

March 16, 1982

LB 547

amendment is what would be the case with the bill as Senator Schmit has amended it. He said his only intent was to prevent newspapers from being held liable for false advertisements if they ran those advertisements with no intent to deceive the public. But on the other hand, everybody who deals with food, whether their purpose in dealing with it is to sell it, merchandise, or distribute it, they may knowingly misrepresent their product in all of the ways that I mentioned and simply declare that their intent is not to deceive and they can get away with it. The law is affirmatively approving of that kind of misrepresentation. I want it crystal clear in the record that I made an attempt to bring this matter to the Legislature's attention; that the Legislature having knowledge of it chose to disregard it. That being the case in the record, it means the Legislature is affirmatively approving of false and misleading advertisement with reference to food whether it deals with the origin, the quality, the uses, the standard or anything else pertaining to it; that the Legislature is affirmatively approving of one person disparaging another's product with knowingly false and misleading advertising. That indeed boggles my mind. I think if the Legislature would take the time to read this provision that is in the bill as it exists now, you would want to do something to correct it. My amendment does not correct that situation. My amendment simply states unequivocally so that it is clear to the public what the Legislature is doing to it, what will be done by Senator Schmit's amendment to the bill. So I am offering that amendment and by now maybe those of you who are interested have had a chance to pick up your bill book, in the Final Reading copy of the bill on page 13 at line 17, after the word "shall", you would insert the word "not", so it would read, "It shall not be unlawful for these various things to be done. Then in lines 19 and 20, you would strike the new language that Senator Schmit has offered because all that Senator Schmit's language does is exactly what I am saying, that it shall not be unlawful to engage in false misleading advertisement knowingly with reference to food. So I am asking that we adopt this polygraph amendment and tell the public what we are doing and establish for the record that we know what we are doing and choose to do it anyway.

SENATOR LAMB: Before we proceed, I would like to introduce Cecelia Knutson of Bellevue, Nebraska, Senator Fenger's District. She is the mother of Page, Brenda Knutson. Would you step out and be recognized please. Welcome to the Legislature. Also in the South balcony, we have a number of guests of Senator Goll, 42 eleventh and twelfth grade students from Tekamah-Herman High School at Tekamah, Nebraska.