
4	HESS- Johnson City	Upstate Farms	\$2.69	\$2.69	\$2.69	\$2.69	36-1880	Binghamton
4	SUNOCO	Crowley (sale)	\$2.69	\$1.99	\$1.99	\$1.99	B-0718	Binghamton
4	MIGHTY MART Endicott	Crowley (sale)	\$2.69	\$1.99	\$1.99	\$1.99	B-1342	Binghamton
4	MIGHTY MART Vestal	Crowley	\$2.69	\$1.99	\$1.99	\$1.99	36-1781	Binghamton
4	MIGHTY MART Bing.	Crowley	\$2.69	\$1.99	\$1.99	\$1.90	36-1781	Binghamton
4	CITGO	Crowley	\$2.69	\$2.29	\$2.29	\$2.29	B-1214	Binghamton
4	QUICKWAY	Crowley	\$2.69	\$2.29	\$2.29	\$2.29	36-1781	Binghamton
4	KWIK FILL Fredonia	Meadow Brook	\$2.69	\$2.59			42030a1	Buffalo
4	NICE N'EASY Rome	Crowley	\$2.69			\$2.69	36-1781	Utica
4	NICE N'EASY Utica	Crowley	\$2.69			\$1.99	B1505	Utica
4	NICE N'EASY	Crowley	\$2.69			\$1.89	B1501, B1601	Watertown
5	HESS - Endicott	Upstate Farms	\$2.65	\$2.59	\$2.59	\$2.59	36-1880	Binghamton
6	BIG M	Big M	\$2.55	\$1.89			36-1880	Plattsburgh
7	WAL-MART	Great Value	\$2.43	\$2.38	\$2.24	\$2.16	35187-188-189	Syracuse
8	HONEOYE FALLS	Upstate	\$2.41	\$2.41	\$2.41	\$2.41	36-1880	Rochester
9	STEWART'S Cropseyville	Stewart's	\$2.39	\$2.39	\$2.39	\$2.39	36-2151	Albany
9	STEWART'S 100 N Dr	Stewart's	\$2.39	\$2.39	\$2.39	\$2.39	36-2151	Albany
9	STEWART'S 985 Hoos.	Stewart's	\$2.39	\$2.39	\$2.39	\$2.39	36-2151	Albany
9	BIG M	Big M&Upstate	\$2.39	\$2.29	\$2.29	\$2.29	36-1781	Utica

THRESHOLD PRICE: \$2.27

**Price of 1Gallon of Regular Milk**

rank	Store	Milk Brand	Whole	2%	1%	Skim	Code	Region
9	STEWART'S	Stewart's	\$2.39	\$2.39	\$2.39	\$2.39	36-2151	Watertown
10	RUSH DELI	Upstate	\$2.29	\$1.89	\$1.89	\$1.89	36-1880	Syracuse
10	STEWART'S Clifton	Stewart's	\$2.29	\$2.29	\$2.29	\$2.29	36-2151	Albany
10	HANNAFORD E Greenbush	Hannaford	\$2.29	\$2.29	\$2.29	\$2.29	36-1370	Albany
10	HANNAFORD Troy	Hannaford	\$2.29	\$2.29	\$2.29	\$2.29	36-1376	Albany
10	HANNAFORD Wyantskill	Hannaford	\$2.29	\$2.29	\$2.29	\$2.29	36-1376	Albany
10	HANNAFORD Latham	Hannaford	\$2.29	\$2.29	\$2.29	\$2.29	36-1376	Albany

**Retail Prices Exceeding June 2003 Milk Threshold Price**  
**UPSTATE REGION THRESHOLD PRICE- \$2.27**

Prices for 1 Gallon Jugs of Regular Milk						
Store	Milk Brand	Whole	2%	1%	Skim	Code

**ALBANY**

<b>STEWART'S</b> Cropseyville	<b>Stewart's</b>	\$2.39	\$2.39	\$2.39	\$2.39	36-2151 (2.17 if club member)
<b>STEWART'S</b> Troy- 100 N Drive	<b>Stewart's</b>	\$2.39	\$2.39	\$2.39	\$2.39	36-2151 (2.17 if club member)
<b>STEWART'S</b> Troy- 985 Hoosick	<b>Stewart's</b>	\$2.39	\$2.39	\$2.39	\$2.39	36-2151 (2.17 if club member)
<b>STEWART'S</b> Clifton	<b>Stewart's</b>	\$2.29	\$2.29	\$2.29	\$2.29	36-2151
<b>HANNAFORD</b> E Greenbush	<b>Hannaford</b>	\$2.29	\$2.29	\$2.29	\$2.29	36-1370
<b>HANNAFORD</b> Troy	<b>Hannaford</b>	\$2.29	\$2.29	\$2.29	\$2.29	36-1376
<b>HANNAFORD</b> Wyantskill	<b>Hannaford</b>	\$2.29	\$2.29	\$2.29	\$2.29	36-1376
<b>HANNAFORD</b> Latham	<b>Hannaford</b>	\$2.29	\$2.29	\$2.29	\$2.29	36-1376

**BINGHAMTON**

<b>HESS</b> Endicott	<b>Upstate Farms</b>	\$2.65	\$2.59	\$2.59	\$2.59	36-1880
<b>HESS</b> Johnson City	<b>Upstate Farms</b>	\$2.69	\$2.69	\$2.69	\$2.69	36-1880
<b>HESS</b> Binghamton	<b>Upstate Farms</b>	\$2.89	\$2.69	\$2.69	\$2.69	36-1880
<b>SUNOCO</b>	<b>Crowley (sale)</b>	\$2.69	\$1.99	\$1.99	\$1.99	B-0718
<b>MIGHTY MART</b> Endicott	<b>Crowley (sale)</b>	\$2.69	\$1.99	\$1.99	\$1.99	B-1342
<b>MIGHTY MART</b> Vestal	<b>Crowley</b>	\$2.69	\$1.99	\$1.99	\$1.99	36-1781
<b>MIGHTY MART</b> Binghamton	<b>Crowley</b>	\$2.69	\$1.99	\$1.99	\$1.90	36-1781
<b>CITGO</b>	<b>Crowley</b>	\$2.69	\$2.29	\$2.29	\$2.29	B-1214
<b>QUICKWAY</b>	<b>Crowley</b>	\$2.69	\$2.29	\$2.29	\$2.29	36-1781
<b>CVS</b>	<b>Crowley</b>	\$2.99	\$2.99	\$2.99	\$2.99	36-1781

**Retail Prices Exceeding June 2003 Milk Threshold Price**  
**UPSTATE REGION THRESHOLD PRICE- \$2.27**

		Prices for 1 Gallon Jugs of Regular Milk				
Store	Milk Brand	Whole	2%	1%	Skim	Code

**BUFFALO**

<b>KWIK FILL</b> Fredonia	<b>Meadow Brook</b>	\$2.69	\$2.59			42030-A1,A3
<b>KWIK FILL</b> Buffalo	<b>Meadow Brook</b>	\$2.75	\$2.59			42030-A4,A2

**PLATTSBURGH**

<b>BIG M</b>	<b>Big M</b>	\$2.55	\$1.89			36-1880
	<b>Hood</b>	\$2.69	\$2.59	\$2.55	\$2.59	50-13
	<b>Upstate Farms</b>			\$1.89	\$1.89	36-1880

**ROCHESTER**

<b>HESS</b> Avon	<b>Upstate</b>	\$2.99	\$2.99	\$2.99	\$2.79	36-1880
<b>HESS</b> Geneseo	<b>Upstate</b>	\$2.99	\$2.99	\$2.99	\$2.79	36-1880
<b>HONEOYE FALLS</b>	<b>Upstate</b>	\$2.41	\$2.41	\$2.41	\$2.41	36-1880
<b>RUSH DELI</b>	<b>Upstate</b>	\$2.29	\$1.89	\$1.89	\$1.89	36-1880

**SYRACUSE**

<b>WAL-MART</b>	<b>Great Value</b>	\$2.43	\$2.38	\$2.24	\$2.16	35187-188-189
	<b>Byrne Dairy</b>	\$2.57	\$2.27	\$2.27	\$2.18	
<b>TEMPLE'S</b>	<b>Byrne Dairy</b>			\$2.79	\$2.79	
	<b>Husted</b>	\$2.99	\$2.79			

**UTICA**

<b>NICE N'EASY</b> Rome	<b>Nice N'Easy</b>		\$1.89	\$1.89		36-1781
	<b>Crowley</b>	\$2.69			\$2.69	36-1781
<b>NICE N'EASY</b> Utica	<b>Nice N'Easy</b>		\$1.89	\$1.89		B0920
	<b>Crowley</b>	\$2.69			\$1.99	B1505
<b>BIG M</b>	<b>Big M</b>	\$2.39	\$2.29	\$2.29	\$2.29	36-1781
	<b>Upstate Farms</b>	\$2.39	\$2.29	\$2.29	\$2.29	

**WATERTOWN**

<b>NICE N'EASY</b>	<b>Crowley</b>	\$2.69			\$1.89	B1501, B1601
<b>STEWART'S</b>	<b>Stewart's</b>	\$2.39	\$2.39	\$2.39	\$2.39	36-2151

## Highest Retail Prices for Whole Milk in Metro Region In Descending Order

THRESHOLD PRICE: \$2.44

Price of 1Gallon of Regular Milk

rank	Store	Milk Brand	Whole	2%	1%	Skim	Code	Region
1	MOBIL	Crowley	\$3.49	\$2.49	\$2.49	\$3.49	36-1376	Poughkeepsie
2	D'AGOSTINO	Farmland	\$3.47	\$3.47	\$3.47	\$3.47	34-0705	Harlem
3	GRISTEDE'S 86 <sup>th</sup> & Lex	Tuscan	\$3.19	\$3.19	\$3.19	\$3.19	34-0670, 36-7999	Harlem
4	FOOD EMPORIUM Greenwich St	America's Food	\$3.09	\$3.09	\$2.99	\$2.99	36-7999	Harlem
5	MOBILE MART (prices asked for)	Tuscan	\$3.00	\$3.00	n/a	n/a	34-0670, 36-7999	Westchester
6	A-PLUS	Tuscan	\$2.99	\$1.99 <small>(sale)</small>	\$2.99	\$2.99	34-0670, 36-7999	Westchester
6	C TOWN	Parmalat	\$2.99	\$2.99	\$2.99	\$2.99	36-7914	Nassau
7	C TOWN	Parmalat	\$2.89		\$2.89		36-7914	Brooklyn
7	GRISTEDE'S 3 <sup>rd</sup> Ave.	Tuscan	\$2.89	\$2.89	\$2.89	\$2.89	34-0670, 36-7999	Harlem
7	FOOD EMPORIUM B'Way & 90th	America's Food	\$2.89	\$2.89	\$2.89	\$2.89	36-7999	Harlem
		Elmhurst				\$2.89	36-7999	
7	SEVEN- ELEVEN	Tuscan	\$2.89	\$2.89	\$2.89	\$2.89	34-0670, 36-7999	Westchester
8	C TOWN- B'Way	Hygrade	\$2.79	\$2.79	\$2.79	\$2.79	36-8269	Harlem
9	SUNOCO- Plank	Byrne Dairy	\$2.69	\$2.29	\$2.29	\$2.69	36-3661	Poughkeepsie
9	HESS EXPRESS	Upstate	\$2.69	\$1.99	\$1.99	\$1.99	36-1880	Westchester
10	SEVEN ELEVEN	Tuscan	\$2.65		\$2.65		34-0670, 36-7999	Brooklyn
10	SEVEN ELEVEN	Tuscan	\$2.65				34-0670	Nassau
10	SEVEN ELEVEN	Tuscan	\$2.65	\$2.65	\$2.65	\$2.65	34-0670, 36-7999	Suffolk
11	DUANE READE	Parmalat	\$2.61	\$2.61	\$2.61	\$2.61	36-7914	Westchester
12	A & P	America Choice	\$2.57	\$2.57	\$2.57	\$2.57	34-0705	Westchester
13	PATHMARK	Farmland	\$2.54	\$2.54			34-0705	Brooklyn
14	WALDBAUMS E. Meadow	America Choice	\$2.51	\$2.51	\$2.51	\$2.51	36-3687	Nassau
14	WALDBAUMS Carle Place	America Choice	\$2.51	\$2.51	\$2.51	\$2.51	36-3687	Nassau
15	C TOWN - Ave. D	Hygrade	\$2.49	\$2.49	\$2.49	\$2.49	1041 ?	Harlem
15	SUNOCO - 17M	Byrne Dairy	\$2.49	\$2.49	\$2.49	\$2.49	36-3661	Poughkeepsie

**Retail Prices Exceeding June 2003 Milk Threshold Price**  
**METRO REGION THRESHOLD PRICE- \$2.44**

Prices for 1 Gallon Jugs of Regular Milk						
Store	Milk Brand	Whole	2%	1%	Skim	Code

**BROOKLYN**

<b>SEVEN ELEVEN</b>	<b>Tuscan</b>	\$2.65		\$2.65		A-34-0670, B-36-7999
<b>C TOWN</b>	<b>Parmalat</b>	\$2.89		\$2.89		36-7914
<b>PATHMARK</b>	<b>Farmland</b>	\$2.54	\$2.54			34-0705

**HARLEM**

<b>GRISTEDE'S</b> 3 <sup>rd</sup> Ave.	<b>Tuscan</b>	\$2.89	\$2.89	\$2.89	\$2.89	34-0670, 36-7999
<b>GRISTEDE'S</b> 86 <sup>th</sup> & Lex	<b>Tuscan</b>	\$3.19	\$3.19	\$3.19	\$3.19	34-0670, 36-7999
<b>FOOD EMPORIUM</b> Greenwich St	<b>America's Food Choice</b>	\$3.09	\$3.09	\$2.99	\$2.99	36-7999
<b>FOOD EMPORIUM</b> B'Way & 90th	<b>America's Food Choice</b>	\$2.89	\$2.89	\$2.89	\$2.89	36-7999
	<b>Elmhurst</b>				\$2.89	36-7999
<b>C TOWN</b> Ave. D	<b>Hygrade</b>	\$2.49	\$2.49	\$2.49	\$2.49	1041 ?
<b>C TOWN</b> B'Way	<b>Hygrade</b>	\$2.79	\$2.79	\$2.79	\$2.79	36-8269
<b>D'AGOSTINO</b>	<b>Farmland</b>	\$3.47	\$3.47	\$3.47	\$3.47	34-0705

**NASSAU**

<b>SEVEN ELEVEN</b>	<b>Tuscan</b>	\$2.65				34-0670
<b>WALDBAUMS</b> E. Meadow	<b>America's Choice</b>	\$2.51	\$2.51	\$2.51	\$2.51	36-3687
<b>WALDBAUMS</b> Carle Place	<b>America's Choice</b>	\$2.51	\$2.51	\$2.51	\$2.51	36-3687
<b>C TOWN</b>	<b>Parmalat</b>	\$2.99	\$2.99	\$2.99	\$2.99	36-7914



**Retail Prices Exceeding June 2003 Milk Threshold Price**  
**METRO REGION THRESHOLD PRICE- \$2.44**

Prices for 1 Gallon Jugs of Regular Milk						
Store	Milk Brand	Whole	2%	1%	Skim	Code

**POUGHKEEPSIE**

<b>MOBIL</b>	<b>Crowley</b>	\$3.49	\$2.49	\$2.49	\$3.49	36-1376
<b>SUNOCO Plank</b>	<b>Byrne Dairy</b>	\$2.69	\$2.29	\$2.29	\$2.69	36-3661
<b>SUNOCO 17M</b>	<b>Byrne Dairy</b>	\$2.49	\$2.49	\$2.49	\$2.49	36-3661

**SUFFOLK**

<b>SEVEN ELEVEN</b>	<b>Tuscan</b>	\$2.65	\$2.65	\$2.65	\$2.65	34-0670, 36-7999
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**WESTCHESTER**

<b>A &amp; P</b>	<b>American Choice</b>	\$2.57	\$2.57	\$2.57	\$2.57	34-0705
<b>SEVEN-ELEVEN</b>	<b>Tuscan</b>	\$2.89	\$2.89	\$2.89	\$2.89	34-0670, 36-7999
<b>DUANE READE</b>	<b>Parmalat</b>	\$2.61	\$2.61	\$2.61	\$2.61	36-7914
<b>HESS EXPRESS</b>	<b>Upstate Farms</b>	\$2.69	\$1.99	\$1.99	\$1.99	36-1880
<b>A-PLUS</b>	<b>Tuscan</b>	\$2.99	\$1.99 <small>(sale from \$2.99)</small>	\$2.99	\$2.99	34-0670, 36-7999
<b>MOBILE MART</b> <small>(prices asked for)</small>	<b>Tuscan</b>	\$3.00	\$3.00	n/a	n/a	34-0670, 36-7999