

## Williams-Sonoma Faces Class Action Claims Over Point-of-Sale Email Collection

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A consumer plaintiff recently filed a proposed class action lawsuit against Williams-Sonoma, Inc. over the company's collection of email addresses during retail transactions at its Pottery Barn stores in California for the purpose of emailing receipts to customers. According to the complaint, a sales associate at Pottery Barn asked plaintiff for his email address during the course of a credit card transaction in violation of California's Song-Beverly Credit Card Act. The Act generally prohibits retailers from "request[ing], or requir[ing] as a condition to accepting the credit card as payment ... [that] the cardholder provide personal identification information." Plaintiff claims that his "personal identification information" was entered into the sales register before the credit card transaction had been completed. Then, rather than only using the email address to send an email receipt, plaintiff alleges that the company incorporated his email into its customer database and used it to send plaintiff unsolicited advertisements. Moreover, the sales associate failed to explain this process was optional. Plaintiff's complaint further alleges that this practice is deceptive under the state's Unfair Competition Law, since the company did not inform him that his email would be used for anything other than to send a receipt. The case remains pending in Los Angeles Superior Court. Williams-Sonoma also faces an ongoing lawsuit over ZIP code collection in Massachusetts.

**Tip: The filing of this complaint serves as a reminder that plaintiff's class action attorneys continue to bring cases about information collection in a retail environment. Retailers should review their in-store information collection practices. As we have reported, California is not the only state that has laws that potentially impact the type of information that can be collected during a credit card transaction.**

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