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

3516

2015-2016 Regular Sessions

I N A S S E M B L Y

January 23, 2015

Introduced by M. of A. WEPRIN, GUNTHER, COLTON, COOK, HOOPER, GALEF -- Multi-Sponsored by -- M. of A. FAHY, MOSLEY, PERRY, ROBINSON -- read once and referred to the Committee on Consumer Affairs and Protection

AN ACT to amend the general business law, in relation to font size for advertisements

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 337-a to read as follows:

S 337-A. FONT SIZE FOR ADVERTISEMENTS. 1. THE OFFER, TERMS, AND EXPIRATION, IF APPLICABLE, OF AN AD, ADVERTISEMENT, CIRCULAR, FLYER OR OTHER PUBLICATION FOR THE PURPOSE OF COMMERCIAL SALE OF A PRODUCT OR SERVICE SHALL BE IN A LEGIBLE FONT NOT SMALLER THAN SIZE ELEVEN POINT FONT. NOTHING IN THIS SECTION SHALL BE CONSTRUED SO AS TO REQUIRE UNIFORMITY OF FONT OR FONT SIZE IN SUCH AD, ADVERTISEMENT, CIRCULAR OR FLYER.

2. UPON SUBMISSION TO THE STATE CONSUMER PROTECTION BOARD OF A REPRESENTATIVE SAMPLE THAT DOES NOT CONFORM TO SUBDIVISION ONE OF THIS SECTION, THE BOARD SHALL CONDUCT AN INVESTIGATION AND UPON CONFIRMATION OF NON-CONFORMITY WITH SUBDIVISION ONE OF THIS SECTION SHALL LEVY UPON THE PUBLISHER OF SUCH PUBLICATION:

A. ON FIRST VIOLATION OF THIS SECTION A PENALTY OF ONE THOUSAND DOLLARS;

B. ON SECOND VIOLATION OF THIS SECTION A PENALTY OF TEN THOUSAND DOLLARS;

C. ON THIRD VIOLATION AND SUCCESSIVE VIOLATIONS THEREAFTER A PENALTY OF TWENTY-FIVE THOUSAND DOLLARS.

EACH DAY THAT SUCH PUBLICATION IS PUBLISHED OR OTHERWISE CIRCULATED SHALL CONSTITUTE A SEPARATE VIOLATION OF THIS SECTION.

3. THE STATE CONSUMER PROTECTION BOARD SHALL MAINTAIN A REGISTRY OF OFFENSES AND SHALL INSTITUTE RULES AND REGULATIONS FOR THE SUBMISSION AND ADJUDICATION OF ALLEGEDLY NON-CONFORMING PUBLICATIONS.

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

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4. A. A PUBLISHER THAT IS NOT THE PROGENITOR OF THE NON-CONFORMING PUBLICATION SHALL BE ALLOWED TO JOIN SUCH PARTY IN AN ACTION BEFORE THE BOARD, OR OTHERWISE SEEK INDEMNIFICATION AGAINST SUCH PARTY IN A COMPETENT COURT OF THIS STATE.

B. A PUBLISHER THAT IS LEVIED A PENALTY UNDER THIS SECTION SHALL BE ALLOWED TO CHALLENGE SUCH PENALTY PURSUANT TO ARTICLE SEVENTY-EIGHT OF THE CIVIL PRACTICE LAW AND RULES.

S 2. This act shall take effect immediately.