

MAINE STATE LEGISLATURE

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Legislative Document

No. 880

H. P. 860

House of Representatives, February 22, 1955

Reported by Mr. Hancock from Committee on Judiciary and printed under Joint Rules No. 10.

HARVEY R. PEASE, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-FIVE

**AN ACT Regulating Advertising Relative to Sale or Offering for Sale of
Merchandise, Commodities and Service.**

Be it enacted by the People of the State of Maine, as follows:

R. S., c. 133, § 29, amended. Section 29 of chapter 133 of the revised statutes is hereby amended to read as follows:

Sec. 29. Fraudulent advertising. Any person, firm, corporation or association who, with intent to sell or in anywise dispose of merchandise, service or anything offered by such person, firm, corporation or association, directly or indirectly, to the public for sale or distribution, or with intent to increase the consumption thereof, or to induce the public in any manner to enter into any obligation relating thereto, or to acquire title thereto or an interest therein, makes, publishes, disseminates, circulates or places before the public, or causes, directly or indirectly, to be made, published, disseminated, circulated or placed before the public, in this state, in a newspaper or other publication, or in the form of a book, notice, handbill, poster, **sign, billboard, bill, circular, label, pamphlet or letter, photograph, motion picture, radio, loud speaker, television, telephone, telegraph,** or in any other way, an advertisement of any sort regarding merchandise, service or anything so offered to the public, which advertisement contains any assertion, representation or statement of fact which is untrue and designed to be deceptive or misleading, ~~shall be guilty of a misdemeanor or is intended or designed not to sell the merchandise, commodities or service so advertised at the price stated therein, or otherwise communicated, or with intent not to sell the merchandise, commodities or service so advertised,~~ may be enjoined from such advertising, and shall be punished by a fine of not more than \$500.

The provisions of this section shall not apply to any radio station, publisher of a newspaper, magazine or other publication, **or any other established and recognized advertising media**, or printer who publishes or prints said advertisement without actual knowledge of its falsity. The fact of the publishing or printing of such advertisement shall not be prima facie evidence of such actual knowledge of falsity.'