

FRAUDULENT AND DECEPTIVE ADVERTISING. G.S. 14-117. MISDEMEANOR.

The defendant has been charged with fraudulent and deceptive advertising.

For you to find the defendant guilty of this offense, the State must prove five things beyond a reasonable doubt:

First, that the defendant [made public] [disseminated] [circulated] [placed before the public]¹ an advertisement (of any sort) regarding (*describe merchandise, securities, service, or other thing offered to the public*).

Second, that this advertisement was in (*describe publication or media*).²

Third, that the advertisement contained a(n) [assertion] [representation] [statement of fact] which was [untrue] [deceptive] [misleading].

Fourth, that the defendant acted with the intent to sell³ (*describe merchandise, securities, service, or other thing offered to the public*).

And Fifth, that the defendant acted willfully and with the intent to mislead.

¹Or cause directly or indirectly to be made, published, disseminated, circulated, or placed before the public in this State.

²Forms included are "newspaper or other publications, or in the form of a book, notice, handbill, poster, bill circular, pamphlet or letter, or in any other way." The statute was enacted in 1915 which raises the question of its applicability to television.

³Also included is intent to dispose of, increase consumption of, induce the public in any manner to enter into an obligation relating to, acquire title to, or acquire interest in.

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(Continued.)

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant [made public] [disseminated] [circulated] [placed before the public] an advertisement (of any sort) regarding (*describe merchandise, securities, service, or other thing offered to the public*) in (*describe publication or media*) which contained a(n) [assertion] [representation] [statement of fact] which was [untrue] [deceptive] [misleading] and that the defendant acted willfully, with the intent to mislead and with the intent to sell (*describe merchandise, securities, service, or other thing offered to the public*), it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.