

# Washington AG Targets Grocery Stores Over BOGO Offers

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“Buy One, Get One Free” promotions can be a good way to entice consumers who are looking for deals, but those promotions can lead to legal headaches if the math behind the deals doesn’t add up.

Last week, Washington Attorney General Nick Brown filed a lawsuit against Albertsons Companies—the parent company of Safeway, Albertsons, and Haggen grocery stores—alleging that the grocery stores used deceptive “BOGO” promotions that overcharged consumers across the state.

According to the complaint, the stores advertised BOGO deals on various products while quietly increasing the price of the “buy one” item in the weeks or months before the promotion. After the promotion ended, the prices were allegedly reduced to pre-promotion levels.

For example, the complaint alleges that one store increased the price of olive oil by 57% ahead of a BOGO promotion before dropping it back to the original price after the promotion ended. The AG argues that these promotions trick consumers into thinking that they’re getting a better deal than they are. Although they may get an item for “free,” they are paying an inflated price for another.

The AG estimates that the grocery stores overcharged Washington consumers on more than 3 million transactions, resulting in approximately \$19.7 million in revenue from deceptive promotions. The AG wants the court to stop the grocery stores’ use of deceptive promotions, provide restitution to Washington consumers, and pay civil penalties for each violation of state law as well as pre-judgment interest.

This case fits squarely within a renewed regulatory enforcement focus on pricing transparency at a time when grocery costs are top of mind for consumers. Pricing issues are also becoming a focus in the wave of email marketing lawsuits that we’ve [written about](#). For more information on those, you can register for our [webinar on May 12](#).