



Title Five – Consumer Protection Chapter 763 Deceptive Advertising

CHAPTER 763. Deceptive Advertising

763.01 Untrue and misleading advertising.

763.02 Failure to advise of inferior merchandise.

763.03 Defective, rebuilt, or secondhand merchandise.

763.99 Penalties.

CROSS REFERENCES:

Consumer Affairs Board - see ADM. Ch. 200

Consumer sales practices - see Ohio R.C. Ch. 1345

Consumer protection - see Ohio R.C. Ch. 1349

763.01 UNTRUE AND MISLEADING ADVERTISING.

No person, with intent to sell or in any way dispose of goods or service, or anything offered 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, shall make, publish, disseminate, circulate, or place before the public, or cause directly or indirectly to be made, published, disseminated, circulated, or placed before the public, in the County of Summit, an advertisement of any sort regarding goods, service, or representation so offered to the public, which contains any assertion, representation, or statement, which is untrue, deceptive, or misleading, or fails to disclose that the quantity is limited, if such is the case. (Ord. 2004-455. Adopted 8-30-04.)

763.02 FAILURE TO ADVISE OF INFERIOR MERCHANDISE.

(a) No person, with intent to sell or in any way dispose of merchandise which is not of the recognized highest grade for such merchandise, shall fail, neglect, or refuse to advise the public of the exact quality of the merchandise offered for sale, correctly stated in terms of the trade usage, plainly discernable upon such merchandise, or in or upon the counter, bin, or other receptacle from which it is offered to the public.

(b) Without prejudice to the generality of the prohibitions of this section and the applicability thereof, the advertising or representing of merchandise as imperfect, without stating the recognized trade designation of quality, shall be deemed a violation of this section. (Ord. 2004-455. Adopted 8-30-04.)

763.03 DEFECTIVE, REBUILT, OR SECOND-HAND MERCHANDISE.

No person, firm, or corporation, in any newspaper, magazine, circular, form letter, or any open publication, published, distributed, or circulated, in the County, or on any billboard, car, label, or other advertising, shall advertise, call attention to, or give publicity to the sale of any merchandise, which merchandise is second-hand, used, or rebuilt merchandise, or which merchandise is defective in any manner, or consists of articles, units, or parts known as “seconds,” or blemished merchandise, or which has been rejected by the manufacturer thereof as not first class, unless there is conspicuously displayed directly in connection with the name and description of such merchandise and each specified article, unit or part thereof, a direct and unequivocal statement, phrase, or word which will clearly indicate that such merchandise or each article, unit, or part thereof so advertised is second-hand, used, rebuilt, defective, consists of seconds, is blemished merchandise, or has been rejected by the manufacturer thereof. (Ord. 2004-455. Adopted 8-30-04.)

763.99 PENALTIES.

(a) Whoever violates any provision of this Chapter shall be subject to the penalties provided in Section 761.99. Each fraudulent advertisement for the sale of such designated items or materials constitutes a separate offense.

(b) In addition to the penalties above, any person aggrieved by any violation of this Chapter may pursue remedies authorized by Section 761.04. (Ord. 2004-455. Adopted 8-30-04.)