

Sec. 42-110b-13a. Competitor's prices

(a) It shall be an unfair or deceptive act or practice for a seller to make any price comparison based upon a competitor's price unless:

(1) the competitor's price is either a price at which the competitor sold or advertised consumer property or services for sale at any time within the ninety day period immediately preceding the date on which the price comparison is stated in the advertisement, or the date on which the completed advertising copy was submitted to the printer for final printing and publication, provided such submission date does not exceed eight weeks from the date of actual publication or distribution;

(2) the competitor's price is a price that is representative of prices at which the consumer property or services are sold or advertised for sale in the trade area in which the price comparison is made and is not an isolated price; and

(3) disclosure is made with the price comparison that the price used as a basis for the comparison was not the seller's own price.

(b) It shall be an unfair or deceptive act or practice for a seller to make any price comparison based upon a "manufacturer's suggested price," "distributor's suggested price," "list price," "suggested retail," or any similar term implying a suggested or list price established by anyone other than the seller, unless either:

(1) the seller has actually offered such consumer property or services for sale at the suggested price as its regular price; or

(2) the seller can substantiate that it is the actual price at which such consumer property or services were being offered for sale by representative retailers in the trade area in which the claim is made at any time within the ninety day period immediately preceding either the date on which the price comparison is stated in the advertisement, or the date on which the completed advertising copy was submitted to the printer for final printing and publication, provided such submission date does not exceed eight weeks from the date of actual publication or distribution.

(Effective February 26, 1986)