



General Assembly

February Session, 2014

***Raised Bill No. 5261***

LCO No. 1183



Referred to Committee on GENERAL LAW

Introduced by:  
(GL)

***AN ACT CONCERNING THE UNFAIR SALES PRACTICES ACT AND COUNTERFEIT COMMODITIES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 42-115g of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective July 1, 2014*):

3 As used in sections 42-115g to 42-115q, inclusive, "commodity in  
4 package form" means a commodity put up or packaged in any manner  
5 in advance of sale in units suitable for either wholesale or retail sale,  
6 exclusive of an auxiliary shipping container enclosing packages which  
7 individually conform to the requirements of said sections. An  
8 individual item or lot of any commodity not in package form but on  
9 which there is marked a selling price based on an established price per  
10 unit of weight or measure shall be construed to be a commodity in  
11 package form; "weight" means net weight; "commissioner" means the  
12 Commissioner of Consumer Protection; "consumer package" or  
13 "package of consumer commodity" means a commodity in package  
14 form, that is customarily produced or distributed for sale through  
15 retail sale agencies or instrumentalities for consumption or use by

16 individuals for the purposes of personal care or in the performance of  
17 services ordinarily rendered in or about the household or in  
18 connection with personal possessions, and which usually is consumed  
19 or expended in the course of such consumption or use; "counterfeit  
20 commodity" means a commodity in package form, or the container or  
21 labeling of such commodity in package form, that, without  
22 authorization, bears the trademark, trade name or other identifying  
23 mark, imprint or device, or any likeness thereof, of a manufacturer,  
24 processor, packer, distributor or third-party food certification agency,  
25 other than the person who in fact manufactured, processed, packed,  
26 distributed or certified such commodity in package form, and which  
27 thereby falsely purports or falsely represents to be the product of, or to  
28 have been manufactured, processed, packed, distributed or certified  
29 by, such other manufacturer, processor, packer, distributor or third-  
30 party food certification agency; "nonconsumer package" or "package of  
31 nonconsumer commodity" means any commodity in package form  
32 other than consumer package, and particularly a package designed  
33 solely for industrial or institutional use or for wholesale distribution  
34 only; "intrastate commerce" means any and all commerce or trade,  
35 begun, carried on and wholly completed within the limits of the state;  
36 [and] "introduced into intrastate commerce" shall be construed to  
37 define the time and place at which the first sale and delivery of a  
38 commodity is made within the state, the delivery being made either  
39 directly to the purchaser or to a common carrier for shipment to the  
40 purchaser.

41 Sec. 2. Section 42-115h of the general statutes is repealed and the  
42 following is substituted in lieu thereof (*Effective July 1, 2014*):

43 The commissioner shall, from time to time, weigh or measure and  
44 inspect packages or amounts of commodities kept, offered or exposed  
45 for sale, sold or in the process of delivery to determine whether the  
46 same contain the amounts represented and whether they are kept,  
47 offered or exposed for sale, or sold, in accordance with law. When such  
48 packages or amounts of commodities are found not to contain the

49 amounts represented, or are found to be kept, offered or exposed for  
50 sale in violation of law, or are found to be a counterfeit commodity the  
51 commissioner may order them off sale and may so mark or tag them as  
52 to show them to be illegal. In carrying out the provisions of this  
53 section, the commissioner may employ recognized sampling  
54 procedures under which the compliance of a given lot of packages will  
55 be determined on the basis of the result obtained on a sample selected  
56 from and representative of such lot. No person shall (1) sell, or keep,  
57 offer or expose for sale, in intrastate commerce, any package or  
58 amount of commodity that has been ordered off sale or marked or  
59 tagged as provided in this section unless and until such package or  
60 amount of commodity has been brought into full compliance with all  
61 legal requirements, or (2) dispose of any package or amount of  
62 commodity that has been ordered off sale or marked or tagged as  
63 provided in this section and that has not been brought into compliance  
64 with legal requirements, in any manner except with the specific  
65 approval of the commissioner.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2014</i>	42-115g
Sec. 2	<i>July 1, 2014</i>	42-115h

**Statement of Purpose:**

To amend the Unfair Sales Practices Act to define "counterfeit commodity" and to grant the Commissioner of Consumer Protection authority to investigate alleged violators and remove counterfeit commodities from the marketplace.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*