

Section 441. Distributors' and Importing Distributors', Restrictions on Sales, Storage, etc.— \* \* \*

(e) *No distributor or importing distributor shall purchase, sell, resell, receive or deliver any malt or brewed beverages, except in strict compliance with the provisions of subsection (b) of section 431 of this act.*

Section 3. This act shall take effect immediately.

Act effective immediately.

APPROVED—The 23d day of October, A. D. 1959.

DAVID L. LAWRENCE

No. 472

AN ACT

Amending the act of June 24, 1939 (P. L. 872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," regulating the advertising of merchandise offered for sale by certain businesses.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

The Penal Code.

Section 1. Section 857, act of June 24, 1939 (P. L. 872), known as "The Penal Code," amended March 1, 1956 (P. L. 1200), is amended to read:

Section 857, act of June 24, 1939, P. L. 872, amended March 1, 1956, P. L. 1200, further amended.

Section 857. Untrue, False and Misleading Advertising.—Whoever, with intent to sell or in any wise dispose of merchandise, securities, service, or any other thing, or with intent to increase the consumption thereof, or to induce the public in any manner to enter into any obligation relating thereto, or to acquire title thereto or any interest therein, makes, publishes, disseminates, or causes, directly or indirectly, the same to be made, published, disseminated, circulated, or placed before the public, in a newspaper or other publication in the form of a book, notice, handbill, poster, sign, bill, circular, pamphlet, or letter, or over any radio or television station or other medium of wireless communication, or in any other way, similar or dissimilar to the foregoing, an advertisement, announcement, or statement, of any sort regarding merchandise, security, investment, service or anything so offered to the public or concerning the quantity, quality, value, merit, use, present or former price, cost, reason for price, motive for sale, or concerning the method or cost of production or manufacture, or the possession of rewards, prizes or distinctions conferred, regarding such merchandise, security, investment, service or thing, which advertisement contains any assertion, representation, or statement of fact which is untrue, deceptive, or misleading, and which is known, or which by

the exercise of reasonable care should be known, to be untrue, deceptive, or misleading, is guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to pay a fine not exceeding five hundred dollars (\$500), or undergo imprisonment not exceeding one (1) year, or both.

The provisions of this section shall not apply to any owner, agent, or employe of any radio or television station or to any owner, publisher, printer, agent, or employes of a newspaper or other publication, periodical, or circular, who, in good faith and without knowledge of the falsity or deceptive character thereof, publishes, causes to be published, or takes part in the publication of such advertisement.

It shall be deemed deceptive advertising, within the meaning of this section, for any person engaged in the business of buying or selling new or second hand furs, wearing apparel, jewelry, furniture, pianos, phonographs, or other musical instruments, motor vehicles, stocks, or generally any form of property, real, personal, or mixed, or in the business of furnishing any kind of service or investment, to advertise, by "liner ads" or likewise, such articles, property, or service for sale, in any manner indicating that the sale is being made by a private party or householder not engaged in such business, and such advertisement shall affirmatively and unmistakably indicate and state that the seller is a business concern and not a private party.

*It shall be deemed deceptive advertising within the meaning of this section for any person, partnership, firm, association or corporation to misrepresent the true nature of its business by use of the words "manufacturer," "mill," "importer" or "wholesaler," or for any person, partnership, firm, association or corporation to represent itself as selling at wholesale in any form of sale or advertising, unless such person, partnership, firm, association or corporation is actually selling at wholesale for the purpose of resale.*

*It shall be deemed deceptive advertising within the meaning of this section for any person, partnership, firm, association or corporation to misrepresent the true nature \*of its business by use of the words "sell at wholesale," "sales at wholesale," "wholesale sale," "wholesale prices" or words of similar import containing the word "wholesale," unless all merchandise listed or sold under such claims are sales to a purchaser for the purpose of resale or further processing or manufacturing.*

*It shall be deemed deceptive advertising within the meaning of this section for any person, partnership, firm, association or corporation to advertise an item of mer-*

\* "If" in original.

*chandise for sale and then to refuse to show, demonstrate or sell the product offered in accordance with the terms of the offer.*

No owner of any newspaper or other publication, or radio or television station, or employe thereof, shall hereafter accept any advertisement for its classified or other columns without, at the time, obtaining the name and address of the advertiser, and making a record of the same, which record shall be retained for a period of two weeks, and shall be subject to the examination of any duly constituted law officer of this Commonwealth. No owner or owners of any newspaper or publication, or radio or television station, or employe thereof, shall knowingly accept any advertisement from any person engaged in any of the businesses mentioned in this section, if such advertisement does not affirmatively state that the merchandise, property, or service advertised belong to, and are the property of, the business concern from whom such advertisement is directly or indirectly received.

APPROVED—The 23d day of October, A. D. 1959.

DAVID L. LAWRENCE

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No. 473

AN ACT

Providing for the continuity of the General Assembly in the event of an attack by an enemy of the United States.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Emergency  
Interim  
Legislative  
Succession Act.

Section 1. Short Title.—This act shall be known and may be cited as the “Emergency Interim Legislative Succession Act.”

Section 2. Declaration of Policy.—The General Assembly declares: (1) that recent technological developments make possible an enemy attack of unprecedented destructiveness, which may result in the death or inability to act of a large proportion of the membership of the General Assembly; (2) that to conform in time of attack to existing legal requirements pertaining to the General Assembly would be impracticable, would admit of undue delay, and would jeopardize continuity of operation of a legally constituted General Assembly; and (3) that it is therefore necessary to adopt special provisions, as hereinafter set out, for the effective operation of the General Assembly.