

**HOUSE . . . . . No. 235**

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Nine**  
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An Act relating to commercial law deceptive trade practices..

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1: Chapter 93A, of the General Laws, as appearing in the 2006 Official  
2 Edition, is hereby amended by adding the following section:-

3 Section 12: In addition to the foregoing sections, it shall be an unfair method of  
4 competition and unfair or deceptive act or practice to engage in any of the following:

5 (i) passing off goods or services as those of another;

6 (ii) causing likelihood of confusion or of misunderstanding as to the source,  
7 sponsorship, approval, or certification of goods or services;

8 (iii) causing likelihood of confusion or of misunderstanding as to affiliation, connection,  
9 or association with, or certification by, another;

10 (iv) using deceptive representations or designations of geographic origin in connection  
11 with goods or services;

12 (v) representing that goods or services have sponsorship, approval, characteristics,  
13 ingredients, uses, benefits, or quantities that they do not have or that a person has a sponsorship,  
14 approval, status, affiliation, or connection that he or she does not have;

15 (vi) representing that goods are original or new if they are deteriorated, altered,  
16 reconditioned, reclaimed, used, or secondhand; and if household goods have been  
17 repaired or reconditioned, without conspicuously noting the defect which necessitated the repair  
18 on the tag which contains the cost to the consumer of the goods;

19 (vii) representing that goods or services are of a particular standard, quality, or grade, or  
20 that goods are of a particular style or model, if they are of another;

21 (viii) disparaging the goods, services, or business of another by false or misleading  
22 representation of fact;

23 (ix) advertising goods or services with intent not to sell them as advertised;

24 (x) advertising goods or services with intent not to supply reasonably expectable public  
25 demand, unless the advertisement discloses a limitation of quantity;

26 (xi) making false or misleading statements of fact concerning the reasons for, existence  
27 of, or amounts of price reductions;

28 (xii) engaging in any other conduct that similarly creates a likelihood of confusion or of  
29 misunderstanding;

30 (xiii) engaging in any act or practice that is unfair or deceptive to the consumer;

31 (xiv) using any other methods, acts or practices which mislead or deceive members of the  
32 public in a material respect;

33 (xv) advertising any brand name goods for sale and then selling substituted brand names  
34 in their place;

35 (xvi) failure to include the brand name and or manufacturer of goods in any  
36 advertisement of the goods for sale, and, if the goods are used or secondhand, failure to  
37 include the information in the advertisement;

38 (xvii) advertising claims concerning safety, performance, and comparative price unless  
39 the advertiser, upon request by any person, the consumer council, or the attorney general, makes  
40 available documentation substantiating the validity of the claim;

41 (xviii) representing that work has been performed on or parts replaced in goods when the  
42 work was not in fact performed or the parts not in fact replaced; or

43 (xix) failing to separately state the amount charged for labor and the amount charged for  
44 services when requested by the purchaser

45 (xx) advertising for sale at a retail establishment the availability of a manufacturer's  
46 rebate by displaying the net price of the advertised item (the price of the item after he rebate as  
47 been deducted from the item's price) in the advertisement, unless the amount of the  
48 manufacturer's rebate is provided to the consumer by the retailer at the time of the purchase  
49 of the advertised item. It shall be the retailer's burden to redeem the rebate offered to the  
50 consumer by the manufacturer.

- 51 (xxi) refusing to accept a photocopy or other reasonable facsimile of an original sales  
52 receipt when the consumer is redeeming a rebate.