

What's My Price? Price Gouging Enforcement, Bargaining Power and Stealth Price Increases

"Businesses may be wondering whether there is increased risk of price gouging liability when they impose higher penalty terms, ask for higher up-front payments, raise rates, or otherwise seek terms that may be more burdensome. Sellers and service providers should consider the risk of being held liable for non-price terms that result in higher customer costs," discuss Christopher E. Oudeck, John R. Ingrassia, Kelly Landers Hawthorne, Nathaniel Miller, Nicollette R. Moser and Jennifer Tarr in *Proskauer's Antitrust blog*.

"The majority of state price gouging laws do not address the question of non-price terms head on. Nonetheless, the perception that customers may suffer from a lesser bargaining position may impact how alleged price increases are perceived and potentially investigated. Several state attorneys general describe price gouging as involving unequal bargaining power when explaining to consumers how to identify and report concerns."

Read the article.