

H.755

Introduced by Representative Rachelson of Burlington

Referred to Committee on

Date:

Subject: Commerce and trade; consumer protection; advertisements

Statement of purpose of bill as introduced: This bill proposes to make it unlawful for a person to disseminate false or misleading advertisements.

An act relating to false or misleading advertisements

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

Sec. 1. 9 V.S.A. § 2453 is amended to read:

§ 2453. PRACTICES PROHIBITED; ANTITRUST AND CONSUMER  
PROTECTION

(a)(1) Unfair methods of competition in commerce and unfair or deceptive acts or practices in commerce are hereby declared unlawful.

(2) It shall be unlawful for any person, partnership, or corporation to disseminate, or cause to be disseminated, any false or misleading advertisement. Advertisements shall be disseminated in language that is clear and conspicuous.

(b) It is the intent of the Legislature that in construing subsection (a) of this section, the courts of this State will be guided by the construction of similar

1 terms contained in Section 5(a)(1) of the Federal Trade Commission Act as  
2 from time to time amended by the Federal Trade Commission and the courts of  
3 the United States.

4 (c) The Attorney General shall adopt rules, when necessary and proper to  
5 carry out the purposes of this chapter, relating to unfair methods of competition  
6 in commerce and unfair or deceptive acts or practices in commerce. The rules  
7 shall not be inconsistent with the rules, regulations, and decisions of the  
8 Federal Trade Commission and the federal courts interpreting the Federal  
9 Trade Commission Act.

10 (d) Violation of a rule adopted by the Attorney General is prima facie proof  
11 of the commission of an unfair or deceptive act in commerce.

12 (e) The provisions of subsections (a), (c), and (d) of this section shall also  
13 be applicable to real estate transactions.

14 Sec. 2. EFFECTIVE DATE

15 This act shall take effect on passage.