

1 IN THE HOUSE

BY RULES COMMITTEE
BY REQUEST OF THE GOVERNOR

2 HOUSE BILL NO. 123

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SECOND LEGISLATURE - FIRST SESSION

5 A BILL

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

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

12 Section 1. It shall be unlawful for any person to knowingly
13 publish, disseminate or display, or cause directly or indirectly,
14 to be published, disseminated or displayed in any manner or by any
15 means, including solicitation or dissemination by mail, telephone
16 or door-to-door contacts, any false, deceptive or misleading adver-
17 tising with actual knowledge of the facts which render the adver-
18 tising false, deceptive or misleading, for any business, trade or
19 commercial purpose or for the purpose of inducing, or which is
20 likely to induce, directly or indirectly, the public to purchase,
21 consume, lease, dispose of, utilize or sell any property or service,
22 or to enter into any obligation or transaction relating thereto;
23 provided, that nothing in this section shall apply to any radio or
24 television broadcasting station which broadcasts, or to any publi-
25 sher, printer or distributor of any newspaper, magazine, billboard
26 or other advertising medium who publishes, prints or distributes,
27 such advertising in good faith without actual knowledge of its
28 false, deceptive or misleading character.

29 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 knowingly violates any of the pro-
9 visions of Sec. 1 of this Act shall be guilty of a misdemeanor
10 and upon conviction shall be subject to punishment by imprisonment
11 for not more than ninety days or by a fine of not more than \$5,000,
12 or by both.

13 Sec. 4. Any person who violates any order or injunction
14 issued pursuant to this Act shall be subject to a fine of not more
15 than five thousand dollars or imprisonment for not more than
16 ninety days or both.

17 Sec. 5. In the enforcement of this Act the attorney general
18 may accept an assurance of discontinuance of any act or practice
19 deemed in violation of this Act, from any person engaging in, or
20 who has engaged in such act or practice. Any such assurance shall
21 be in writing and be filed with and subject to the approval of the
22 superior court of the judicial district in which the alleged vio-
23 lator resides or has his principal place of business.

24 Sec. 6. This Act takes effect on the day after its passage
25 and approval or on the day it becomes law without such approval.
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