Federal Trade Commission

than a commercial enterprise operated
for profit, unless such be true in fact,
or so as to deceive purchasers or pro-
spective purchasers in any other mate-
rial respect.

[Guide 7]
[59 FR 64549, Dec. 14, 1994]

§ 18.8 Deception as to origin or source
of industry products.

(a) It is an unfair or deceptive act or
practice to sell, offer for sale, or adver-
tise an industry product by misrepre-
senting directly or by implication the
origin or source of such product to pur-
chasers or prospective purchasers (e.g.,
by use of the term Holland to describe
bulbs grown in the U.S.A.); provided,
however, that when a plant has an ac-
cepted common name that incorporates
a geographical term and such term has
lost its geographical significance as so
used, the mere use of such common
names does not constitute a misrepre-
sentation as to source or origin (e.g.,
"Colorado Blue Spruce," "Arizona Cy-
press," "Black Hills Spruce," "Califor-
nia Privet," "Japanese Barberry," etc.).

(b) It is also an unfair or deceptive
act or practice to advertise, sell, or offer
for sale an industry product of
foreign origin without adequate and
non-deceptive disclosure of the name of
the foreign country from which it
came, where the failure to make such
disclosure would be misleading to pur-
chasers or prospective purchasers.

[Guide 8]
[59 FR 64550, Dec. 14, 1994]

PART 20—GUIDES FOR THE REBUILT,
RECONDITIONED AND OTHER
USED AUTOMOBILE PARTS INDUS-
TRY

Sec.
20.0 Scope and purpose of the guides.

20.1 Deception generally.

20.2 Deception as to identity of rebuilder,
remanufacturer, reconditioner or reliner.

20.3 Misrepresentation of the terms "re-
built," "factory rebuilt," "remanufac-
tured," etc.


SOURCE: 44 FR 11182, Feb. 27, 1979, unless
otherwise noted.

§ 20.0 Scope and purpose of the guides.

The Guides in this part apply to the
manufacture, sale, distribution, mar-
keting and advertising (including ad-
vertising in electronic format, such as
on the Internet) of used parts and as-
semblies containing used parts de-
dsigned for use in automobiles, trucks,
motorcycles, tractors, or similar self-
propelled vehicles whether or not such
parts or assemblies have been recon-
structed in any way (hereinafter "In-
dustry products"). Such automotive
parts and assemblies include, but are
not limited to, anti-lock brake sys-
tems, air conditioners, alternators, ar-
matures, air brakes, brake cylinders,
hall bearings, brake shoes, heavy duty
vacuum brakes, calipers, carburetors,
cruise controls, cylinder heads, clutch-
es, crankshafts, constant velocity
joints, differentials, drive shafts, dis-
tributors, electronic control modules,
ingines, fan clutches, fuel injectors,
fuel pumps, front wheel drive axles,
generators, master cylinders, oil
pumps, power brake units, power steer-
ing gears, power steering pumps, power
window motors, rack and pinion steer-
ing units, rotors, starter drives, speed-
ometers, solenoids, smog pumps, start-
ers, stators, throttle body injectors,
torque convertors, transmissions,
turbo chargers, voltage regulators,
windshield wiper motors, and water
pumps. Tires are not included. (Tires
are covered by the Tire Advertising
and Labeling Guides, 16 CFR part 228.)

[67 FR 9922, Mar. 5, 2002]

§ 20.1 Deception generally.

(a) It is unfair or deceptive to rep-
resent, directly or by implication, that
any industry product or part of an in-
dustry product is new or unused when
such is not the fact, or to misrepresent
the current condition, or extent of pre-
vious use, reconstruction or repair of
any industry product.

(b) It is unfair or deceptive to offer
for sale or sell any industry product
unless a clear and conspicuous disclo-
sure that such product has been used or
contains used parts is made in adver-
tising, sales promotional literature and
invoices and on product packaging. Ad-
ditionally, it is unfair or deceptive to