



Key Update:

- Washington consumers filed a proposed class-action lawsuit against Old Navy, accusing the retailer of sending customers emails with incorrect information regarding the duration of promotions and sales.
- The emails allegedly advertised that products were on sale for a limited time or that discounts were available for a last-chance offer, when in fact, the sales continued beyond those time frames.

According to the [complaint](#), Old Navy sent emails indicating that customers had a final opportunity to receive a discount. However, the plaintiffs claim that they received emails the next day promoting the same discount. The plaintiffs complain that the emails contained images of ticking clocks and phrases urging recipients to act

quickly, even when there was no genuine urgency.

The plaintiffs claim that Old Navy's actions violate both the Consumer Protection Act of Washington and the state's Commercial Electronic Mail Act. They are suing for \$500 in statutory damages for each email that violates the latter.

The FTC has [expressly stated](#) that creating a false sense of urgency is a form of dark patterns.

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