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For Immediate Release

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DA Issues COVID Test and Price Gouging Warning Amid Omicron Surge

San Diego County District Attorney Summer Stephan warned the public today to steer clear of unapproved at-home COVID-19 tests as people become increasingly desperate to get tested for the Omicron variant of the coronavirus.

Scammers are always waiting for their next opportunity to take financial advantage of unsuspecting consumers and the shortage of COVID-19 tests is no different.

“Before you click the add-to-cart button on that website claiming to sell legitimate self-testing kits, know how to spot red flags so you don’t become a different kind of COVID-19 statistic,” DA Stephan said.

The Federal Trade Commission has issued a list of tips on how to vet at-home tests:

- Only buy tests authorized by the FDA.
- Check the FDA’s lists of antigen diagnostic tests and molecular diagnostic tests before buying, to find the tests authorized for home use. (EUA is “emergency use authorization.”)
- Check out a seller before you buy, especially if you’re buying from a site you don’t know. Search online for the website, company, or seller’s name plus words like “scam,” “complaint,” or “review.”
- Compare online reviews from a wide variety of websites. You can get a good idea about a company, product, or service from reading user reviews on various retail or shopping comparison sites.
- Think about the source of the review. Consider whether the review is coming from an expert organization or an individual customer.
- When buying online, pay by credit card. If you’re charged for an order you never got, or for a product that is not as advertised, you can dispute the charge with your credit card company.
- If you have been scammed, report it directly the FTC (www.reportfraud.ftc.gov) or contact the DA’s consumer protection team at consumer@sdca.org.

If you are looking for an in-person test site, San Diego County [provides a list of authorized free test sites](http://www.sandiegocounty.gov) on its website (www.sandiegocounty.gov).

Finally, since Governor Newsom’s executive order declares a state of emergency through March 31, 2022, the price gouging laws will be in effect until the end of April. The order prohibits sellers from increasing prices on test kits by more than 10% if they had been selling them as of December 1, 2021, unless they can prove their costs have increased. Anyone who began selling tests after December 1, 2021 may not charge 50% greater than what they paid for the kit themselves. A [new law](#) that the San Diego District Attorney’s Office co-sponsored expands the price gouging laws to online purchases.

“We will continue to use all the tools at our disposal to protect our community against fraudulent COVID schemes, fraud and price gouging” DA Stephan said.

To report an incident of price gouging or a fake or suspicious testing site, you can call the San Diego District Attorney consumer hotline at (619) 531-3507 or by email at consumer@sdcca.org.

The Consumer Protection Unit is comprised of Deputy District Attorneys, Investigators and Paralegals dedicated to protecting consumers and law-abiding businesses from fraudulent or unfair business practices.

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About the San Diego County District Attorney’s Office

The San Diego County DA’s Office prosecutes all felony crimes in the county and misdemeanor crimes committed outside the City of San Diego. The office files about 40,000 criminal cases a year and balances prosecution with numerous crime prevention programs. District Attorney Summer Stephan leads the office of more than 1,000 dedicated employees who pursue fair and equal justice, and support victims daily across San Diego County.