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IN THE HOUSE

BY RULES COMMITTEE
BY REQUEST OF THE GOVERNOR

HOUSE BILL NO. 123

IN THE LEGISLATURE OF THE STATE OF ALASKA

SECOND LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to and prohibiting false, deceptive and misleading advertising; providing for enforcement and criminal penalties; and providing for an effective date."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

Section 1. It shall be unlawful for any person to publish, disseminate or display, or cause directly or indirectly, to be published, disseminated or displayed in any manner or by any means, including solicitation or dissemination by mail, telephone or door-to-door contacts, any false, deceptive or misleading advertising with knowledge of the facts which render the advertising false, deceptive or misleading, for any business, trade or commercial purpose or for the purpose of inducing, or which is likely to induce, directly or indirectly, the public to purchase, consume, lease, dispose of, utilize or sell any property or service, or to enter into any obligation or transaction relating thereto: provided, that nothing in this section shall apply to any radio or television broadcasting station which broadcasts, or to any publisher, printer or distributor of any newspaper, magazine, billboard or other advertising medium who publishes, prints or distributes, such advertising in good faith without knowledge of its false, deceptive or misleading character.

In determining whether any advertising is false, deceptive or

1 misleading there shall be taken into account, among other things,
2 not only misrepresentations of, but also the extent to which the
3 advertising fails to reveal material facts, terms, conditions and
4 circumstances.

5 Sec. 2. The attorney general or his representative may bring
6 an action in the superior court to restrain and prevent any person
7 from violating any provision of this Act.

8 Sec. 3. Any person who violates any order or injunction
9 issued pursuant to this Act shall be subject to a fine of not more
10 than five thousand dollars or imprisonment for not more than
11 ninety days or both.

12 Sec. 4. In the enforcement of this Act the attorney general
13 may accept an assurance of discontinuance of any act or practice
14 deemed in violation of this Act, from any person engaging in, or
15 who has engaged in such act or practice. Any such assurance shall
16 be in writing and be filed with and subject to the approval of the
17 superior court of the judicial district in which the alleged vio-
18 lator resides or has his principal place of business. A violation
19 of such assurance shall constitute prima facie proof of a viola-
20 tion of this Act.

21 Sec. 5. This Act takes effect on the day after its passage
22 and approval or on the day it becomes law without such approval.
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