

109:4-3-11 Direct solicitations.

(A) It shall be a deceptive act or practice in connection with a consumer transaction involving any direct solicitation sale for a supplier to do any of the following:

- (1) Solicit a sale without clearly, affirmatively, and expressly revealing at the time the supplier initially contacts the consumer or prospective consumer, and before making any other statement, asking any question, or entering the residence of the consumer or prospective consumer, that the purpose of the contact is to effect a sale, stating in general terms the goods or services the supplier has to offer, provided that this paragraph shall not apply to solicitations by mail;
- (2) Represent that the consumer or prospective consumer will receive a discount, rebate, or other benefit for permitting his home or other property, real or personal, to be used as a so-called "model home" or "model property" for demonstration or advertising purposes when such in fact is not true;
- (3) Represent that the consumer or prospective consumer has been specially selected to receive a bargain, discount, or other advantage when such in fact is not true;
- (4) Represent that the consumer or prospective consumer is a winner of a contest when such in fact is not true;
- (5) Fail to conform to the requirements of sections 1345.21 to 1345.27, and 1345.99 of the Revised Code relative to home solicitation sales or misrepresent in any manner, the consumer's or prospective consumer's right to cancel provided for under such sections, when such sections are applicable.
- (6) Represent that the goods that are being offered for sale cannot be purchased in any place of business, but only through direct solicitation, when such in fact is not true.
- (7) Represent that the salesman, representative, or agent has authority to negotiate the final terms of a consumer transaction when such in fact is not true.

(B) "Direct solicitation" means solicitation of a consumer transaction initiated by a supplier, at the residence of any consumer, or at a place other than the normal place of business of the supplier or by a supplier who has no normal place of business, and includes a transaction initiated by the supplier by mail or telephone solicitation at the residence of any consumer or at a place other than the normal place of business of the supplier.

HISTORY: (former COcp-3-01.11); Eff 6-5-73

Rule promulgated under: RC Chapter 119.

Rule authorized by: RC 1345.05