

Chapter 55 -- Deceptive Trade Practices

55.010. Definitions. As used in this Chapter, the following words and terms shall mean:

1. "Advertisement" includes the attempt by publication, dissemination, solicitation or circulation to induce directly or indirectly any person to enter into any obligation or acquire any title or interest in any merchandise.
2. "Merchandise" includes any objects, wares, goods, commodities, intangibles, real estate or services.
3. "Sale" includes any sale, offer for sale, or attempt to sell merchandise for cash or on credit.

55.020. Unlawful practices, exception. The act, use or employment by any person of any deception, fraud, false pretense, false promise, misrepresentation, or the concealment, suppression, or omission of any material fact with intent that others rely upon such concealment, suppression or omission, in connection with the sale or advertisement of any merchandise, is declared to be an unlawful practice; provided, however, that:

1. Nothing herein contained shall apply to the owner or publisher of newspapers, magazines, publications or printed matter wherein an advertisement appears, or to the owner or operator of a radio or television station which disseminates an advertisement when the owner, publisher or operator has no knowledge of the intent, design or purpose of the advertiser; and provided, further, that nothing herein contained shall apply to any advertisement which is subject to and complies with the rules and regulations of and the statutes administered by the Federal Trade Commission. That such an advertisement complies with the regulations of and the statutes administered by the Federal Trade Commission shall be a defense which must be proven by one charged with violating this Section.

55.030. Deceptive business practices. A person commits the offense of deceptive business practices if in the course of engaging in a business, occupation, or profession, he recklessly:

1. Uses or possesses for use a false weight or measure, or any other device for falsely determining or recording any quality or quantity.
2. Sells, offers or exposes for sale, or delivers less than the represented quantity of any commodity or service.

3. Takes or attempts to take more than the represented quantity of any commodity or service when as buyer he furnishes the weight or measure.

4. Sells, offers or exposes for sale adulterated or mislabeled commodities.

5. Makes a false or misleading statement for the purpose of obtaining property or credit.

55.040. Same, definitions. In the construction of the preceding Section:

1. "Adulterated" means varying from the standard of composition or quality prescribed by statute or lawfully promulgated administrative regulations of the United States of America or of this State lawfully filed, or if none, as set by commercial usage.

2. "Mislabeled" means varying from the standard of truth or disclosure in labeling prescribed by statute or lawfully promulgated administrative regulations of the United States of America or of this State lawfully filed, or if none, as set by commercial usage; or represented as being another person's product, though otherwise accurately labeled as to quality and quantity.

55.050. Altering mileage registering devices. A person commits the offense of altering a mileage registering device if, with the purpose of misrepresenting to a prospective or eventual purchaser the number of miles traveled by a motor vehicle, he disconnects, changes or causes to be disconnected or changed, any mileage registering device on a motor vehicle so as to thereby indicate a different mileage than such motor vehicle has actually traveled. For the purpose of this Section "motor vehicle" means any self-propelled vehicle not operated exclusively upon tracks.

55.060. False Advertising. A person commits the offense of false advertising if, in connection with the promotion of the sale of, or to increase the consumption of, property and services, he recklessly makes or causes to be made a false or misleading statement in any advertisement addressed to the public or to a substantial number of persons.

55.070. Bait advertising. A person commits the offense of bait advertising if he advertises in any manner the sale of property or services with the purpose not to sell or provide the property or services:

1. At the price which he offered them.

2. In a quantity sufficient to meet the reasonably expected public demand, unless the quantity is specifically stated in the advertisement.

3. At all.

55.080. Included offenses. The offenses described in Sections 55.030 through 55.070 shall be included offenses in the unlawful practices prohibited by Section 55.020. No person shall be convicted of a violation of both Section 55.020 and of one or more of Sections 55.030 through 55.070, as a result of the same act by him. □