

Federal Court Finds Coles Misled Consumers in 'Down Down' Pricing Case

14 May 2026

GMP Law welcomes today's decision of the Federal Court of Australia finding that Coles Supermarkets Australia Pty Ltd engaged in false or misleading conduct in relation to its 'Down Down' pricing promotions, in proceedings brought by the Australian Competition and Consumer Commission (ACCC).

The Court found that Coles advertised "Down Down" discounts on products whose prices had first been temporarily increased before being reduced. In many cases, the promotional price was no lower than the previous regular price and, in some instances, was higher.

The ACCC proceeding concerns regulatory penalties only. It does not provide compensation to consumers who purchased the affected products.

Compensation remains the focus of the class action brought by GMP Law on behalf of lead applicant Benjamin Glenn Demery and group members. The class action was aligned with the ACCC proceeding to streamline the determination of common liability issues and reduce duplication and costs for the Court and the parties.

The GMP Law class action concerns 255 affected products and seeks compensation for consumers who shopped at Coles, either in-store or online, between February 2022 and May 2023.

Gerard Malouf, Chairperson of GMP Law, said: *"This is a wonderful result for members and vindication for the everyday Australian who deserves clarity and honesty in pricing of products. Ultimately, we'll have a situation where we'll be able to refund group members significant sums of money depending on their purchases over the period in question."*

Mr Malouf added: *“Clearly the promotions were misleading and there wasn't clarity and transparency about the manner and approach undertaken by these major food market groups. This is not just a win for supermarket patrons, but a significant win for all consumers in Australia in the future, as clear and unequivocally transparent pricing practices must be maintained.”*

The ACCC's Supermarkets Inquiry, finalised in February 2025, found that Coles and Woolworths account for 67% of national supermarket retail sales. The Inquiry also found that the price of a typical basket of groceries had increased by more than 20% over the previous five years. It recommended that supermarkets publish clearer and more accurate pricing information.

The opt-out deadline for the GMP Law class action passed on 21 November 2025. The proceeding continues on behalf of registered group members and consumers who did not opt out. GMP Law will provide further updates on next steps in the compensation proceeding in the coming weeks.

For more information, please contact GMP Law at ColesClassAction@gmp.net.au.

ENDS

Note to Editors:

- Interview opportunities are available with lead plaintiff on request

Media Contact

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