



## ADVERTISEMENTS (TERMS OF PURCHASE).

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No. 109 of 1973.

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### ANALYSIS.

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AN ACT to require the disclosure in advertisements of certain particulars of the terms on which goods are available for purchase. [22 January 1974.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1—(1) This Act may be cited as the *Advertisements (Terms of Purchase) Act 1973*. Short title and commencement.

(2) This Act shall commence on the expiration of a period of one month beginning on the day on which the Governor gives his assent thereto.

## Interpretation.

**2** In this Act, unless the contrary intention appears—

“advertisement” includes every visual form of advertising (whether or not accompanied by spoken word or other sounds) whether in publication, or by the display of notices, or by means of catalogues, price lists, labels, cards, or other documents, or by exhibition of cinematograph films or photographs, or by way of television or in any other way; and

“fraction” includes a proportion expressed as a percentage or in any other way;

“goods” includes vehicles, vessels, and aircraft, living creatures, and generally, articles of any description;

“purchase”, in relation to any goods, includes a bailment of the goods in pursuance of an agreement under which the bailee may buy the goods or under which the property in the goods will or may pass to the bailee, whether on the performance of any act by the parties to the agreement or any of them or in any other circumstances.

Requirements  
as to  
advertisements.

**3**—(1) Subject to subsection (6) of this section, an advertisement which indicates that goods are available for purchase on terms that involve the payment of two or more sums of money shall contain the following information, namely:—

- (a) The price at which those goods are available for purchase for a lump sum in cash;
- (b) The amount of each of those sums and the times at which in accordance with those terms each sum will become payable; and
- (c) The total amount to be paid or provided (whether by way of cash or other consideration) for the purchase of the goods on those terms.

(2) Where the terms referred to in subsection (1) of this section involve the payment of equal sums of money at regular intervals a statement of—

- (a) the amount of each of those sums;
- (b) the length of the intervals at which they are so payable; and
- (c) the total number of those payments,

shall be regarded for the purposes of this section as sufficient information of the amount of each of those sums and the times at which they will become payable.

(3) An advertisement shall not be treated as complying with this section unless each part of the information required by this section to be contained in the advertisement is stated clearly therein, in such a way as not to give undue prominence or emphasis to any part of the information in comparison with any other part of it.

(4) For the purpose of determining whether any information required by this section is contained in a visual advertisement, information shall not be taken to be so contained unless it is contained in a visual form.

(5) Where information as to any amount of money is required by this section to be contained in an advertisement that information shall not be taken to be so contained unless that amount is stated specifically in the advertisement, otherwise than as a fraction of, or by reference to, some other amount.

(6) This section does not apply to an advertisement unless it mentions the amount of any one or more of the sums mentioned in subsection (1) of this section (other than the sum mentioned in paragraph (a) thereof) either directly or as a fraction of, or by reference to, some other amount, whether that other amount is directly expressed or not.

**4—**(1) Subject to this section, a person who issues an advertisement in contravention of any provision of this Act, or causes an advertisement to be so issued, is guilty of an offence and liable to a penalty of five hundred dollars. Offences.

(2) Where a person is charged with an offence under this section, it is a defence to prove—

- (a) that the matters contained in the advertisement did not relate to anything done in the course of a business carried on by him; and
- (b) that the matters so contained were not (wholly or in part) devised or selected by him or by any other person under his direction or control.

(3) Where an offence under this section committed by a body corporate is committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary, or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he, as well as the body corporate, is guilty of that offence and may be proceeded against and dealt with accordingly.

(4) For the purposes of the application of subsection (2) of this section to any proceedings, in so far as they are brought against a person by virtue of subsection (3) of this section in respect of an offence committed by a body corporate, references in subsection (2) to the person charged shall be construed as references to the body corporate.

(5) Without prejudice to the generality of the provisions of subsection (1) of this section, where an advertisement is brought to the notice of persons for whom it was intended it shall for the purposes of this Act be deemed to have been issued.