

367.580 Contents of promotional material -- Time limits for mailing.

- (1) In connection with the use of any negative option plan, promotional material shall clearly and conspicuously disclose the material terms of the plan, including:
 - (a) That aspect of the plan under which the subscriber must notify the seller, in the manner provided for by the seller, if he does not wish to purchase the selection;
 - (b) Any obligation assumed by the subscriber to purchase a minimum quantity of merchandise;
 - (c) The right of a contract-complete subscriber to cancel his membership at any time;
 - (d) Whether billing charges will include an amount for postage and handling;
 - (e) A disclosure indicating that the subscriber will be provided with at least ten (10) days in which to mail any form, contained in or accompanying an announcement identifying the selection, to the seller;
 - (f) A disclosure that the seller will credit the return of any selections sent to a subscriber, and guarantee to the postal service or the subscriber postage to return such selections to the seller when the announcement and form are not received by the subscriber in time to afford him at least ten (10) days in which to mail his form to the seller;
 - (g) The frequency with which the announcements and forms will be sent to the subscriber, and the maximum number of announcements and forms which will be sent to him during a 12-month period.
- (2) In connection with the use of any negative option plan, prior to sending any selection, the seller shall mail to its subscribers, within the time specified by subsection (3) of this section:
 - (a) An announcement identifying the selection;
 - (b) A form, contained in or accompanying the announcement, clearly and conspicuously disclosing that the subscriber will receive the selection identified in the announcement unless he instructs the seller that he does not want the selection, designating a procedure by which the form may be used for the purpose of enabling the subscriber so to instruct the seller, and specifying either the return date or the mailing date.
- (3) The seller shall mail the announcement and form either at least twenty (20) days prior to the return date or at least fifteen (15) days prior to the mailing date, or provide a mailing date at least ten (10) days after receipt by the subscriber, provided, however, that whichever system the seller chooses for mailing the announcement and form, such system must provide the subscriber with at least ten (10) days in which to mail his form.

Effective: June 17, 1978

History: Created 1978 Ky. Acts ch. 304, sec. 3, effective June 17, 1978.