How Consumers Can Protect Themselves from False Advertising in Retail

Char Pagar, partner with the Advertising, Marketing & Promotions Group with VLP Law Group, was recently featured in the Q&A article on *IPWatchdog.com,* “How Consumers Can Protect Themselves from False Advertising in Retail.”

The article centers on a false advertising lawsuit brought against Neiman Marcus over their Last Call stores. The suit claims that the merchandise sold in Last Call stores is not in fact the same high-end merchandise sold in Neiman Marcus stores – despite the “compare to” price tags. The lawsuit claims that this technique of using “compare to” price tags leads consumers to believe they are paying a lower price for merchandise they would normally find in a Neiman Marcus store at a premium price tag. The case was dismissed in 2014, but has now been revived by the Ninth Circuit and returned to the District Court.

Char Pagar discussed this case with IP Watchdog, stating, “Many other retailers are already currently facing putative class action cases as well as regulatory challenges alleging that the retailers’ discount/sale pricing claims are deceptive. This decision provides more support to the challengers in those cases, and is likely to cause concern among those retailers who currently face such challenges as well as among other retailers who haven’t (yet) faced such a challenge.”

“Pricing issues are one area where consumers have an excellent ability to make prudent marketplace decisions for themselves,” says Ms. Pagar. Through the use of comparison shopping, consumers can develop an understanding of the product that they are searching for and how this product is valued.

Click here to read the full article.