

#### **40-20-1-.12 Advertised Price for Petroleum Products. Amended.**

The advertising of petroleum products regulated under Section 40-20-1-.01 of this Chapter shall conform to the following:

- (a) All advertising for the sale of petroleum products must meet the requirements of O.C.G.A. Section 10-1-164.
- (b) Petroleum products cannot be sold in a manner which may deceive, or have the effect of deceiving, the purchaser of such products as to nature, price, quality, or quantity of those products.
- (c) For the purpose of this regulation the term double tiered pricing means offering the same petroleum product for two different prices with the lower price based on a qualifier. The advertising of prices on a highway, street or curb sign is not required. However, if it is advertised the higher price must be posted. In addition to the higher price, the lower price may also be posted as long as the higher price is on the top or to the left of the lower price depending on sign configuration. Advertising for the lower price shall prominently display the qualifier in letters that are legible, easily readable and not deceptive. All qualifiers shall be stated using the terms: cash, credit, oil company card, bank card, club card, membership card or similar wording.
- (d) Any double tiered pricing advertising designs on highway, street, or curb signs that do not have prior approval by the Commissioner of Agriculture or his agent will be in violation of this regulation.
- ~~(e) The Department of Agriculture may write and publish guidelines relating to the implementation of marketing policies or procedures regarding the advertising of petroleum products.~~

Authority O.C.G.A. Secs. 1-1-155, 10-1-164. **History.** Original Rule entitled "Registration of Brand Names" adopted. F. Aug. 8, 1972; eff. Aug. 28, 1972. **Repealed:** New Rule of same title adopted. F. Oct. 31, 1980; eff. Nov. 20, 1980. **Amended:** ER. 40-20-1-0.18-.12 adopted. F. Nov. 12, 1982; eff. Nov. 8, 1982, the date of adoption. **Amended:** Permanent Rule entitled "Advertised Price for Petroleum Products" adopted. F. Sept. 13, 1983; eff. Oct. 3, 1983.