

**PRICING AND ADVERTISING OF CONSUMER ITEMS (EXCERPT)**  
**Act 449 of 1976**

\*\*\*\*\* THIS SECTION IS REPEALED BY ACT 15 OF 2011 EFFECTIVE SEPTEMBER 1, 2011 \*\*\*\*\*

**445.355 Advertising availability of consumer item at sale price, special price, or reduced price; dates and quantity available; requirements for advertising at specific price through media; written guarantee to deliver; providing similar item; holding item for delivery; exceptions.**

Sec. 5. (1) A person shall not knowingly advertise the availability of a consumer item for sale at retail at a sale or special price or as being reduced in price by an amount or proportion unless the advertisement includes the dates that item is available, or the quantity available at the advertised price together with information that the item is available at that price only as long as the advertised quantity lasts. A limitation on the quantity available of a consumer item per customer shall be clearly disclosed in an advertisement of the consumer item.

(2) If a consumer item is advertised at a specific price through the media which is not indicated to be a special, sale, or reduced price the advertiser shall do one of the following:

(a) Make the consumer item available at the advertised price for not less than 5 days after the date the consumer item was last advertised. If the item is not available for this period of time the requirements of subsection (3) shall apply. The advertiser shall not be required to make the consumer item available nor fulfill the requirements of subsection (3) if the unavailability of the consumer item is due to a governmental action, a plant closing, or an act of God and if the specific cause of the unavailability of the consumer item is posted conspicuously for the review of the consumer.

(b) Indicate in the advertisement the dates the consumer item is available at the advertised price. If the item is not available for the period of time indicated, the requirements of subsection (3) shall apply.

(c) Indicate in the advertisement the quantity available at the advertised price together with the information that the consumer item is available at the advertised price only as long as the stated quantity lasts.

(3) If an advertisement under this section does not state the quantity of the consumer item available, and if an item of merchandise cannot be sold at the advertised price throughout the advertised period of sale, the advertiser shall make available to the customer a written guarantee to deliver under the advertised conditions the consumer item at a future date stated in the guarantee, or upon notification of the customer by the merchant. If the advertised consumer item cannot be obtained to satisfy the condition of the guarantee, the advertiser may provide a similar consumer item of equal or greater monetary value. The notification of availability shall take place not more than 90 days after the guarantee is given. After the notice of availability is given, the merchant shall hold the consumer item for delivery to the customer for not less than 7 days, except the merchant need hold the consumer item for only 2 days if it is a perishable item.

(4) This section shall not apply to baked goods, fresh fruit, and fresh vegetables.

**History:** 1976, Act 449, Eff. Jan. 1, 1978;—Am. 1979, Act 193, Imd. Eff. Dec. 21, 1979.

**Popular name:** Scanner Law

**Popular name:** Item Pricing Act