

Chapter 610

DECEPTIVE TRADE PRACTICES

Section 610.010. Definitions. [CC 1979 §76.010]

As used in this Chapter, the following words and terms shall mean:

ADVERTISEMENT — The attempt by publication, dissemination, solicitation, circulation, or any other means to induce, directly or indirectly, any person to enter into any obligation or acquire any title or interest in any merchandise.

MERCHANDISE — Any objects, wares, goods, commodities, intangibles, real estate or services.

SALE — Any sale, lease, offer for sale or lease, or attempt to sell or lease merchandise for cash or on credit

Section 610.020. Unlawful Practices-Exception. [CC 1979 §76.020]

- A. The act, use or employment by any person of any deception, fraud, false pretense, false promise, misrepresentation, unfair practice or the concealment, suppression, or omission of any material fact in connection with the sale or advertisement of any merchandise in trade or commerce or the solicitation of any funds for any charitable purpose, as defined in Section 407.453, RSMo., in or from the State of Missouri, is declared to be an unlawful practice. The use by any person, in connection with the sale or advertisement of any merchandise in trade or commerce or the solicitation of any funds for any charitable purpose, as defined in Section 407.453, RSMo., in or from the State of Missouri of the fact that the Attorney General has approved any filing required by this Chapter as the approval, sanction or endorsement of any activity, project or action of such person, is declared to be an unlawful practice. Any act, use or employment declared unlawful by this Subsection violates this Subsection whether committed before, during or after the sale, advertisement or solicitation.
- B. Nothing contained in this Section shall apply to:
 - 1. The owner or publisher of any newspaper, magazine, publication or printed matter wherein such advertisement appears, or the owner or operator of a radio or television station which disseminates such advertisement when the owner, publisher or operator has no knowledge of the intent, design or purpose of the advertiser; or
 - 2. Any institution or company that is under the direction and supervision of the director of the department of insurance, director of the division of credit

unions, or director of the division of finance, unless the directors of such divisions specifically authorize the Attorney General to implement the powers of this Chapter or such powers are provided to either the Attorney General or a private citizen by Statute.

3. It shall be an unlawful practice for any long-term care facility, as defined in Section 660.600, RSMo., except a facility which is a residential care facility I or a residential care facility II, as defined in Section 198.006, RSMo., which makes, either orally or in writing, representation to residents, prospective residents, their families or representatives regarding the quality of care provided, or systems or methods utilized for assurance or maintenance of standards of care to refuse to provide copies of documents which reflect the facility's evaluation of the quality of care, except that the facility may remove information that would allow identification of any resident. If the facility is requested to provide any copies, a reasonable amount, as established by departmental rule, may be charged.
4. Any long-term care facility, as defined in Section 660.600, RSMo., which commits an unlawful practice under this Section shall be liable for damages in a civil action of up to one thousand dollars (\$1,000.00) for each violation, and attorney's fees and costs incurred by a prevailing plaintiff, as allowed by the Circuit Court.

Section 610.030. Deceptive Business Practices. [CC 1979 §76.030]

- A. A person commits the offense of deceptive business practices if, in the course of engaging in a business, occupation or profession, he/she recklessly:
 1. Uses or possesses for use a false weight or measure or any other device for falsely determining or recording any quality or quantity;
 2. Sells, offers or exposes for sale or delivers less than the represented quantity of any commodity or service;
 3. Takes or attempts to take more than the represented quantity of any commodity or service when as buyer he/she furnishes the weight or measure;
 4. Sells, offers or exposes for sale adulterated or mislabeled commodities; or
 5. Makes a false or misleading statement for the purposes of obtaining property or credit.

Section 610.040. Deceptive Business Practices—Definitions. [CC 1979 §76.040]

In the construction of the preceding Section, the following terms shall mean:

ADULTERATED — Varying from the standard of composition or quality prescribed by Statute or lawfully promulgated administrative regulations of the United State of America or of this State lawfully filed or, if none, as set by commercial usage.

MISLABELED — Varying from the standard of truth or disclosure in labeling prescribed by Statute or lawfully promulgated administrative regulations of this State lawfully filed, or if none, as set by commercial usage; or represented as being another person's product, though otherwise accurately labeled as to quality and quantity.

Section 610.050. Odometer Fraud.

- A. A person commits the offense of odometer fraud in the first (1st) degree if he/she advertises for sale, sells, installs or has installed any device which causes an odometer to register any mileage other than the true mileage driven.
- B. For purposes of this Section, the true mileage driven is that mileage driven by the vehicle as registered by the odometer within the manufacturer's designed tolerance.

Section 610.060. False Advertising. [CC 1979 §76.060]

A person commits the offense of false advertising if, in connection with the promotion of the sale of, or to increase the consumption of, property or services, he/she recklessly makes or causes to be made a false or misleading statement in any advertisement addressed to the public or to a substantial number of persons.

Section 610.070. Bait Advertising. [CC 1979 §76.070]

- A. A person commits the offense of bait advertising if he/she advertises in any manner the sale of property or services with the purpose not to sell or provide the property or services:
 - 1. At the price which he/she offered them;
 - 2. In a quantity sufficient to meet the reasonably expected public demand, unless the quantity is specifically stated in the advertisement; or
 - 3. At all.

Section 610.080. Included Offenses. [CC 1979 §76.080]

The Sections described in Section 610.030 through 610.070 shall be included offenses in the unlawful practices prohibited by Section 610.020. No person shall be convicted of a violation of both Section 610.020 and of one (1) or more of Sections 610.030 through 610.070 as a result of the same act by him/her.