

In The News

# Ellen Robbins and Scott Allbright Caution Retailers About Discounts in *Chain Store Age* Article

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In a new article published by *Chain Store Age*, Akerman litigators Ellen Robbins and Scott Allbright highlight a recent increase in class action lawsuits alleging retailers are misleading customers with “fake discounts.”

These claims arise when retailers advertise a product at a “sale” price compared to a higher “regular” or “original” price. The lawsuits claim these higher prices are fictitious, as the products were never sold at the “regular” price. Plaintiffs’ lawyers claim that retailers are misleading consumers by implying they are receiving a deal at the discounted price, when in fact they are just paying effectively a perennially discounted price.

“Given the increase in false reference price class actions along with growing damages, it is crucial to take steps to avoid them, and proactively mitigate the damage exposure if you get sued,” the pair write.

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Scott E. Allbright, Jr.  
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