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ADVOCATE CALLS ON LOWE'S TO PULL MISLEADING TV AD

(BOSTON) -- Consumer World called on Lowe's on Monday to pull an allegedly misleading national television commercial. The ad claimed that appliances \$396 and up were 20% off when, according to the ad's own fine print, virtually all major brands were only discounted by half that amount.

The [advertisement](#), which began airing around August 10, including being prominently featured at the beginning of *60 Minutes* this week, orally promised, "Now get 20% off appliances \$396 or more at Lowe's." The miniscule fine print, however, seemingly contradicted the claim by excluding all the top brands from the 20% off offer: "Whirlpool, Maytag, KitchenAid, Amana, GE, LG, Samsung, Frigidaire, Electrolux and Bosch brands limited to a maximum 10% discount, unless otherwise shown. See store for more details and more exclusions."



[Click ad to view commercial](#)

"Who advertises a big 20% off appliance sale and then hides in 'mouse print' that all the most popular brands are excluded?" questioned Consumer World founder Edgar Dworsky. "What's 20% off? Hotpoint?"

In fact, Hotpoint, Haier, Premier, Sharp and Tappan appliances are also sold at Lowe's, but a review of their website reveals that they appear to be only discounted by 10% as well.

That review also confirmed that indeed many of the excluded appliances are only 10% off, but despite the ad's disclaimer, many others are discounted by at least 20%. The actual discount offered on still other appliances was zero for certain elite brands or could not be determined because the Lowe's regular price was not listed on its website.

After several days of foot-dragging, Lowe's finally notified Consumer World on Wednesday that it pulled the ad and said that "There was a misstep in the editing process with this spot and we are updating it to state 'up to 20% off.'" Dworsky suggested additional language because merely adding the words "up to" would not fully correct the ad. It is unclear if Lowe's accepted the additional recommendations.

The legal issue posed by the ad was that it made a broad oral claim with the only seeming qualification to get the 20% discount being that the appliance had to be priced over \$395. However, the fine print attempted to severely limit the applicability of the brands covered and the amount of the discount.

According to the Federal Trade Commission's [enforcement policy](#) on deceptive advertising, fine print disclosures generally cannot be used to negate the primary claim:

Advertisements often contain fine-print footnotes or video superscripts that attempt to disclaim, limit, modify, or explain claims made elsewhere in the ad. Advertisers cannot use fine print to contradict other statements in an ad or to clear up misimpressions the ad would otherwise leave.

To help ensure that Lowe's does not repeat this type of bait advertising, Consumer World has filed complaints with the Federal Trade Commission, the National Advertising Division of the Council of Better Business Bureaus, and the Massachusetts Attorney General's office.

Consumer World[®], launched in 1995, is a Boston-based, public service consumer resource guide with over 2000 links to everything "consumer" on the Internet. **Edgar Dworsky**, the founder and editor of ConsumerWorld.org and MousePrint.org (a site devoted to exposing the strings and catches in the fine print of advertising), is a former Assistant Attorney General in the Consumer Protection Division of the Massachusetts Attorney General's Office.

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