

State Suit Against Sleeping Bag Co.-

Consumer Protection Case Against Beaverton, Ore. Firm

The State of Alaska has filed its first consumer protection suit, seeking not less than \$25,000 in penalties against a mail order firm which the state claims has "misled and deceived Alaskan buyers," Attorney General John E. Havelock said.

The suit was filed against the Alaska Sleeping Bag Company of Beaverton, Oregon, "because it is the Department of Law's responsibility to prevent unfair trade practices and to protect consumers," Havelock said.

The action was filed in Superior Court in Juneau early last week on the basis of consumer protection legislation that took effect in September 1970.

"Preparation of the suit began after initial state action on complaints against the company this spring did not lead to satisfactory results," Havelock said.

The State's consumer protection suit against the catalog order firm says it has "failed to fill orders placed by Alaskan customers, and has frequently

utilized unresponsive, deceptive, and misleading statements as to the status of customers' orders."

It continues, "When orders have been filled, defendant has in some instances taken months to fill them, and has then done so only under threat of legal action."

The company also consistently refused to acknowledge refunds, the complaint said, and it often failed to make refunds on those few occasions when it did

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Sleeping Bag Co. ...

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send an acknowledgement.

Affidavits from 12 Alaskan consumers supporting the charges were submitted with the complaint.

The State is seeking a preliminary injunction against the company to bar it from continuing the unlawful practices it is accused of.

It is also seeking to permanently enjoin the company from engaging in "advertising practices which by omission and misrepresentation mislead and deceive purchasers residing in the State of Alaska."

Further, the State asks the court to prevent the company from using any catalog or other sales literature in Alaska during the next two years that does not contain a statement setting forth the number of back-ordered or unfilled orders received between September 25, 1970 and September 25, 1971, and state the number of refund requests and exchange requests received during the same period.

The State asks that the statement be on the inside cover of any catalog and prominent on any other flyer, and in the same size type predominantly used in the remainder of the copy.

The state charged that Alaska Sleeping Bag Company's failure to deliver on orders for its advertised goods "has placed a heavy burden upon those Alaskan living in remote areas who must depend on defendant's representations as to prompt delivery of its many items specially designed for the extreme seasonal weather which is experienced in the State of Alaska."

Under Alaska's consumer protection law it is illegal to "advertise goods or services with intent not to supply reasonable expectable public demand, unless the advertisement prominently discloses a limitation of quantity..."

"It appears clear that Alaska Sleeping Bag Company has not maintained an adequate inventory of goods advertised as required by Alaska law," a supportive memorandum filed with the

complaint said.

The memorandum continued: "The company repeatedly answered inquiries with helpful sounding putoffs, attempting to avoid settlement or service.

"It answered inquiries about slow service on orders with form letters and form post cards that said it was 'checking' its files on the status of the order.

It said the customer would hear further from it 'soon,' when actually these cards and letters did not lead to answers or service."

The result, the memorandum said, is that Alaskan consumers "have had to make substitute purchases or go without, while their money was still held by Alaska Sleeping Bag Company."

It said that some of those people who submitted affidavits "apparently still have not received refunds, although the company's advertising claimed refunds would be paid in the case of the slightest dissatisfaction."

The State's consumer protection law also makes it illegal to use or employ "any deception, fraud, false pretense, false promise, misrepresentation," or to conceal, suppress, or omit any relevant facts in connection with the sale or advertisement of goods or services.

The memorandum said that in its advertising Alaska Sleeping Bag Company has "made express statements about the quality of its service, its many satisfied customers, its years of service, and its fair and straightforward refund and exchange policy.

"In fact," it said, "the company has repeatedly failed to fill orders within a reasonable time."

In addition, the memorandum said, "attempts by Alaskans to get refunds or exchanges have proved difficult and frustrating, if not always impossible."

The Alaska Sleeping Bag Company issue first became public last spring through Letters to the Editor page of the TUNDRA TIMES.