

Chapter 646

Unfair and Unlawful Trade Practices

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ATTY. GEN. OPINIONS: Revocation of pharmacy license for "dishonest" advertisement, 1962-64, p 448; sharing commissions with other insurance agents, 1964-66, p 70.

LAW REVIEW CITATIONS: 49 OLR 426.

646.010 to 646.180

ATTY. GEN. OPINIONS: Fact situations within sections, (1970) Vol 35, p 393.

646.010

LAW REVIEW CITATIONS: 19 OLR 38; 25 OLR 247.

646.020

ATTY. GEN. OPINIONS: The business or profession of photography as within the definitions of this section, 1938-40, p 509; barbers as within the definitions of this section, 1940-42, p 60; licenses and fees to harvest or sell nonfood fish, 1962-64, p 388; sharing commission with other insurance agents, 1964-66, p 70.

646.040

ATTY. GEN. OPINIONS: District attorney enforcing anti-price discrimination statutes, 1956-58, p 141.

646.060

CASE CITATIONS: *Liggett v. Lester*, (1964) 237 Or 52, 390 P2d 351.

ATTY. GEN. OPINIONS: Sharing commission with other insurance agents, 1964-66, p 70.

646.100

ATTY. GEN. OPINIONS: Proof of effect upon competition as gravamen of the defense, 1956-58, p 141; legality of punchboard, 1960-62, p 342; accusing manager or owner, 1962-64, p 459; protection of small seller with limited capital resources, (1970) Vol 35, p 393.

646.105

ATTY. GEN. OPINIONS: Sale at two prices with each below cost, (1970) Vol 35, p 393.

646.110

ATTY. GEN. OPINIONS: Construing exceptions in ORS 646.120, (1970) Vol 35, p 393.

646.120

ATTY. GEN. OPINIONS: Sale at two prices with each below cost, (1970) Vol 35, p 393.

646.170

LAW REVIEW CITATIONS: 38 OLR 304.

646.260

ATTY. GEN. OPINIONS: District attorney enforcing anti-price discrimination statutes, 1956-58, p 141.

646.310 to 646.370

NOTES OF DECISIONS

Fair Trade Act was constitutional as applied to the actual parties to a contract entered into pursuant to its terms. *General Elec. Co. v. Wahle*, (1956) 207 Or 302, 296 P2d 635.

Fair Trade Act as it applies to nonsigners of fair trade contracts was unconstitutional and void. *Id.*

ATTY. GEN. OPINIONS: Construing Anti-Price Discrimination Law, (1970) Vol 35, p 393.

LAW REVIEW CITATIONS: 47 OLR 81.

646.310

CASE CITATIONS: *Federal Cartridge Corp. v. Helstrom*, (1954) 202 Or 557, 276 P2d 720; *Schmidt v. City of Cornelius*, (1957) 211 Or 505, 524, 316 P2d 511; *General Elec. Co. v. Wender*, (1957) 151 F Supp 621.

LAW REVIEW CITATIONS: 15 OLR 276.

646.340

NOTES OF DECISIONS

Fair Trade Act is unconstitutional and void as to non-signers of fair trade contracts. *General Elec. Co. v. Wahle*, (1956) 207 Or 302, 296 P2d 635.

FURTHER CITATIONS: *Federal Cartridge Corp. v. Helstrom*, (1954) 202 Or 557, 276 P2d 720.

646.360

LAW REVIEW CITATIONS: 37 OLR 93.

646.370

NOTES OF DECISIONS

Although a retailer was not himself a party to the contract he could be enjoined from selling a commodity for less than the minimum retail price set by the manufacturer by contract with other dealers where he had both notice

and knowledge of the price. *The Borden Co. v. Schreder*, (1947) 182 Or 34, 185 P2d 581.

If the fair trade contract affects interstate commerce it does not affect nonsigners, notwithstanding the provisions of this section. *Lambert Pharmacal Co. v. Roberts Bros.*, (1951) 192 Or 23, 233 P2d 258.

The provisions of this section relating to nonsigners do not affect transactions consummated prior to July 14, 1952. *Federal Cartridge Corp. v. Helstrom*, (1954) 202 Or 557, 276 P2d 720.

Fair Trade Act is unconstitutional and void as to nonsigners of fair trade contracts. *General Elec. Co. v. Wahle*, (1956) 207 Or 302, 296 P2d 635.

646.430

ATTY. GEN. OPINIONS: Reasonableness of classification, 1954-56, p 14.

646.605 to 646.652

ATTY. GEN. OPINIONS: Legality of offering a car with erroneous mileage on odometer, (1969) Vol 34, p 811.

LAW REVIEW CITATIONS: 45 OLR 132-139; 49 OLR 426; 50 OLR 33.

646.608

NOTES OF DECISIONS

Under former similar statute instruction was properly

refused where figures complained of as constituting misbranding were not placed for advertising as the term was used in the statute, or in such a manner as to attract attention or to mislead anyone. *Laubhein v. Holsman*, (1924) 111 Or 78, 225 P 190.

Under former similar statute, whether article was misbranded was a question for determination of jury. *Id.*

ATTY. GEN. OPINIONS: Prosecuting a publishing company, not acting in good faith in holding out to the public that one is licensed to practice professional engineering when he is not so licensed, for false advertising, 1944-46, p 24; misleading advertisement of drugs, 1962-64, p 448; legality of offering a car with erroneous mileage on odometer, (1969) Vol 34, p 811.

LAW REVIEW CITATIONS: 48 OLR 157, 159; 49 OLR 426.

646.860

ATTY. GEN. OPINIONS: Legality of dealer or lessor disconnecting odometer, (1969) Vol 34, p 811.

646.990

ATTY. GEN. OPINIONS: Accusing manager or owner, 1962-64, p 459; punishing violations of ORS 646.100, (1970) Vol 35, p 393.

LAW REVIEW CITATIONS: 45 OLR 138; 49 OLR 426.