

TITLE 4: ECONOMIC RESOURCES
DIVISION 5: BUSINESS REGULATION

§ 5104. Definitions.

As used in this article:

(a) “Business practice” means any conduct carried out in a business context, whether an isolated act or a continuing series of related acts.

(b) “Commerce” and “trade” mean the sale, advertising, offering for sale, contracting for sale, exchange, distribution for consideration, or solicitation for purchase to the general public of any goods or other property, real, personal, or tangible, or of any service, including any lottery, game of chance, or entertainment, or any other article, commodity, or thing of value, wherever situated or performed.

(c) “Consumer counsel” means the attorney employed by the office of the Attorney General who is designated as consumer counsel, and includes any designees of the consumer counsel.

(d) “Expiration date” means that date indicated on a product as a “use before”, “best before”, or “sell before” date or otherwise indicated on the product, its packaging, case, or lot by date or code designed to convey expiration or deterioration information.

(e) “Expired merchandise” means any merchandise for which the expiration date has passed.

(f) “Merchant” means any person required to have a business license from the Commonwealth to engage in commerce or any person who, from without the Commonwealth, engages in commerce within the Commonwealth or in any act essential to this commerce, or any person who conducts any lottery, game of chance, or entertainment within the Commonwealth, or any agent, broker, or other representative of such person.

(g) “Person” means natural persons, corporations, firms, partnerships, joint stock companies, and associations or other organizations of persons.

(h) “Unfair competition” means an unlawful, unfair or fraudulent business practice and unfair, untrue or misleading advertising and any activity prohibited in 4 CMC § 5105.

Source: PL 6-46, § 2 (§ 5104); amended by PL 10-56, § 3, modified.

Commission Comment: PL 10-56, which redesignated subsections (d) through (f) as subsections (f) through (h) and added new subsections (d) and (e), took effect April 18, 1997. According to PL 10-56, §§ 1 and 2:

Section 1. Title. This Act may be cited as the “Stale Products Act of 1996.”

Section 2. Findings and Purpose. The Legislature finds that many retail establishments are not removing expired products from the shelves and are selling the expired products at the same price as products which have not yet reached their expiration date. The commingling of fresh products and expired products is a trap for the unwary shopper and deprives them of the full value and benefit of their purchases. The purpose of this Act is to prohibit the commingling of fresh and expired products

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and to prohibit the sale of expired products for more than half of the original retail price.