

March 16, 1982

LB 547

CLERK: Mr. President, Senator Chambers you had had one previously printed and I understand you wish to withdraw that. Mr. President, Senator Chambers would move to return LB 547 to Select File for a specific amendment. (Read Chambers amendment as found on page 1187, Legislative Journal.)

SENATOR LAMB: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman, members of the Legislature, what I am doing with this amendment is stating in an affirmative fashion what the law would state as Senator Schmit has amended it. What my bill, what my amendment will do is exactly what is allowed to be done with the bill as amended but it states it very clearly so the public is aware of what is being done to it by the Legislature. My amendment which merely restates or states in the alternative what is being said by Senator Schmit's amendment is this: It shall not be unlawful if you do the following things. If you engage in false advertisement of food, it is lawful to do that, if you do it knowingly, and that includes false or misleading information in any form. You can advertise your food as being that of another and know that that is false and it is not illegal. You can give advertisements likely to produce confusion and misunderstanding as to the source, sponsorship, approval or certification of such food. You can certify that your food is that of another and that is not illegal. You can misrepresent the geographical origin of the food knowingly. That is not illegal. Subdivision (e), you can misrepresent the sponsorship, approval, characteristics, you can even misrepresent the ingredients, benefits or uses of the food. The qualities of the food can knowingly be misrepresented and that is not unlawful. If you get to line 16 through 18 this is really significant. The advertisement of food by way of a representation that the food is of a particular standard, quality or grade when it is not, you can knowingly misrepresent the standard. You can knowingly misrepresent the quality. You can knowingly misrepresent the grade of the food and that is not illegal. You can disparage lawfully the food of others with misleading and false statements and that is not illegal. You can advertise food with an intent not to sell it as advertised or an intent to sell an alternative without letting the people know that that is what your intent is when you give your advertisement and that is done by offering one item and when people come into the store you don't give them that, you give them something else. You trick them in other words and that is your intent. That is not unlawful. Here is a provision in lines 25 through 27 on page 14. The advertisement of food with the intent not to supply a reasonably expectable public demand, you can do that and you are not unlawful. What I am stating in my