

ASSEMBLY BILL

No. 2313

**Introduced by Assembly Members Nestande and Olsen
(Coauthor: Assembly Member Gray)**

February 21, 2014

An act to amend Section 17500 of the Business and Professions Code, relating to business.

LEGISLATIVE COUNSEL'S DIGEST

AB 2313, as introduced, Nestande. False advertising.

Existing law makes it a crime for a person, corporation or association, or any employee of a corporation or association, to engage in advertising practices conducted by specified means of dissemination or publication, where a statement is made or disseminated that is untrue or misleading, and which by the exercise of reasonable care should be known to be untrue or misleading.

This bill would make technical, nonsubstantive changes to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 17500 of the Business and Professions
2 Code is amended to read:
3 17500. It is unlawful for ~~any~~ a person, firm, corporation or
4 association, or ~~any~~ an employee thereof with intent directly or
5 indirectly to dispose of real or personal property or to perform
6 services, professional or otherwise, or anything of any nature

1 whatsoever or to induce the public to enter into ~~any~~ *an* obligation
2 relating thereto, to make or disseminate or cause to be made or
3 disseminated before the public in this state, or to make or
4 disseminate or cause to be made or disseminated from this state
5 before the public in any state, in ~~any~~ *a* newspaper or other
6 publication, or ~~any~~ *an* advertising device, or by public outcry or
7 proclamation, or in any other manner or means ~~whatever~~, including
8 over the Internet, ~~any~~ *a* statement, concerning that real or personal
9 property or those services, professional or otherwise, or concerning
10 any circumstance or matter of fact connected with the proposed
11 performance or disposition thereof, ~~which~~ *that* is untrue or
12 misleading, and ~~which~~ *that* is known, or ~~which by the exercise of~~
13 ~~reasonable care~~ should be known, *by the exercise of reasonable*
14 *care*, to be untrue or misleading, or for any person, firm, or
15 corporation to so make or disseminate or cause to be so made or
16 disseminated any such statement as part of a plan or scheme with
17 the intent not to sell that personal property or those services,
18 professional or otherwise, so advertised at the price stated therein,
19 or as so advertised. Any violation of the provisions of this section
20 is a misdemeanor punishable by imprisonment in the county jail
21 not exceeding six months, or by a fine not exceeding two thousand
22 five hundred dollars (\$2,500), or by both that imprisonment and
23 fine.