



Push, Pull or Drag Sales *Are they legal?*

Dealers who do not conduct special, highly publicized sales often assume that these sales are illegal. But, the issue is more complicated. There is nothing in the law that prohibits advertising a sale in such a way. Just as there is nothing that prohibits advertising any savings claim – as long as the savings claim is true. Determining if the law has been broken must be based on the facts of each sale and transaction.

The *Business Practices and Consumer Protection Act* (BPCPA) requires that advertised savings claims be a true savings or price benefit. As a result, the BPCPA prohibits the following practices:

- Advertising a flat discount, voucher or set payment for a trade-in vehicle, regardless of vehicle quality or type (as in a Push, Pull or Drag sale), if the price of the vehicle being sold is simply increased to recover any expected loss on the trade-in or due to the discount. If price adjustments can be documented by the consumer or the VSA, the consumer will likely be entitled to the advertised savings.
- Advertising a similar discount and only applying that discount when the fair market value of the trade-in is greater than the advertised discount. In this case, a consumer is relying on the expertise and honesty of the dealer to appraise their trade-in and provide its fair market value within the transaction. Taking advantage of the inexperience or lack of knowledge of a consumer as to the value of their trade-in can be an unconscionable act under the BPCPA.
- Showing a guaranteed or minimum trade-in value as a deduction in the calculation of total price if the resulting total price does not apply to all consumers
- Comparing the prices between vehicles unless the vehicles are exactly the same
- Comparing the price of a used vehicle to the MSRP of a new vehicle or to the MSRP of the used vehicle when it was new
- Showing savings based on the MSRP of a vehicle if the dealership does not regularly sell the same vehicle at MSRP
- Advertising a vehicle as a demo, or a similar description, if the vehicle was not acquired by the dealer from the manufacturer as new (with NVIS intact) and used by the manufacturer or dealer in the normal course of business.

The VSA monitors advertising on an ongoing basis. Each year up to 150 advertising files are opened. If corrections are not made based on information provided, or if the improper practice persists, progressive enforcement action is taken. These include written warnings, undertakings and hearings before the Registrar. The [VSA Advertising Guidelines](#) give a detailed description of all advertising requirements.

Walt the Curber Unwanted in the Cariboo and North!

Traveling with a VSA representative (to ensure good behaviour!), Walt made stops in 100 Mile House, 150 Mile House, Williams Lake and Quesnel, before reaching the Prince George Mega Sale. Walt visited 34 dealerships, including the nine dealers participating in the annual sale.

When recognized as Walt, he was immediately shown the door or the road out of town! Finding his poster and local advertising about the dangers of buying from curbers, he knew he was not welcome.

Fortunately, he was given a warmer welcome as long-time VSA certification course facilitator, Ray Medway. Many discussions began on the showroom floor with salespeople who knew Ray from the webinar course.

Walt found dealer principals, managers and salespeople almost universally supportive of the [Watch out for Walt!](#) campaign. The Walt character was recognized as a creative way to engage the public on the importance of choosing a licensed dealer and salesperson.

