

TITLE 6: CRIMES AND CRIMINAL PROCEDURE
DIVISION 1: CRIMES AGAINST THE PERSON

§ 1705. Deceptive Business Practices.

(a) A person commits an offense if in the course of business that person:

(1) Uses or possesses for use a false weight or measure, or any other device for falsely determining or recording any quality or quantity; or

(2) Sells, offers or exposes for sale, or delivers less than the represented quantity of any commodity or service; or

(3) Takes or attempts to take more than the represented quantity of any commodity or service when as buyer that person furnishes the weight or measure; or

(4) Sells, offers or exposes for sale adulterated or mislabeled commodities. “Adulterated” means varying from the standard of composition or quality prescribed by or pursuant to any statute providing criminal penalties for such variance, or set by established commercial usage. “Mislabeled” means varying from the standard of truth or disclosure in labeling prescribed by or pursuant to any statute providing criminal penalties for such variance, or set by established commercial usage; or

(5) Makes a false or misleading statement in any advertisement addressed to the public or to a substantial segment of the public for the purpose of promoting the purchase or sale of property or services; or

(6) Makes a false or misleading written statement for the purpose of obtaining property or credit; or

(7) Makes a false or misleading written statement for the purpose of promoting the sale of securities, or omits information required by law to be disclosed in written documents relating to securities.

(b) It is an affirmative defense to prosecution under this section if the defendant proves by a preponderance of the evidence that the defendant’s conduct was neither knowingly or recklessly deceptive.

(c) A person convicted under this section may be punished by not more than one year imprisonment or a fine of not more than \$20,000 or both.

Source: PL 3-71, § 1 (§ 445).

Commission Comment: For other offenses relating to weights and measures, see 4 CMC § 5431 et seq. For provisions relating to “adulterated” or “misbranded” meat food products intended for export, see 2 CMC § 5411 et seq. For provisions relating to regulation of business and consumer protection generally, see 4 CMC § 5101 et seq.