

## Deceptive Trade Practices

The following is a comprehensive but not complete list of the deceptive trade practices that the Texas Legislature has declared to be unlawful.

Has any seller

1. passed off goods or services as those of another;
2. caused confusion or misunderstanding about the source, sponsorship, approval, or certification of goods or services;
3. caused confusion or misunderstanding about its affiliation, connection, or association with, or certification by, another;
4. used deceptive representations or designations about where goods or services originate
5. misrepresented the qualities, sponsorship, approval, characteristics, ingredients, uses, benefits, or quantities of goods or services or the a sponsorship, approval, status, affiliation, or connections of a person;
6. represented that goods are original or new when they are deteriorated, reconditioned, reclaimed, used, or secondhand;
7. misrepresented the quality, grade, style or model of goods or services;
8. disparaged the goods, services, or business of another by false or misleading representation of facts;
9. advertised goods or services with intent not to sell them as advertised;
10. advertised goods or services with no intent to supply a reasonable quantity, stating that quantities would be limited;
11. made false or misleading statements of fact about price reductions;
12. represented that an agreement confers or involves rights, remedies, or obligations that it doesn't have or involve, or that are illegal;
13. made false or misleading statements of fact about the need for parts, replacement, or repair service;
14. misrepresented the authority of a salesman, representative or agent to negotiate the final terms of a consumer transaction;
15. based a charge for the repair of any item on a warranty instead of on the value of the actual repairs made or work to be performed on the item without stating separately the charges for the work and the charge for the warranty;
16. disconnected, turned back, or reset the odometer of any motor vehicle to reduce the number of miles indicated on the odometer gauge;
17. advertised any sale by fraudulently representing that a person is going out of business;
18. advertised, sold, or distributed a card that supposedly is a prescription drug identification card that offers a discount on the purchase of health care goods or services from a third party provider, and which is not evidence of insurance coverage,
19. used a chain referral sales plan in connection with the sale or offer to sell of goods, in which the prospective buyer is offered the opportunity to buy goods and in connection with the purchase the seller promises or represents that the buyer will receive compensation for furnishing to the seller the names of other prospective buyers and the buyer's receipt of the compensation depends on the occurrence of an event after the buyer buys the goods;
20. represented that a guarantee or warranty confers or involves rights or remedies that it doesn't have or involve;

21. promoted a pyramid promotional scheme;
22. represented that work or services have been performed on, or parts replaced in, goods when the work or services were not performed or the parts replaced;
23. filing suit founded upon a written contractual obligation of and signed by the defendant to pay money arising out of or based on a consumer transaction for goods, services, loans, or extensions of credit intended primarily for personal, family, household, or agricultural use in any county other than in the county in which the defendant resides at the time of the commencement of the action or in the county in which the defendant in fact signed the contract; provided, however, that a violation of this subsection shall not occur where it is shown by the person filing such suit he neither knew or had reason to know that the county in which such suit was filed was neither the county in which the defendant resides at the commencement of the suit nor the county in which the defendant in fact signed the contract;
24. failed to disclose information about goods or services in order to induce a consumer into a transaction that the consumer would not have agreed to had the information been disclosed;
25. used the term "corporation," "incorporated," or an abbreviation of either of those terms in the name of a business entity that is not incorporated under the laws of this state or another jurisdiction;
26. sold, offered to sell, or illegally promoted an annuity contract in connection with a salary reduction agreement; or
27. taken advantage of a disaster declared by the governor by:
  - a. selling or leasing fuel, food, medicine, or another necessity at an exorbitant or excessive price; or
  - b. demanding an exorbitant or excessive price in connection with the sale or lease of fuel, food, medicine, or another necessity.