

109:4-3-01 Construction and purpose of rules; severability; definitions.

(A) Purposes, rules of construction

- (1) These substantive rules (rule 1301:4-3-01 of the Administrative Code, etc.) are adopted by the office of the attorney general pursuant to division (B) of section 1345.05 and Chapter 119 of the Revised Code. Without limiting the scope of any section of the Revised Code or any other rule, these rules shall be liberally construed and applied to promote their purposes and policies.
- (2) The purposes and policies of these rules are to:
  - (a) Define with reasonable specificity acts and practices which violate section 1345.02 or 1345.03 of the Revised Code;
  - (b) Protect consumers from suppliers who engage in referral selling, commit deceptive acts or practices, or commit unconscionable acts or practices;
  - (c) Encourage the development of fair consumer sales practices.

(B) Severability

Each substantive rule and every part of each substantive rule is an independent rule and section of a rule, and the holding of any rule or paragraph of a rule to be unconstitutional, void, or ineffective for any cause does not affect the validity or constitutionality of any other rule or paragraph of a rule.

(C) Definitions

- (1) "Goods" means all things (including specially manufactured goods) which are movable at time of identification to the contract for sale other than the money in which the price is to be paid, securities (as they are defined in Chapter 1707 of the Revised Code), and things in action.
- (2) "Services" means performance of labor for the benefit of another. Services include, but are in no way limited to, the construction of a single-family dwelling unit by a supplier on the real property of a consumer.
- (3) "Offer" means any attempt to effect, or solicitation of an offer to enter into a consumer transaction by agent, advertisement, or otherwise.
- (4) "Sale" includes sale, lease, assignment, award by chance or other transfer of an item of goods, a service, franchise, or an intangible.

- (5) "Advertisement" means any **ELECTRONIC**, written, visual, or oral communication made to a consumer by means of personal representation, newspaper, magazine, circular, billboard, direct mailing, sign, radio, television, telephone, or otherwise, which identifies or represents the terms of any item of goods, service, franchise, or intangible which may be transferred in a consumer transaction.
- (6) "CLEAR AND CONSPICUOUS" MEANS THAT THE STATEMENT, REPRESENTATION OR TERM BEING DISCLOSED IS OF SUCH SIZE, COLOR, CONTRAST, PLACEMENT, AUDIBILITY AND/OR DURATION AS TO BE READILY NOTICEABLE AND REASONABLY UNDERSTANDABLE TO A CONSUMER.

Effective:

R.C. 119.032 Review Dates: 11/30/01  
Promulgated under: R.C. Chapter 119  
Statutory authority: R.C. § 1345.05  
Rule amplifies: R.C. § 1345.02  
Prior effective dates: 6/5/73, 1/26/80