

Chapter 9.04 RCW
ADVERTISING, CRIMES RELATING TO

Sections

- 9.04.010 False advertising.
- 9.04.050 False, misleading, deceptive advertising.
- 9.04.060 False, misleading, deceptive advertising—Action to restrain and prevent.
- 9.04.070 False, misleading, deceptive advertising—Penalty.
- 9.04.080 False, misleading, deceptive advertising—Assurance of discontinuance of unlawful practice.
- 9.04.090 Advertising fuel prices by service stations.

Apple advertising: Chapter 15.24 RCW.

Attaching advertisements to utility poles—Penalty: RCW 70.54.090.

*Attorneys-at-law, advertising: **Rules of court:** RPC 7.2.*

Banks and trust companies:

advertising legal services: RCW 30A.04.260.

using words indicating: RCW 30A.04.020.

Buildings, placing advertising matter on: Chapter 9A.48 RCW.

Charitable solicitations, regulation, application of chapter 9.04 RCW: RCW 19.09.340.

Contraceptives or means of abortion, advertising: RCW 9.68.030.

Dentistry, advertising restrictions: RCW 18.32.665, 18.32.755.

Egg law, advertising violations: Chapter 69.25 RCW.

Elections, advertising violations:

initiative or referendum petition signers: RCW 29A.84.250.

recall petition signers: RCW 29A.84.220.

Employment agencies, false advertising: Chapter 19.31 RCW.

Food, drugs, and cosmetics: Chapter 69.04 RCW.

Hearing instrument dispensing, advertising, etc.—Application: RCW 18.35.180.

Indecent articles: RCW 9.68.030.

Insurance, unlawful advertising practices: Chapter 48.30 RCW.

Optometry advertising: RCW 18.53.140, 18.53.150.

State parks, advertising prohibited: RCW 79A.05.165.

RCW 9.04.010 False advertising. Any person, firm, corporation or association who, with intent to sell or in any wise dispose of

merchandise, securities, service, or anything offered by such person, firm, corporation or association, directly or indirectly, to the public for sale or distribution, 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 an interest therein, makes, publishes, disseminates, circulates, or places before the public, or causes, directly or indirectly, to be made, published, disseminated, circulated, or placed before the public in this state, in a newspaper or other publication, or in the form of a book, notice, hand-bill, poster, bill, circular, pamphlet, or letter, or in any other way, an advertisement of any sort regarding merchandise, securities, service, or anything so offered to the public, which advertisement contains any assertion, representation or statement of fact which is untrue, deceptive or misleading, shall be guilty of a misdemeanor: PROVIDED, That the provisions of this section shall not apply to any owner, publisher, agent, or employee of a newspaper for the publication of such advertisement published in good faith and without knowledge of the falsity thereof. [1913 c 34 § 1; RRS § 2622-1.]

RCW 9.04.050 False, misleading, deceptive advertising. It shall be unlawful for any person to publish, disseminate or display, or cause directly or indirectly, to be published, disseminated or displayed in any manner or by any means, including solicitation or dissemination by mail, telephone, electronic communication, or door-to-door contacts, any false, deceptive or misleading advertising, with knowledge of the facts which render the advertising false, deceptive or misleading, for any business, trade or commercial purpose or for the purpose of inducing, or which is likely to induce, directly or indirectly, the public to purchase, consume, lease, dispose of, utilize or sell any property or service, or to enter into any obligation or transaction relating thereto: PROVIDED, That nothing in this section shall apply to any radio or television broadcasting station which broadcasts, or to any publisher, printer or distributor of any newspaper, magazine, billboard or other advertising medium who publishes, prints or distributes, such advertising in good faith without knowledge of its false, deceptive or misleading character. [2000 c 33 § 1; 1961 c 189 § 1.]

Severability—1961 c 189: "If any provision of this act is declared unconstitutional, or the applicability thereof to any person or circumstances is held invalid, the constitutionality of the remainder of the act and the applicability thereof to other persons and circumstances shall not be affected thereby." [1961 c 189 § 5.]

Blind made products, false advertising: RCW 19.06.030, 19.06.040.

Highway advertising control act of 1961, Scenic Vistas Act of 1971: Chapter 47.42 RCW.

RCW 9.04.060 False, misleading, deceptive advertising—Action to restrain and prevent. The attorney general or the prosecuting attorneys of the several counties may bring an action in the superior

court to restrain and prevent any person from violating any provision of RCW 9.04.050 through 9.04.080. [1961 c 189 § 2.]

RCW 9.04.070 False, misleading, deceptive advertising—Penalty.

Any person who violates any order or injunction issued pursuant to RCW 9.04.050 through 9.04.080 shall be subject to a fine of not more than five thousand dollars or imprisonment for not more than ninety days or both. [1999 c 143 § 1; 1961 c 189 § 3.]

RCW 9.04.080 False, misleading, deceptive advertising—Assurance of discontinuance of unlawful practice.

In the enforcement of RCW 9.04.050 through 9.04.080 the official enforcing RCW 9.04.050 through 9.04.080 may accept an assurance of discontinuance of any act or practice deemed in violation of RCW 9.04.050 through 9.04.080, from any person engaging in, or who has engaged in such act or practice. Any such assurance shall be in writing and be filed with and subject to the approval of the superior court of the county in which the alleged violator resides or has his or her principal place of business, or in Thurston county. A violation of such assurance shall constitute prima facie proof of a violation of RCW 9.04.050 through 9.04.080: PROVIDED, That after commencement of any action by a prosecuting attorney, as provided herein, the attorney general may not accept an assurance of discontinuance without the consent of the prosecuting attorney. [2011 c 336 § 288; 1961 c 189 § 4.]

RCW 9.04.090 Advertising fuel prices by service stations.

It is unlawful for any dealer or service station, as both are defined in *RCW 82.36.010, to advertise by publication, dissemination, display, or whatever means:

(1) A price per unit of fuel that is expressed in a unit of measurement different from that employed by the pump or other device used to dispense the fuel, unless the price is advertised for both units of measurement in the same fashion; or

(2) A price per unit of fuel that is conditioned upon the purchase of another product, unless the conditional language, name, and price of the other product are clearly expressed in the advertisement in characters at least one-half the height of the characters used to advertise the fuel price.

Violation of this section is a misdemeanor and is subject to the provisions of RCW 9.04.060 through 9.04.080. [1983 c 114 § 1.]

***Reviser's note:** RCW 82.36.010 was amended by 1998 c 176 § 6, deleting the definition of "service station." RCW 82.36.010 was subsequently amended by 2007 c 515 § 1, deleting the definition of "dealer." Chapter 82.36 RCW was repealed in its entirety by 2013 c 225 § 501, effective July 1, 2016.