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CASE #: 26-2-13757-9 SEA

STATE OF WASHINGTON
KING COUNTY SUPERIOR COURT

STATE OF WASHINGTON,

Plaintiff,

v.

ALBERTSONS COMPANIES, INC.,
ALBERTSON'S LLC, and SAFEWAY,
INC.,

Defendants.

NO.

COMPLAINT FOR INJUNCTIVE AND
OTHER RELIEF

Plaintiff, State of Washington, by and through its attorneys Nicholas W. Brown, Attorney General, and Robert Hyde and Shana Emile, Assistant Attorneys General, brings this action against Defendants Albertsons Companies, Inc., Albertson's LLC, and Safeway, Inc. (collectively, "Defendants"). The State alleges that Defendants engaged in unfair or deceptive acts or practices, as well as unfair methods of competition, in violation of the Consumer Protection Act, RCW 19.86, relating to "buy one get one free" promotions at Defendants' stores in Washington. The State alleges the following on information and belief:

I. INTRODUCTION

1.1 Defendants own and operate all of the Safeway, Albertsons, and Haggen grocery stores in Washington. Defendants frequently market products at its stores as "Buy One Get One Free." Such promotions are colloquially called BOGO promotions.

1.2 In the weeks or months leading up to a BOGO promotion Defendants artificially increase the price of BOGO items, only to lower the prices within 30 days after the BOGO

1 promotion. As a result of this artificial price manipulation, consumers making purchases under these
2 promotions are paying a premium and not truly getting a 1:1 free product as advertised.

3 1.3 Defendants' BOGO promotions induce Washington consumers to make
4 purchases at Defendants' stores, either by driving consumer traffic into Defendants' stores or by
5 inducing consumers to make additional purchases while already in Defendants' stores.

6 1.4 From at least October 2019 to May 2024, Defendants overcharged Washington
7 consumers on at least 3,190,584 transactions in which Defendants inflated the price of a product
8 leading up to a BOGO promotion then changed the price back down to pre-BOGO numbers after
9 the BOGO promotion. Defendants brought in as much as \$19,671,244 from these improper
10 transactions.

11 II. PARTIES

12 2.1 The Plaintiff is the Consumer Protection Division of the Washington State
13 Attorney General's Office, acting in the name of the State of Washington pursuant to
14 RCW 19.86.080(1). The Attorney General is authorized to commence this action pursuant to
15 RCW 19.86.080 and RCW 19.86.140. The Washington State Attorney General's Office created
16 the Consumer Protection Division to detect, investigate, and prosecute any act prohibited or
17 declared to be unlawful under the Washington Consumer Protection Act.

18 2.2 Defendant Albertsons Companies, Inc. is a Delaware corporation with its principal
19 place of business located at 250 Parkcenter Blvd., Boise, ID, 83706. It is registered to do business
20 in Washington, and its Unified Business Identifier Number is 603 607 985. Defendant Albertsons
21 Companies, Inc. owned and operated all Haggen stores in Washington during the time period at
22 issue in this lawsuit.

23 2.3 Defendant Albertson's LLC is a Delaware limited liability company and a
24 subsidiary of Albertsons Companies, Inc. with its principal place of business located at 250
25 Parkcenter Blvd., Boise, ID, 83706. It is registered to do business in Washington, and its Unified
26 Business Identifier Number is 603 268 500.

1 4.6 As a result of Defendants’ price manipulations, Washington consumers pay
2 substantially more for the first product to cover a portion of the cost of the second “free” product.
3 Therefore, the consumer is not receiving a 1:1 “free” product as advertised.

4 4.7 For example, on August 24, 2021, the price of Oroweat Premium Italian Bread
5 was \$3.69 at the Albertsons on Military Road in Tacoma, WA, but Defendants raised the price
6 by over 16% (to \$4.29) when they began their BOGO promotion three weeks later. After the
7 BOGO promotion ended, Defendants dropped the price down to \$4.17.

8 4.8 At the Albertsons on Main Street in Battle Ground, WA the price of Signature
9 Select Sourdough Hoagie Rolls was \$3.39 on March 7, 2023, but Defendants raised it almost a
10 full dollar (nearly 27%, to \$4.29) for a BOGO promotion that started the very next day. After
11 the BOGO promotion ended, Defendants dropped the price all the way down to \$2.49.

12 4.9 In another example, the price of a mini watermelon was \$3.99 at the Safeway on
13 Main Street in Colville, WA on May 31, 2021, but Defendants raised the price by 50% (to \$5.99)
14 for a BOGO promotion that started two days later. After the BOGO promotion ended,
15 Defendants brought the price back down to \$3.99.

16 4.10 Additionally, the price of a 7 oz jar of Signature Select Olives Stuffed with
17 Pimiento was \$2.99 at the Albertsons on Sunset Boulevard in Renton, WA on January 29, 2021,
18 but Defendant raised it a shocking 84% (to \$5.49) for a BOGO promotion that started two days
19 later. After the BOGO promotion ended, Defendants brought the price back down to \$2.99.

20 4.11 As a final example, on August 20, 2020, the price of a 16.9 oz bottle of O
21 Organics Extra Virgin Olive Oil was \$6.99 at the Albertsons on 51st Avenue in Gig Harbor,
22 WA, but Defendants raised the price over 57% (to \$10.99) for a BOGO promotion that started a
23 week later. After the BOGO promotion ended, Defendants brought the price back down to \$6.99.

24 4.12 These types of price manipulations continue at all three store banners throughout
25 Washington and throughout the time period at issue.
26

1 4.13 From October 2019 to May 2024, Defendants overcharged Washington
2 consumers across at least 3,190,584 transactions, bringing in as much as \$19,671,244 from
3 Washington consumers on these transactions.

4 4.14 Defendants' BOGO promotions have the capacity to deceive consumers about
5 the pricing involved.

6 4.15 Defendants' BOGO promotions are unfair to consumers.

7 4.16 Defendants have been on notice of unfair and deceptive BOGO promotions at
8 their Pacific Northwest stores since at least 2016. For example, Defendants paid \$107 million to
9 settle a 2016 class action lawsuit relating to unfair and deceptive BOGO promotions at
10 Defendants' Oregon stores. *See Stewart v. Albertsons Companies, Inc., et al.*, Multnomah
11 County Circuit Court Case No. 16CV15125. Defendants also settled a 2023 proposed class
12 action in federal court relating to unfair and deceptive BOGO promotions at Defendants'
13 Washington stores. *See Siflinger v. Safeway Inc. et al.*, Case No. 2:23-cv-00682-JNW (W.D.
14 Wash.).

15 4.17 On information and belief, Defendants have continued their unfair and deceptive
16 BOGO promotions continuously since at least October 2019 through the date of this complaint.

17 V. FIRST CAUSE OF ACTION

18 (Unfair and Deceptive Acts and Practices in Violation of the Consumer Protection Act)

19 5.1 Plaintiff re-alleges Paragraphs 1.1 through 4.11 and incorporates them as if set fully
20 herein.

21 5.2 Defendants engage in "trade" or "commerce" within the meaning of the
22 Consumer Protection Act, RCW 19.86.010(2), by advertising, marketing, and selling grocery
23 products to consumers in Washington stores.

24 5.3 Defendants engaged in unfair and deceptive acts or practices by artificially
25 increasing the pre-BOGO price of items, then lowering the price shortly after the BOGO ends.
26

1 **VII. PRAYER FOR RELIEF**

2 Wherefore, the State prays for the following relief:

3 7.1 That the Court adjudge and decree that the Defendants have engaged in the conduct
4 complained of herein.

5 7.2 That the Court adjudge and decree that the conduct complained of constitutes
6 unfair or deceptive acts or practices and is unlawful in violation of the Consumer Protection Act,
7 RCW 19.86.

8 7.3 That the Court adjudge and decree that the conduct complained of misrepresents
9 the price or represents prices in a manner that has the capacity to mislead or deceive an actual or
10 prospective purchaser, in violation of RCW ch. 19.94.

11 7.4 That the Court issue a permanent injunction pursuant to the Consumer Protection
12 Act, RCW 19.86.080, enjoining and restraining Defendants and their representatives, successors,
13 assigns, offices, agents, servants, employees, and all other persons acting or claiming to act for,
14 on behalf of, or in concert or participation with Defendants, from continuing or resuming the
15 unlawful conduct complained of herein.

16 7.5 That the Court assess civil penalties, pursuant to RCW 19.86.140, against
17 Defendants for each and every violation of RCW 19.86.020 caused by the conduct complained
18 of herein.

19 7.6 That the Court assess civil penalties, pursuant to RCW 19.94.510, against
20 Defendants for each and every violation of RCW 19.94.390 caused by the conduct complained
21 of herein.

22 7.7 That the Court, as an equitable remedy and also pursuant to RCW 19.86.080,
23 disgorge Defendants of all money or property acquired by any of them as a result of the conduct
24 and violations complained of herein, plus prejudgment interest at the maximum allowable rate.

25 7.8 That the Court make such orders pursuant to RCW 19.86.080 as it deems
26 appropriate to provide for restitution to consumers of money or property unlawfully acquired by

1 Defendants as a result of the conduct complained of herein, including an award of prejudgment
2 interest at the maximum allowable rate.

3 7.9 That the Court make such orders pursuant to RCW 19.86.080 to provide that the
4 Plaintiff, State of Washington, have and recover from Defendants the costs of this action,
5 including reasonable attorneys' fees.

6 7.10 For such other relief as the Court may deem just and proper.

7 DATED this 27th day of April, 2026.

8
9 NICHOLAS W. BROWN
10 Attorney General

11 *s/ Robert Hyde*

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