§901. Deceptive business practices

1. A person is guilty of deceptive business practices if, in the course of engaging in a business, occupation or profession, that person intentionally:

A. Uses or possesses with the intent to use a false weight or measure, or any other device that is adjusted or calibrated to falsely determine or measure any quality or quantity; [RR 2025, c. 2, Pt. F, §53 (COR).]

B. Sells, offers or exposes for sale or delivers less than the represented quantity of any commodity or service; [RR 2025, c. 2, Pt. F, §53 (COR).]

C. Takes more than the represented quantity of any commodity or service when as buyer that person furnished the weight or measure; [RR 2025, c. 2, Pt. F, §53 (COR).]

D. Sells, offers or exposes for sale any commodity that is adulterated or mislabeled; [RR 2025, c. 2, Pt. F, §53 (COR).]

E. [PL 1975, c. 740, §91 (RP).]

F. Sells, offers or exposes for sale a motor vehicle on which the manufacturer's serial number has in fact been altered, removed or obscured; [PL 1975, c. 499, §1 (NEW).]

G. Makes or causes to be made a false statement of material fact in any advertisement addressed to the public or to a substantial number of persons, in connection with the promotion of that person's business, occupation or profession or to increase the consumption of specified property or service; [RR 2025, c. 2, Pt. F, §53 (COR).]

H. Offers property or service in any manner, including advertising or other means of communication, as part of a scheme or plan with the intent not to sell or provide the advertised property or services:

(1) At all;

(2) At the price or of the quality offered; or

(3) In a quantity sufficient to meet the reasonably expected public demand unless the advertisement or communication states the approximate quantity available; or [RR 2025, c. 2, Pt. F, §53 (COR).]

I. Conducts, sponsors, organizes or promotes a publicly exhibited sports contest with the knowledge that that person or another person has tampered with any person, animal or thing that is part of the contest, with the intent to prevent the contest from being conducted in accordance with the rules and usages purporting to govern it, or with the knowledge that any sports official or sports participant has accepted or agreed to accept any benefit from another person upon an agreement or understanding that that sports official or sports participant will thereby be influenced not to give that sports official's or sports participant's best efforts or that that sports official or sports participant will perform that sports official's or sports participant's duties improperly. [RR 2025, c. 2, Pt. F, §53 (COR).]

[RR 2025, c. 2, Pt. F, §53 (COR).]

2. It is a defense to a prosecution under subsection 1, paragraphs G and H, that a television or radio broadcasting station, or a publisher or printer of a newspaper, magazine or other form of printed material, which broadcasts, publishes or prints a false, misleading advertisement did so without knowledge of the advertiser's intent.

[PL 1975, c. 499, §1 (NEW).]

3. As used in this section:

A. "Adulterated" means varying from the standard of composition or quality prescribed for the substance by statute or by lawfully promulgated administrative regulation, or if none, as set by established commercial usage; [PL 1975, c. 499, §1 (NEW).]

B. "Mislabeled" means having a label or trademark varying from the standard of truth and disclosure in labeling prescribed by statute or lawfully promulgated administrative regulation, or if none, as set by established commercial usage. "Mislabeled" includes but is not limited to counterfeiting or the unauthorized reproducing of a trademark. [PL 1999, c. 767, §1 (AMD).]

C. [PL 1975, c. 740, §92 (RP).]
[PL 1999, c. 767, §1 (AMD).]

3-A. A commodity or item bearing marks in violation of this section or personal property, including, but not limited to, tools, machines, equipment, instrumentalities or vehicles of any kind, employed or used in connection with the violation is contraband and may be seized by a law enforcement officer. A person convicted of a violation of this section forfeits to the State all rights, privileges, interests and claims to property seized under this subsection.
[PL 1999, c. 767, §2 (NEW).]

4. Deceptive business practices is a Class D crime.
[PL 1977, c. 162 (AMD).]

SECTION HISTORY

PL 1975, c. 499, §1 (NEW). PL 1975, c. 740, §§91,92 (AMD). PL 1977, c. 162 (AMD). PL 1999, c. 767, §§1,2 (AMD). RR 2025, c. 2, Pt. F, §53 (COR).

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