S T A T E O F N E W Y O R K

1193

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. DESTITO, TOWNSEND -- read once and referred to the Committee on Consumer Affairs and Protection

AN ACT to amend the general business law, in relation to identification of the country of origin of firearms, rifles and shotguns in promotional materials

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The general business law is amended by adding a new section 349-d to read as follows:

S 349-D. NOTICE CONCERNING MANUFACTURERS OF FIREARMS, RIFLES AND SHOTGUNS. 1. WHEN A FIREARM, RIFLE OR SHOTGUN IS ADVERTISED FOR SALE IN ANY MAIL ORDER CATALOG OR OTHER PROMOTIONAL MATERIAL BY A MANUFACTURER OR DISTRIBUTOR, THE DESCRIPTION SHALL CONTAIN A CLEAR AND CONSPICUOUS STATEMENT THAT IDENTIFIES THE COUNTRY WHERE THE FIREARM, RIFLE OR SHOTGUN WAS MANUFACTURED.

2. THE STATEMENT OF ORIGIN REQUIRED BY THIS SECTION SHALL NOT BE INCONSISTENT WITH THE ORIGIN LABELING OF THE PRODUCT BEING ADVERTISED.

3. IT SHALL CONSTITUTE FALSE ADVERTISING FOR ANY PERSON, FIRM, CORPORATION, PARTNERSHIP, LIMITED LIABILITY COMPANY OR OTHER ENTITY WHICH MANUFACTURES OR DISTRIBUTES FIREARMS, RIFLES OR SHOTGUNS TO ADVERTISE A FIREARM, RIFLE OR SHOTGUN IN ANY MAIL ORDER CATALOG OR OTHER PROMOTIONAL MATERIAL IN A MANNER THAT FALSELY SUGGESTS THAT SUCH FIREARM, RIFLE OR SHOTGUN IS PRODUCED IN A GEOGRAPHIC LOCATION OTHER THAN THE ACTUAL COUNTRY OF ORIGIN.

4. THE PROVISIONS OF THIS SECTION SHALL NOT BE DEEMED TO ALTER OR OTHERWISE SUPERSEDE ANY OTHER LABELING OR DISCLOSURE REQUIREMENT IMPOSED BY STATE OR FEDERAL LAW.

5. A VIOLATION OF THIS SECTION SHALL BE DEEMED TO BE BOTH A DECEPTIVE ACT AND FALSE ADVERTISING AND SHALL BE SUBJECT TO THE PENALTIES OTHERWISE PRESCRIBED IN THIS ARTICLE.

S 2. This act shall take effect on the one hundred twentieth day after it shall have become a law.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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