

Consumers File Class Action Suit Against Jos. A. Bank over Sale Pricing

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This week, consumers filed a class action [lawsuit](#) against JoS. A. Bank, alleging that the clothing company engages in deceptive advertising by misrepresenting its regular and sales prices, in violation of New Jersey law.

The plaintiffs allege that JoS. A. Bank has promoted a continuous stream of back-to-back sales, and that by using phrases such as “2 Days Only,” “Final Day,” and “Final Hours,” the company misleads consumers into believing merchandise will return to its regular price at the end of the sale. However, the merchandise never returns to its regular price, as the company immediately places it back on sale under different terms. The plaintiffs allege that this practice is deceptive because it creates the false impression that consumers are being offered a discount.

This is not the first time JoS. A. Bank has come under fire for deceptive promotional pricing. In 2004, New York Attorney General Elliot Spitzer investigated allegations that the company engaged in deceptive sales tactics. The company [settled the investigation](#), agreeing to change its advertising practices.

As we’ve [mentioned before](#), states remain dedicated to enforcing their deceptive trade and consumer fraud statutes. Companies should continue to review their promotional pricing practices to avoid deceptive pricing lawsuits.