

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE DRS55205-MD-75 (3/3)

Short Title: No Deceptive Advertising/Business Location.

(Public)

Sponsors: Senator Boseman.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO PROHIBIT DECEPTIVE ADVERTISING ABOUT GEOGRAPHICAL
3 LOCATION BY BUSINESSES THAT SUPPLY PERISHABLE PRODUCTS.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 75-42 reads as rewritten:

6 "§ 75-42. **Deceptive representation of geographical location in telephone directory, print
7 advertisement, or on the Internet.**

8 (a) A person who is in the business of supplying a perishable product shall not
9 misrepresent the geographical location of the business in the listing of the business in a
10 telephone directory, other directory assistance database, or on the Internet. A person
11 misrepresents the geographical location of the business under this subsection if the name of the
12 ~~business-business, or any other part of the listing,~~ indicates that the business is located in a
13 geographical area and all of the following apply:

14 (1) The business is not located within the geographical area indicated.

15 (2) The listing fails to identify the municipality and state of the business's
16 geographical location.

17 (3) A telephone call to the local telephone number listed in the telephone
18 directory, directory assistance database, or on the Internet routinely is
19 forwarded or transferred to a location that is outside the calling area covered
20 by the telephone directory or directory assistance database in which the
21 number is listed, or outside the local calling area for the local telephone
22 number posted on the Internet.

23 (b) A person who is in the business of supplying a perishable product shall not
24 misrepresent the geographical location of the business in print advertisement. A person
25 misrepresents the geographical location of the business under this subsection if a fictitious
26 business ~~name-or-name,~~ an assumed business ~~name-name,~~ or any other part of the advertisement
27 is listed in print advertisement and all of the following apply:

28 (1) The name or any other part of the advertisement misrepresents the
29 geographic location of the supplier.

30 (2) A telephone call to the local telephone number listed on the print
31 advertisement routinely is forwarded or transferred to a location that is
32 outside the calling area in which the number is listed.

33 (c) A person who misrepresents the geographical location of the business under
34 subsection (a) or subsection (b) of this section is not in violation of this section if a conspicuous



1 notice in the listing or in the print advertisement states the municipality and state in which the
2 business is located and identifies this as the location of the business.

3 (d) For purposes of this section, a newspaper publisher, magazine or other publication,
4 telephone directory or directory assistance service, its officer or agent, the owner or operator of
5 a radio or television station, or any other owner or operator of a media primarily devoted to
6 listing phone numbers or to advertising who publishes, broadcasts, or otherwise disseminates a
7 directory, a database, or print advertisement in good faith without knowledge of its false,
8 deceptive, or misleading character is immune from liability under this section unless the
9 directory service, the database service, or the advertiser is the same person as the person, firm,
10 or corporation that has committed the act prohibited by this section.

11 (e) A violation of this section is an unfair trade practice under G.S. 75-1.1."

12 **SECTION 2.** This act becomes effective October 1, 2009.