

1 HOUSE BILL 1268

2 **48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007**

3 INTRODUCED BY

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10 AN ACT

11 RELATING TO TRADE PRACTICES; PROVIDING FOR DISCLOSURE OF
12 MATERIAL FACTS OR PRESCRIBED CONDITIONS OF USE OF AN ADVERTISED
13 PRODUCT OR SERVICE BY THE INTERNET OR TOLL-FREE TELEPHONE
14 NUMBER.

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16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

17 Section 1. A new section of the Unfair Practices Act is
18 enacted to read:

19 "[NEW MATERIAL] DISCLOSURE OF MATERIAL FACT OR PRESCRIBED
20 CONDITION OF A PRODUCT OR SERVICE.--A seller may disclose a
21 material fact or prescribed condition of the use of an
22 advertised product or service by internet web site or by toll-
23 free telephone number."

24 Section 2. Section 57-15-2 NMSA 1978 (being Laws 1965,
25 Chapter 79, Section 2, as amended) is amended to read:

.167496.2

underscoring material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 "57-15-2. FALSE ADVERTISING DEFINED.--~~[The term]~~

2 A. "False advertising" means advertising, including
3 labeling, ~~[which]~~ that is misleading in any material respect
4 ~~[and]~~. In determining whether any advertising is misleading,
5 there shall be taken into account, among other things, not only
6 representations made by statement, word, design, device, sound
7 or any combination thereof but also the extent to which the
8 advertising fails to reveal facts material in the light of such
9 representations with respect to the commodity to which the
10 advertising relates under the conditions prescribed in ~~[said]~~
11 the advertisement, or under such conditions as are customary or
12 usual.

13 B. Material facts and prescribed conditions
14 relative to an advertisement shall be disclosed in the
15 advertisement, either in full or through the provision of an
16 internet web site address or a toll-free telephone number in
17 the advertisement."

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