

One day sales - be on your guard!

One day sales, offering goods for sale at bargain prices, are on the increase. Some may be genuine, but the vast majority are not. This guide is designed to give you the information you need to avoid being ripped off.

What is a one day sale?

One day sales are often run by slick, well-practised sellers and a team of assistants, who are expert in taking advantage of a buyer's love of a bargain.

Typically, sellers are not local. They will hire a venue, such as a church hall or hotel, or take a short-term lease on an empty shop, in order to hold the sale.

Most people are tempted to attend a sale by the lure of huge discounts on brand named goods, which are often electrical, advertised on leaflets distributed only a few days before the sale, or even on the day of the sale itself. Sellers may take out advertisements in local newspapers, possibly describing the event as a bankrupt stock or a warehouse clearance sale.

The sellers' assistants may begin the process of whipping up excitement for the sale even before it has commenced by 'working' the queue of people waiting to enter the saleroom, chatting to them and building up the anticipation.

The seller usually conducts the sale from behind an elevated counter and, invariably, the goods are hidden from view so as not to allow the crowd to see beforehand what they are buying. Sometimes the potential buyers will pay to be 'locked' into the saleroom, fully expecting that only they will be the lucky recipients of a bargain. The seller may give 'sweetener' goods away, or sell them at very low prices. This process is designed to heighten the anticipation of the crowd, and prime them for the commencement of the actual sale.

A common practice is for the seller to use his assistants to pose as customers to mingle with the unsuspecting audience and then 'sells' genuine goods to them to reinforce the illusion that there are bargains to be had. The seller continues with his cleverly worded sales patter and, by this stage, the audience can be so desperate to buy their bargain that they will hold their money in the air for the assistants to take, or even ask to be allowed out of the saleroom to visit their bank for more cash. He/she is usually very adept at staying just within the law, and avoiding the commission of any criminal offences such as wrongly describing goods, or conducting a mock auction. The buyers are given their 'bargains', although they are not usually allowed to inspect them straight away. They invariably turn out to be shoddy, inferior or counterfeit goods, or even empty boxes, and certainly not the top brand bargains that the buyers were hoping for. The buyers are usually ushered out of the saleroom and not allowed back in. At this point, grim reality hits home and they realise that they have been conned.

Will the law protect me?

When you buy goods from a trader, you are making a legally binding contract, and the laws you can look to for protection are the Sale of goods Act 1979, as amended by the Sale and Supply of Goods Act 1994, and the Sale and Supply of Goods to Consumers Regulations 2002. You are entitled to expect that the goods are:

- **of satisfactory quality.** This means that they should work and also be free from minor defects. The appearance and finish of the goods, their price and other relevant factors can also be taken into account when assessing whether they are considered to be of satisfactory quality. They should also be durable and safe;
- **fit for their intended purpose and any purpose made known to the trader.** This means that as well as the goods performing as they were designed to do, they should also be suitable for a purpose, which you brought to the attention of the trader, and which the trader agreed they were suitable for.
- **as described.** This means that any description given, whether it is on the label attached to the goods, in an advertisement or a description given by the trader, has to be accurate.

It may be virtually impossible, however, for you to enforce your rights after you have bought from a one day sale, unless it is a genuine one. A disreputable seller and his team will have packed up and gone, and be extremely difficult to trace.

Ideally, you should leave your credit card at home but, if you paid for the goods by credit card, and if the item in question costs more than £100, you are protected by the Consumer Credit Act 1974. Section 75 of the Consumer Credit Act 1974 makes the credit company as responsible as the trader for a breach of contract or a misrepresentation. You are entitled to take action against the trader, the credit company or both. This does not apply to charge cards or debit cards.

The Consumer Protection from Unfair Trading Regulations 2008 make it an offence to mislead consumers by omitting (or giving misleading) information, misdescribing goods, or engaging in unduly aggressive sales practices. These offences can be investigated by Trading Standards, but it can be difficult to successfully prosecute unscrupulous traders.

If you find out that a sale is due to take place where you live, or if you have attended a sale and are dissatisfied, visit [the Consumer Direct website](#) or telephone 08454 04 05 06.

How can I avoid being ripped off?

- Check the advertisement or leaflet. Ask yourself who is holding the sale and whether or not you have heard of them. Make sure you have a genuine address where you can contact the seller if you need to.
- Why are the goods so cheap? Always check beforehand to make sure that the goods you intend to buy are the top brands you are expecting them to be. They may be cheap and shoddy inferior makes.
- It is always good practice to shop around to see if the bargain is as good as it sounds.
- Ask the seller or his assistants why the goods advertised in the leaflet are not on display. Never buy goods which you have not seen. If the seller is unhelpful, take it as a warning that something is not quite right.
- Don't get caught up in the buying frenzy - keep your wits about you and listen to what the seller is **actually** saying.
- Don't assume that the goods are in working order; try and check them as soon as possible.
- Always report complaints to Consumer Direct. They will be able to offer practical advice, and possibly refer the matter to your local Trading Standards Service for further investigation.
- Don't go to the sale.

Remember; if it sounds too good to be true, it usually is.

Please note

This leaflet is not an authoritative interpretation of the law, and is intended only for guidance. For further information, [visit the Consumer Direct website](#), or telephone 08454 040506.

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