Consumer Protection; deceptive trade practices

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If the advertisement lists several prizes, the advertiser must state the odds of winning each prize, the date the prizes will be awarded, and indicate that a list of winners will be available upon request.

Chapter 889 further prohibits advertisements which state that the recipient has a chance to win a prize in exchange for hearing a sales presentation unless the advertisement clearly states who is conducting the promotion. The retail value and number of prizes to be awarded and the odds of winning must be stated. Additionally, Chapter 889 prohibits advertisements which falsely represent that the recipient was specially selected.

9. Id. If the advertisement is printed, the odds must appear in the same size print as the body of the advertisement. Id.
10. Id.
12. Id. sec. 10, at 2195 (enacting Nev. Rev. Stat. § 598___). The information need not be stated if the advertisement is broadcast over the radio or television. Id. Unless the media knew the advertisement was in violation of Chapter 889, the media is not liable. Id. The advertisement is illegal if the advertiser has predetermined which prize the recipient will be awarded. Id.
13. Id. sec. 11, at 2196 (enacting Nev. Rev. Stat. § 598___). The advertiser may not use a mass source such as phone books or city directories as a source of names for persons to be solicited. Id. No more than 10 percent of those considered may be selected for solicitation. Id.

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Nev. Rev. Stat. § 598___ (new);
§§ 41.600, 119A.710, 119B.430, 489.401, 598.360, 598.490 (amended).
AB 275 (Wisdom); 1989 Stat. Ch. 307
(Effective July 1, 1989)

Existing law prohibits a person from engaging in deceptive trade practices. Chapter 307 expands the definition of deceptive trade
practices to include a representation of fact in an advertisement which a reasonable person would believe is true, when: 1) That representation is made without a reasonable basis in fact, or 2) the person making the representation fails to provide evidence of a reasonable basis in fact upon request by the commissioner of consumer affairs. Chapter 307 further provides that this new definition of a deceptive trade practice applies to statutes regulating unfair competition, consumer fraud, and sales of timeshares, memberships, or manufactured homes.

**JZ**

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