Minnesota Says No More to Deceptive Phone, Internet Listings

After a nearly year-long effort by the state's florists, Minnesota became the 26th state to pass deceptive phone listings legislation April 15, and one of a few to tackle Internet tactics.

The law, which goes into effect Aug. 1, prohibits the use of deceptive advertising — online and off — by companies that misrepresent their location by using a false address and mislead customers by the use of a "local" phone number.

The Minnesota State Florists Association (MNSFA) worked with Buzz Anderson, executive director of Minnesota Retailers Association, to introduce and help move the bill through the state's legislature.

"Buzz knows how to make things happen in a world that the typical florist has very little exposure to," said Kym Erickson, MNSFA president and general manager of Soderbergs Floral & Gift in Minneapolis. Erickson testified on behalf of the state's florists. "This is a huge triumph for MNSFA and all Minnesota's florists."

The law takes on deceptive Internet advertising as well. Most states with deceptive phone laws apply only to those listings in printed directories.

"Most states haven't been able to add the Internet portion, because it's harder to police," said Brian Gamberini, SAF's government relations coordinator. Gamberini sent sample bills and startup materials to Anderson last July, to help frame the bill he and the state's florists drafted.

The bill also has an enforcement arm — another major distinction.

Minnesota florists can bring an injunction through a private lawyer against companies they allege are using deceptive advertising practices. They need only prove geographical misrepresentation via name, phone number or address. Proof of monetary damage, loss of profits, or intent to deceive is not required. And the court may award attorney's fees to the prevailing party.

"This law actually has some teeth built into it," Gamberini said.

The law will help keep much deserved profits in the pockets of the state's retailers, said Patrick Busch, MNSFA's vice president and president of Len Busch Roses in Plymouth. "We see the struggles of the florist to make money in these difficult times," Busch said. "Having out of state order gatherers taking profit from the local community and not providing any real value back to the consumer or helping expand floral consumption has been a big drain on the industry."

Try this:
If your state is among those without deceptive listings legislation contact SAF's Brian Gamberini at bgamberini@safnow.org to get those wheels of justice moving. Not sure of your state's stance? Go here.

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