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H.160

Introduced by Representatives Pugh of South Burlington and Head of South
Burlington

Referred to Committee on

Date:

Subject: Commerce and trade; deceptive advertising; floral businesses

Statement of purpose: This bill proposes to prohibit an out-of-state floral
business from advertising as a local floral business.

An act relating to advertising as a local business

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 9 V.S.A. § 2465b is added to read:

§ 2465b. MISREPRESENTATION OF A FLORAL BUSINESS AS LOCAL

(a) It shall be an unlawful and deceptive act and practice in commerce in violation of section 2453 of this title for a floral business to falsely represent in an advertisement, on a website, or in a listing of the floral business in a telephone directory or other directory assistance database that the floral business is “local,” “locally owned,” or physically located or domiciled in Vermont.

1 (b) A floral business is considered to misrepresent that it is “local,” “locally
2 owned,” or located within Vermont in violation of subsection (a) of this section
3 if the floral business is not domiciled or physically located in Vermont and:

4 (1) the advertisement, website, or directory listing would lead a
5 reasonable consumer to conclude that the floral business is physically located
6 or domiciled in Vermont; or

7 (2) the advertisement, website, or directory listing uses the name of a
8 floral business that is physically located or domiciled in Vermont, or combines
9 such a name with the terms “local” or “locally” in a way that a reasonable
10 consumer would mistake the identity of the advertised floral business for a
11 floral business that is physically located or domiciled in Vermont.

12 Sec. 2. EFFECTIVE DATE

13 This act shall take effect on passage.