

Ordinance No. 43475

AN ORDINANCE relating to false misleading advertising, defining offenses, prescribing penalties and repealing Ordinance No. 28999, all other ordinances and parts of ordinances in conflict herewith and declaring an emergency.

57632

Council Bill No. 33046

INTRODUCED: MAY 1 1952	BY: PERLBERG
REFERRED: MAY 1 1952	TO: PUBLIC SAFETY
REFERRED:	
REPORTED: MAY 8 1952	VETO:
FIRST READING: MAY 8 1952	PUBLISHED: f
THIRD READING: MAY 8 1952	VETO SUSTAINED:
SIGNED: MAY 8 1952	PASSED OVER VETO:
PRESENTED TO MAYOR: MAY 1 1952	APPROVED: MAY 1 1952
FILED: MAY 1 1952	PUBLISHED: MAY 17 1952
ENGROSSED: 71	BY: [Signature]
VOL. PAGE 465	
COMPALED BY:	

AND

See Ord. 30493 false advertising (Superseded by this ord.)  
 Advertising  
 Re. second hand merchandise or "seconds" see Ord 42686 (O-42686 R.P.D.)  
 Bureau of Better Business

CHARTER MEMBER OF NATIONAL ASSOCIATION OF REAL ESTATE BOARDS

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 1ST VICE-PRES.  
 F. A. PLUMER, 2D VICE-PRES.

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 JOHN H. CARTER  
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 JOHN F. ADAMS

# Seattle Real Estate Association

(AN ORGANIZATION OF REALTORS)

HEADQUARTERS, 203 HINCKLEY BUILDING  
 MAIN 7221  
 SAMUEL COLLYER, SEC'Y-TREAS.

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 1921-1922

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W. M. COWLEY, CHAIRMAN

SEATTLE, WASH. May 12, 1922.

C.B. 33046

Hon. Hugh Caldwell,  
 Mayor of Seattle,  
 Seattle, Washington.

Dear Mr. Mayor:

Our committee on city affairs after a careful survey of the Ordinance now in your hands for signature, relating to false and misleading advertising, etc., has instructed me to advise you that the Ordinance meets with its approval, and the purpose of it is endorsed by this Association.

Yours truly,

*Samuel Collyer*  
 Secretary.

Sec 1-102618

2-66400 - Refinements

3

4

4a-51632-68362 (see 42686)

4b-51632

4c-68362

5-66400

6-66400-51632

7-66400

8

9-66400

10

11

12

13

Ord. 43475.

Sec. 2 Ord 66400

4 (a) Ord 51632

4 (b) Ord 51632

4 (c) Ord 68362

5 Ord 66400

6 (a) Ord 51632

7 Ord 66400

9 Ord 66400

AMENDED

BY

ORDINANCE No. 51632

By adding Sec 4(a) 4(b) <sup>and value</sup> ~~4(c)~~ respectively  
Note Sec 6a was not added?

2-5-789

Amended in Section 5A By Ordinance No. 66400 4/16/36

Amended in Section 4C By Ordinance No. 68249 Repealed  
<sup>by adding</sup> and word "seconds" or "second-hand" (Ord. 68249 Repl. by 68362)

Amended in Section 4C By Ordinance No. 68362  
43475 - or word "seconds"

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE relating to false and misleading advertising, defining offenses, prescribing penalties, repealing Ordinance No. 32243 and all other ordinances and parts of ordinances in conflict herewith, and declaring an emergency.

Be it ordained by The City of Seattle as follows:

AMENDED - ORS

102618

Section 1. This entire ordinance shall be deemed an exercise of the police power of the State of Washington and of the City of Seattle, for the protection of the public economic and social welfare, health, peace and morals, and all its provisions shall be liberally construed for the accomplishment of that purpose.

Section 2. The term "person" as used in this ordinance shall be held to mean and include natural persons of either sex, firms, co-partnerships and corporations, whether acting by themselves or by servant, agent or employee. The singular number shall include the plural and the masculine pronoun shall include the feminine. The term "advertise" as used in this ordinance shall be held and construed to include the making, displaying, publishing, disseminating or circulating of any public announcement of an offer to sell anything whatever in any newspaper, periodical, magazine, pamphlet, bulletin, circular, letter, or upon any placard, poster, sign, picture or hand-bill, or in or upon any other advertising medium whatsoever, whether like or unlike those hereinbefore enumerated.

Section 3. It shall be unlawful to advertise any goods, wares or merchandise, securities, services, real

estate or any other thing offered by such person, directly or indirectly, to the public for sale or distribution by making or employing any assertion, representation or statement of fact which is untrue, deceptive or misleading.

Section 4. It shall be unlawful to advertise for sale any goods, wares or merchandise, securities, service or real estate by announcing the present price of the same, or any of them, together with a statement of any former price thereof, unless such former price be the lowest at which the same were offered for sale to the public prior to their being offered at the present advertised price.

Section 5. It shall be unlawful to advertise for sale any lot of miscellaneous goods, wares or merchandise by using the statement "values up to" a certain price, or any other statement of like import, unless such person shall specifically state in such advertisement the name and number of such articles and the lowest price at which each of said articles was offered for sale to the public prior to said advertisement.

Section 6. It shall be unlawful for any person engaged in the business of selling goods, wares or merchandise, securities, service or real estate to advertise the sale of the same unless it shall be stated in the advertisement of such sale, clearly and unequivocally, that said person advertising such sale of goods, wares or merchandise, securities, service or real estate is a dealer in the same; Provided, however, that the advertisement of the sale of any goods, wares or merchandise, securities, service or real estate, in such form as to make it plainly apparent

therefrom that the person so advertising is actually engaged in the business of selling such goods, wares, or merchandise, securities, service or real estate as a business, shall be deemed a sufficient compliance with the terms of this ordinance.

Section 7. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than One Hundred (\$100) Dollars, or by imprisonment in the city jail for a period of not more than thirty (30) days, or by both such fine and imprisonment.

Section 8. Every person concerned in any act or omission in violation of this ordinance, whether he directly performs or omits to perform any act in violation of this ordinance, or aids or abets the same, whether present or absent, and every person who directly or indirectly counsels, encourages, hires, commands, induces, or otherwise procures, another to commit such violation is, and shall be, a principal under the terms of this ordinance, and shall be proceeded against and prosecuted as such.

Section 9. None of the provisions of this ordinance shall apply to any person engaged in the business of commercial printing, any person engaged in the business of publishing any newspaper or periodical, or any agent of such persons, who publish any such advertisement in good faith, and without knowledge of the falsity thereof.

Section 10. No prosecution now pending, and no offense heretofore committed under ordinances heretofore enacted shall be affected in any way by the passage of this ordinance, but all such prosecutions shall be conducted to final judgments, and all such offenses shall be prosecuted

in the same manner as if this ordinance had not been enacted.

Section 11. If any section, sub-section, subdivision, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or void, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 12. That Ordinance No. 52243 of the City of Seattle, approved December 9th, 1918, entitled: "An Ordinance relating to untrue, deceptive and misleading advertisements in the City of Seattle, providing penalties for violation, and repealing ordinances in conflict," and all other ordinances and parts of ordinances in conflict herewith be, and the same are hereby, repealed.

Section 13. Whereas, the public is being daily deceived, misled and defrauded by false and misleading advertising in the City of Seattle; and whereas, the public interests require that such practices be prohibited at once, thereby creating a situation which makes it necessary for the immediate preservation of the public peace, health, safety, morals and welfare that this ordinance become effective without delay; Now, Therefore,

(Emergency)

Section..... Whereass,

Section 14..... By reason of the facts set forth in this ordinance an emergency is declared to exist; therefor this ordinance shall take effect and be in force from and after its passage and approval by the Mayor.

Passed the City Council the 8 day of MAY 1922, and signed by me in open session in authentication of its passage this 8 day of MAY 1922.

Robert B. Hasketh  
President of the City Council.

Approved by me this 14 day of MAY 1922.

Joseph W. Caldwell  
Mayor.

Filed by me this 15 day of MAY 1922.

Attest: City Comptroller and ex-officio City Clerk.

H. W. Carroll  
City Comptroller and ex-officio City Clerk.

(SEAL)

By Deputy Clerk.

MAY 17 1922

Published.....



ASSISTANT CORPORATION COUNSEL

THOMAS J. L. KENNEDY  
FRANK S. GRIFFITH  
EDWIN C. EWING  
EWING D. COLVIN  
NELSON T. HARTSON  
CHARLES T. DONWORTH  
FRANK M. PRESTON

CITY ATTORNEY  
GEO. A. MEAGHER

# THE CITY OF SEATTLE

## LAW DEPARTMENT

WALTER F. MEIER, CORPORATION COUNSEL

CHIEF CLERK  
R. B. MCCLINTON

LAW CLERKS  
H. R. FULLERTON  
W. D. COVINGTON  
J. A. NEWTON  
A. C. VAN SOELEN

CLAIM AGENT  
J. H. DENNIS

April 21st, 1922.

Mr. Philip Tindall, Chairman,  
Public Safety Committee,  
City Council, S e a t t l e.

Dear Sir:

In accordance with your request, we have prepared and herewith transmit an ordinance relating to false and misleading advertising, embodying the suggestions contained in the petition of the Better Business Bureau (Comptroller's File No. 84239). Instead of amending Ordinance No. 32243, we have deemed it advisable to repeal the same and include its provisions in this ordinance, in order that all matters relating to fraudulent advertising can be embodied in a single legislative act. As requested by you, this ordinance carries an emergency clause containing the grounds therefor suggested in your letter.

We herewith return Comptroller's File No. 84239.

Yours very truly,

WALTER F. MEIER,  
Corporation Counsel.

By *Charles T. Donworth*  
Assistant.

CTD:F

enc.

AMENDED

Amended in Sections <sup>2-5-789</sup> ~~4~~ By Ordinance No. 66400 4/16/36

Amended in Section ~~4~~ <sup>by adding</sup> By Ordinance No. 68249 Repealed

Amended in Section ~~4C~~ <sup>by adding</sup> "seconds or second-hand" (No. 68249 Repealed) By Ordinance No. 68362

ORDINANCE NO. 43475 = "1st and 2 seconds"

ORDINANCE No. 51632  
by adding sec 4(a) 4(b) (4(c)) respectively  
~~note: sec 4 was not added?~~

AN ORDINANCE relating to false and misleading advertising, defining offenses, prescribing penalties, repealing Ordinance No. 32243 and all other ordinances and parts of ordinances in conflict herewith, and declaring an emergency.

Be it ordained by The City of Seattle as follows:

AMENDED - ONE  
102618

Section 1. This entire ordinance shall be deemed an exercise of the police power of the State of Washington and of the City of Seattle, for the protection of the public economic and social welfare, health, peace and morals, and all its provisions shall be liberally construed for the accomplishment of that purpose.

Section 2. The term "person" as used in this ordinance shall be held to mean and include natural persons of either sex, firms, co-partnerships and corporations, whether acting by themselves or by servant, agent or employee. The singular number shall include the plural and the masculine pronoun shall include the feminine. The term "advertise" as used in this ordinance shall be held and construed to include the making, displaying, publishing, disseminating or circulating of any public announcement of an offer to sell anything whatever in any newspaper, periodical, magazine, pamphlet, bulletin, circular, letter, or upon any placard, poster, sign, picture or hand-bill, or in or upon any other advertising medium whatsoever, whether like or unlike those hereinbefore enumerated.

Section 3. It shall be unlawful to advertise any goods, wares or merchandise, securities, service, real

estate or any other thing offered by such person, directly or indirectly, to the public for sale or distribution by making or employing any assertion, representation or statement of fact which is untrue, deceptive or misleading.

Section 4. It shall be unlawful to advertise for sale any goods, wares or merchandise, securities, service or real estate by announcing the present price of the same, or any of them, together with a statement of any former price thereof, unless such former price be the lowest at which the same were offered for sale to the public prior to their being offered at the present advertised price.

Section 5. It shall be unlawful to advertise for sale any lot of miscellaneous goods, wares or merchandise by using the statement "values up to" a certain price, or any other statement of like import, unless such person shall specifically state in such advertisement the name and number of such articles and the lowest price at which each of said articles was offered for sale to the public prior to said advertisement.

Section 6. It shall be unlawful for any person engaged in the business of selling goods, wares or merchandise, securities, service or real estate to advertise the sale of the same unless it shall be stated in the advertisement of such sale, clearly and unequivocally, that said person advertising such sale of goods, wares or merchandise, securities, service or real estate is a dealer in the same; Provided, however, that the advertisement of the sale of any goods, wares or merchandise, securities, service or real estate, in such form as to make it plainly apparent

therefrom that the person so advertising is actually engaged in the business of selling such goods, wares, or merchandise, securities, service or real estate as a business, shall be deemed a sufficient compliance with the terms of this ordinance.

Section 7. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than One Hundred (\$100) Dollars, or by imprisonment in the city jail for a period of not more than thirty (30) days, or by both such fine and imprisonment.

Section 8. Every person concerned in any act or omission in violation of this ordinance, whether he directly performs or omits to perform any act in violation of this ordinance, or aids or abets the same, whether present or absent, and every person who directly or indirectly counsels, encourages, hires, commands, induces, or otherwise procures, another to commit such violation is, and shall be, a principal under the terms of this ordinance, and shall be proceeded against and prosecuted as such.

Section 9. None of the provisions of this ordinance shall apply to any person engaged in the business of commercial printing, any person engaged in the business of publishing any newspaper or periodical, or any agent of such persons, who publish any such advertisement in good faith, and without knowledge of the falsity thereof.

Section 10. No prosecution now pending, and no offense heretofore committed under ordinances heretofore enacted shall be affected in any way by the passage of this ordinance, but all such prosecutions shall be conducted to final judgments, and all such offenses shall be prosecuted

in the same manner as if this ordinance had not been enacted.

Section 11. If any section, sub-section, sub-division, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or void, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 12. That Ordinance No. 32243 of the City of Seattle, approved December 9th, 1913, entitled: "An Ordinance relating to untrue, deceptive and misleading advertisements in the City of Seattle, providing penalties for violation, and repealing ordinances in conflict," and all other ordinances and parts of ordinances in conflict herewith be, and the same are hereby, repealed.

Section 13. Whereas, the public is being daily deceived, misled and defrauded by false and misleading advertising in the City of Seattle; and whereas, the public interests require that such practices be prohibited at once, thereby creating a situation which makes it necessary for the immediate preservation of the public peace, health, safety, morals and welfare that this ordinance become effective without delay; Now, Therefore,

(Emergency)

Section..... Whereby,

Section 14..... By reason of the facts set forth in this ordinance an emergency is declared to exist; therefor this ordinance shall take effect and be in force from and after its passage and approval by the Mayor.

Passed the City Council the 8 day of MAY 1922, and signed by me in open session in authentication of its passage this 8 day of MAY 1922.

Robert B. Hesketh  
President of the City Council.

Approved by me this 15 day of MAY 1922.

Wright W. Lawrence  
Mayor

Filed by me this 15 day of MAY 1922.

Attest: H. W. Carroll  
City Comptroller and ex-officio City Clerk.

(SEAL)

By: [Signature]  
Deputy Clerk.

Published MAY 17 1922