

**7515.0740 PROHIBITED STATEMENTS.**

An advertisement shall not contain:

- A. Any statement that is false or misleading in any particular material.
- B. Any statement that is disparaging of a competitor's products.
- C. Any statement, design, device, or representation which is obscene or indecent.
- D. Any statement, design, device, or representation of or relating to analyses, standards, or tests, irrespective of falsity, which is likely to mislead the consumer.
- E. Any statement, design, device, or representation of or relating to any guaranty, irrespective of falsity, which is likely to mislead the consumer.

Nothing in this part shall prohibit the use of any enforceable guaranty in substantially the following form: "We will refund the purchase price to the purchaser if the purchaser is in any manner dissatisfied with the contents of this package."

F. Any statement that the product is produced, blended, made, bottled, packed, or sold under, or in accordance with, any authorization, law, or regulation of any municipality, county, or state, federal, or foreign government unless such statement is required or specifically authorized by the laws or regulations of such government; and if a municipal, county, state, or federal permit number is stated, such permit number shall not be accompanied by any additional statement relating thereto.

G. Any statement concerning a brand or lot of intoxicating liquor that is inconsistent with any statement on the labeling thereof.

H. Any statement, design, or device representing that the use of any intoxicating liquor has curative or therapeutic effects, if such statement is untrue in any particular, or tends to create a misleading impression.

I. Any representation that the product was manufactured in, or imported from, a place or country other than that of its actual origin, or was produced or processed by one who was not in fact the actual producer or processor.

J. Any statement, design, device, or pictorial representation of or relating to, or capable of being construed as relating to the armed forces of the United States, or of the American flag, any state flag, or of any emblem, seal, insignia, or decoration associated with any such flag or the armed forces of the United States; nor shall any advertisement contain any statement, device, design, or pictorial representation of or concerning any flag, seal, coat of arms, crest, or other insignia, likely to falsely lead the consumers to believe that the product has been endorsed, made, or used by or produced for, or under the supervision of, or in accordance with the specifications of the government, organization, family, or individual with whom such flag, seal, coat of arms, crest, or insignia is associated.

K. There shall be no cooperative advertising in newspapers or magazines as between a producer, manufacturer, bottler, importer, or wholesaler, and a retailer of distilled spirits.

L. Any statement offering any coupon, premium, prize, or rebate as an inducement to purchase intoxicating liquors.

**Statutory Authority:** *MS s 299A.02*

**History:** *17 SR 1279*

**Published Electronically:** *October 14, 2013*