

**FIRST ENGROSSMENT  
with Conference Committee Amendments**

**ENGROSSED HOUSE BILL NO. 1284**

Introduced by

Representatives Wrangham, S. Meyer

Senator Traynor

1 A BILL for an Act to amend and reenact section 51-12-01 of the North Dakota Century Code,  
2 relating to false and misleading advertising; and to provide a penalty.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 51-12-01 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **51-12-01. False and misleading advertising prohibited.**

7 1. No person, ~~firm, corporation, limited liability company, or association~~ with intent to  
8 sell, dispose of, increase the consumption of, or induce the public to enter ~~into~~ an  
9 obligation relative to; or to acquire title or interest in any food, drug, medicine,  
10 patent and proprietary product, merchandise, security, service, performance,  
11 medical treatment, paint, varnish, oil, clothing, wearing apparel, machinery, or  
12 anything offered to the public; may make, publish, disseminate, circulate, or place  
13 before the public, or directly or indirectly shall cause to be made, published,  
14 disseminated, circulated, or placed before the public in a newspaper, or other  
15 publication, or in the form of a book, notice, handbill, poster, bill, circular, pamphlet,  
16 tab, label, letter, or in any other way, an advertisement ~~which~~ that contains any  
17 assertion, representation, or statement of fact, including the price thereof, which is  
18 untrue, deceptive, or misleading regarding such food, drug, medicine, patent and  
19 proprietary product, merchandise, security, service, performance, medical  
20 treatment, paint, varnish, oil, clothing, wearing apparel, machinery, or anything  
21 offered to the public.

22 2. It is not a violation of this section to advertise a performance by a performing group  
23 if at least one member of the performing group was a member of the recording  
24 group, the performance is identified as a "salute" or "tribute" to the recording

1                    group, the performance is expressly authorized in the advertising by the recording  
2                    group, the advertising does not relate to a live music performance taking place in  
3                    this state, or the advertising contains a disclaimer that the performing group is not  
4                    the recording group or is not affiliated with the recording group.