

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

\*\*\*\*\* THIS SECTION IS REPEALED BY ACT 15 OF 2011 EFFECTIVE SEPTEMBER 1, 2011 \*\*\*\*\*

**445.356 Advertisement; untrue, deceptive, or misleading statement or representation; failure or refusal to sell in manner or at price advertised; determination of deceptive or misleading advertising; intent not to sell; defective, blemished, or rejected goods, merchandise, or commodities; seconds; identification.**

Sec. 6. (1) A person shall not knowingly make, publish, disseminate, circulate, or place before the public an advertisement which contains a statement or representation which is untrue, deceptive, or misleading.

(2) The failure to sell goods, merchandise, commodities, or services in the manner advertised, or the refusal to sell at the price at which it was advertised, or in accordance with other terms and conditions of the advertisement creates a rebuttable presumption of an intent to violate this act.

(3) In determining whether advertising is deceptive or misleading, the extent to which the advertising fails to reveal facts which are material in light of the representations made or suggested in a positive manner shall be taken into account.

(4) A person shall not make, publish, disseminate, circulate, or place before the public an advertisement with the intent, design, or purpose not to sell at the price stated in the advertisement, or otherwise communicated, or with intent not to sell the goods, merchandise, commodities, or service so advertised.

(5) A person shall not advertise, call attention to, or give publicity to the sale of goods, merchandise, or commodities which are known to be substantially defective and therefore not first class, or which consist of articles or units or parts known as seconds or blemished goods, merchandise, or commodities, which goods, merchandise, or commodities have been rejected by the manufacturer of the goods, merchandise, or commodities as not being first class, unless there is displayed directly in connection with the name and description of the goods, merchandise, or commodities, a direct and unequivocal statement, phrase, or word which will clearly indicate that the goods, merchandise, or commodities so advertised are seconds or are blemished goods, merchandise, or commodities, or have been rejected by the manufacturer of the goods, merchandise, or commodities. Merchandise advertised, offered for sale, and sold as a unit or set consisting of more than 1 part or piece shall be sufficiently identified as not first class, within the meaning of this section, if advertised, offered for sale, and sold as a unit or set at the single price advertised, and displayed in connection with a direct and unequivocal statement, phrase, or word identifying the goods as not first class as required by this section.

**History:** 1976, Act 449, Eff. Jan. 1, 1978.

**Popular name:** Scanner Law

**Popular name:** Item Pricing Act