



Australian  
Competition &  
Consumer  
Commission

## NEWS FOR BUSINESS



### Component pricing—electrical goods, whitegoods and furniture advertising

*Most businesses rely on advertising to promote the sale of their products or service to consumers—and sellers of electrical goods, whitegoods and furniture are no exception. Price is usually a major factor when consumers are considering buying these types of household items, with many shopping around to find the best deal. This means that consumers pay close attention to your advertising and any price representations you make, whether they appear on the television, on the internet or in a catalogue or newspaper.*

*Accurate price representations are not just good advertising practice. The Trade Practices Act 1974*

*requires that your advertising correctly represents the good you are offering for sale, including its price and any other key features or characteristics. This enables consumers to compare similar products and to make informed purchasing decisions.*

*Some recent changes to the rules on component pricing require you to make clearer price representations to consumers. Component pricing—electrical goods, whitegoods and furniture advertising tells you about these changes and how they will affect you.*

## Component pricing

Component pricing is where a business represents the cost of a good or service to consumers in, or as the sum of, multiple component parts. Where no total figure or sum is given, such practices may mean consumers are not aware of the total price they will be required to pay to obtain that good or service. They may potentially be left with the impression that the good or service is being offered at a lower price than it actually is.

The rules for component pricing are contained in s. 53C of the Trade Practices Act, which has recently been amended. Under the amended legislation, if you use component pricing in your advertising, from **25 May 2009** you must also provide consumers with a prominent single (total) price for goods or services—as it is able to be quantified at the time you make a price representation. This price must also be stated in a prominent way and be at least as prominent as the most prominent component.

## Prominent way

A prominent single price is one that:

- stands out so that it is easily seen by a consumer
- is clear, eye-catching and noticeable.

You should consider the size, colour and type of font used for describing the price and its placement compared with the advertisement's background and relative to the advertising medium being used.

You need to consider how the audience will view and interpret your advertising message, regardless of whether it is shown on television or the internet or appears in catalogues or other print forms. Depending on the nature of the media you use for your advertising, you may have to take extra care to ensure that you comply with the Trade Practices Act.

An advertisement in a colour brochure for a lounge suite package states upfront '6 easy repayments of \$299.95', but obscures the total price of \$1799.70 at the bottom in fine print and a colour similar to the background design.

EXAMPLE

The single price of \$1799.70 is not as prominent as the most prominent component of \$299.95 and is therefore unlikely to comply with s. 53C.

## The single price and how to calculate it

The single price means **the minimum total cost** able to be quantified (or calculated) at the time of making the representation for a consumer to purchase the electrical good. An amount is quantifiable if it can readily be converted into a dollar amount. If it is subject to variation (such as fluctuations in currency), you must calculate it based on information available at that time and clearly advise consumers that it may be subject to change. You should also be aware that s. 53C does not prevent consumers from negotiating a lower price with you.

Each component should then be totalled. Under the Trade Practices Act, you are required to include or exclude certain components, while you may choose to exclude other components.

You are required to include the following components:

- charges of any description payable by a consumer to purchase the good or service (e.g. administration fees, compulsory service charges, booking fees)
- taxes, duties, fees, levies or charges payable by the consumer for the supply of the good or service (e.g. the goods and services tax or sales tax).

You do not need to include the following components:

- optional extras—i.e. additional charges a consumer chooses to pay
- sending charges—these need to be specified or you may choose to include them in the total price
- any 'non-quantifiable' components
- third-party payments paid by your business that are not passed on to the consumer.

An electrical goods retailer places the following advertisement in a store brochure:

Get your HD\* on LCD!!!  
60cm LCD television for \$1990\*\*

\* HD = high definition television

\*\* excludes commission and warehouse retrieval fee

The commission (\$100) and warehouse retrieval fee (\$50) are both quantifiable by the retailer and form components of the single price. Therefore, the LCD television should have been advertised for either a total price of \$2240 or each of the components listed in addition to the total. The single price also needs to be as prominent as any component—and the advertisement is therefore unlikely to meet the new component pricing laws.

## Exceptions

There are two exceptions to the rule requiring that a single price be shown as prominently as any component. These are:

1. Where you make a representation exclusively to a business—in this instance you do not need to include a single price.
2. Where services are supplied under a contract (for a term) that also provides for periodic payments—while you still need to provide a prominent single price, that price does not need to be as prominent as any other component.

A business supplies electrical goods to various government departments. A brochure containing corporate products and rates (which are clearly stated on the cover and throughout the content) is posted by this company to the director of the finance section within each department responsible for placing orders and making payment on behalf of that agency.

EXAMPLE

The brochure is unlikely to be viewed by a consumer audience and clearly identifies the products and prices as applicable to corporations only. Therefore, s. 53C does not apply to pricing representations in the brochure, although the broader requirements of the Trade Practices Act must still be met.

## Additional obligations

It is important to remember that you must not only comply with the new component pricing laws, but that you must also satisfy all the requirements of the Trade Practices Act. This is particularly relevant to your obligation to avoid actually or potentially misleading or deceiving consumers.

## Component pricing checklist

- Does your single price include all the components you are able to quantify when you make the price representation?
- Are you able to substantiate why you are unable to quantify a particular component?
- Have you stated the total price as it is **able to be calculated** when some components vary or cannot be quantified at the time? **Remember**, the fact that a price may be subject to change does not mean that it is unable to be quantified.
- Have you clearly advised consumers of any components that are excluded or may vary?
- Is your single price typically for the base level of an electrical good (without any optional extras, where they are offered)?
- If your advertisements do not contain any price representations as per s. 53C, do they still comply, as required, with the Trade Practices Act?



# ACCC contacts

ACCC Infocentre  
1300 302 502

Small business helpline  
1300 302 021

ACCC website  
[www.accc.gov.au](http://www.accc.gov.au)

## Publications to help businesses comply with the Trade Practices Act

Publications can be ordered through the ACCC Infocentre or you can download electronic copies for free from the ACCC website.

*Small business and the Trade Practices Act (free)*

*Advertising and selling (\$10)*

*Warranties and refunds (free)*

For other business information go to [www.business.gov.au](http://www.business.gov.au)

## Recent titles in the News for business series

*Component price advertising*

*Component pricing—electrical goods, whitegoods and furniture advertising*

*Scams—protect your business from them*

*Bait advertising*

*Warranty and refund signs*

## Important notice

Information in this publication is for general guidance only. It reflects the ACCC's views on what is required to comply with the *Trade Practices Act 1974*. It does not constitute legal advice and should not be relied on as a statement of the law relating to the Act. You should obtain legal advice if there is doubt about whether any conduct may breach the Act, or whether laws in your state or territory impose other requirements or responsibilities on you.

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ISBN 978 1 921581 17 5

ACCC\_05/09\_37338