

61—25.5(557B) Advertising plans.

25.5(1) Prohibitions. An advertisement shall not:

- a. Make any untrue statement of material fact which would make the statements misleading in light of the circumstances under which the statements were made.
- b. Misrepresent either explicitly or implicitly, the size, quantity, identity, or quality of any prize, gift, amount of money, or other item of value.
- c. Represent to a consumer that the consumer is being notified for the second or final time of the right to collect a prize, gift, award, or other thing of value in exchange for participating in a sales presentation if, in fact, it is not the second or final attempt to notify the consumer.
- d. Refer to a prize, gift, award, or any other type of inducement as being previously claimed or awarded unless, in fact, each of those prizes, gifts, awards, or other type of inducements has been awarded during the same promotional program.
- e. Offer a prize, gift, award, or other inducement unless one of each is available at the beginning of the promotional program.
- f. Refer to any item as a prize, gift, award, or words of similar meaning if the consumer must purchase anything or give, or promise to give, any consideration, other than visiting the property to claim the item.
- g. Offer anything of value unless, contemporaneously with the offer, all expenses the recipient must pay (excluding the cost of travel to the sales presentation) are clearly and conspicuously disclosed on the face of the advertisement and within a reasonable proximity of the offer.
- h. Represent that an offered prize, gift, award, or other type of inducement has a certain value or manufacturer's suggested price unless there is, in fact, a bona fide retail market for the item.
- i. Represent directly or by implication that the number of participants in an advertising plan has been significantly limited or that any person has been selected to receive a particular prize, gift, money, or other item of value, unless the representation is true.
- j. Contain an offer which is represented as urgent, nor shall it convey a sense of urgency by use of description, narrative copy, or phrasing on the envelope unless there is a limited time period in which a recipient must accept the terms of the offer which is clearly stated in the advertisement.
- k. Represent directly or by implication that the membership camping contracts are offered without risk or the possibility of loss.
- l. Make any statement, representation, or pictorial presentation of proposed improvements or nonexistent scenes without clearly indicating that the improvements are proposed and the scenes do not exist.
- m. Misrepresent in any manner the odds of receiving a particular gift, prize, amount of money, or other item of value.
- n. Label any offer a notice of termination or notice of cancellation.
- o. Misrepresent, in any manner, the offer, plan, or program.

25.5(2) Required disclosures. An advertisement shall:

- a. Disclose on the face of the advertisement that, in order to claim an offered prize, gift, award, or other item of value, the recipient must listen to a sales presentation if that is the case.
- b. Disclose the name and address of the owner of the real or personal property or the provider of the services which are the subject of the sales presentation, visit, or contact with a sales agent.
- c. Include a general description of the business of the owner or provider so identified and the purpose of any requested visit, sales presentation, or contact with a sales agent, including a general description of the facilities or services which are the subject of the sales presentation.
- d. Contain a statement of the odds, in Arabic numerals, of receiving each item offered.
- e. Clearly and conspicuously disclose all restrictions, qualifications, and other conditions that must be satisfied before the recipient is entitled to receive an offered prize, gift, award, or other item of value, including, but not limited to, all of the following:
 - (1) Any deadline by which the recipient must visit the location, attend the sales presentation, or contact the sales agent in order to receive the item;
 - (2) The approximate duration of any visit and sales presentation;

(3) Any other conditions, such as a minimum age qualification, a financial qualification, or a requirement that if the recipient is married both husband and wife must be present in order to receive the item.

These conditions must be disclosed on the face of the advertisement or in the alternative, the conditions may be stated on the back of the advertisement or on a separate sheet if they are printed in boldfaced type of a minimum size of ten points and the following statement is printed in bold-faced type of a minimum size of ten points conspicuously on the face of the advertisement:

**CHECK THE CONDITIONS OF PARTICIPATION TO SEE IF YOU
ARE ELIGIBLE FOR ANY OF THE MERCHANDISE.**

- f.* Clearly disclose that a particular promotion has multiple sponsors, if that is the case.
- g.* Contain a statement that the owner or provider reserves the right to provide a rain check or a substitute or like item, if these rights are reserved.
- h.* Contain a statement that a recipient who receives an offered item may request and will receive evidence showing that the item provided matches the item randomly or otherwise selected for distribution to that recipient.
- i.* Disclose all other rules, terms, and conditions of the offer, plan, or program.

25.5(3) *Vacation inducements.* If an advertisement offers a vacation or vacation certificate as an inducement to the recipient to visit or attend a sales presentation, all material conditions of the vacation must be clearly and conspicuously disclosed in the advertisement including, but not limited to, any required deposits, points of departure if outside of Iowa, the nature of the accommodation, procedures for redeeming the certificate and all charges or fees incident to the vacation. If the vacation or vacation certificate is actually provided by a person other than the membership campground operator, the advertisement must disclose the name and address of the person responsible for providing the vacation.

25.5(4) A violation of any of the advertising rules contained in subrule 25.5(1), 25.5(2), or 25.5(3) constitutes a deceptive, false, or misleading practice and may subject the violator to sanctions under subrule 25.4(1).