

76-6-507 Deceptive business practices -- Definitions -- Defense.

- (1) A person is guilty of a class B misdemeanor if, in the course of business, he:
 - (a) uses or possesses for use a false weight or measure, or any other device for falsely determining or recording any quality or quantity;
 - (b) takes or attempts to take more than the represented quantity of any commodity or service when as buyer he furnishes the weight or measure; or
 - (c) sells, offers, or exposes for sale adulterated or mislabeled commodities.
- (2)
 - (a) "Adulterated" means varying from the standard of composition or quality prescribed, or pursuant to any statute providing criminal penalties for a variance, or set by established commercial usage.
 - (b) "Mislabeled" means varying from the standard of truth or disclosure in labeling prescribed by or pursuant to any statute providing criminal penalties for a variance, or set by established commercial usage.
- (3) It is an affirmative defense to prosecution under this section that the defendant's conduct was not knowing or reckless.

Amended by Chapter 157, 1985 General Session