

HOUSE BILL 349

**55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021**

INTRODUCED BY

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AN ACT

RELATING TO FALSE ADVERTISING; INCLUDING UNAUTHORIZED USE OF  
INTELLECTUAL PROPERTY IN THE DEFINITION OF "FALSE ADVERTISING".

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

SECTION 1. Section 57-15-2 NMSA 1978 (being Laws 1965,  
Chapter 79, Section 2, as amended) is amended to read:

"57-15-2. FALSE ADVERTISING DEFINED.--~~[The term]~~ "False  
advertising":

A. means advertising, including labeling, ~~[which]~~  
that is misleading in any material respect ~~[and]~~. In  
determining whether any advertising is misleading, there shall  
be taken into account, among other things, not only  
representations made by statement, word, design, device, sound  
or any combination thereof but also the extent to which the  
advertising fails to reveal facts material in the light of such

.219642.1

underscoring material = new  
[bracketed material] = delete

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1 representations with respect to the commodity to which the  
2 advertising relates under the conditions prescribed in [~~said~~]  
3 the advertisement, or under such conditions as are customary or  
4 usual; and

5 B. includes the use, without prior permission of  
6 the creator, owner or authorized user, of intellectual  
7 property, trademarks, logos, menus, recipes or remarketing or  
8 implied partnerships for use in marketing of a product or  
9 service."

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