

the Annotated Code of Maryland (1957 Edition), title "Crimes and Punishments," subtitle "Fraud—False Advertisements," to follow immediately after Section 195 thereof, and to read as follows:

195A.

(a) *False advertising in the conduct of any business, trade or commerce or in the furnishing of any service in this State is hereby declared unlawful.*

(b) *The term "false advertising" means advertising, including labeling, which is misleading in a material respect; and in determining whether any advertising is misleading, there shall be taken into account (among other things) not only representations made by statement, word, design, device, sound or any combination thereof, but also the extent to which the advertising fails to reveal facts material in the light of such representations with respect to the commodity to which the advertising relates under the conditions prescribed in said advertisement, or under such conditions as are customary or usual.*

(c) *Any person, firm, corporation or association or agent or employee thereof who engages in any of the acts or practices stated in this article to be unlawful shall be liable to a civil penalty of not more than five hundred dollars (\$500.00) for each violation, which shall accrue to the State of Maryland and may be recovered in a civil action brought by the Attorney General. In any such action it shall be a complete defense that the advertisement is subject to and complies with the rules and regulations of, and the statutes administered by the Federal Trade Commission or any official department, division, commission or agency of the State of Maryland.*

(d) *Before the Attorney General commences an action pursuant to subsection (c) of this Section, he shall be required to give the person against whom such action is contemplated appropriate notice by certified mail and an opportunity to show either orally or in writing why such action should not be commenced. In such showing, said person may present, among other things, that the advertisement is subject to and complies with the rules and regulations of, and the statutes administered by the Federal Trade Commission or any official department, division, commission or agency of the State of Maryland.*

(e) *Nothing in this Section shall be construed to enlarge or diminish the rights of parties in private litigation. This Section does not repeal the provisions of Section 195 of this Article.*

(f) *Nothing in this Section shall apply to any television or sound radio broadcasting station or to any publisher or printer of a newspaper, magazine, or other form of printed advertising, who broadcasts, publishes or prints such advertisement.*

SEC. 2. *And be it further enacted, That this Act shall take effect June 1, 1966.*

Approved April 29, 1966.
