# **Minn. Stat. § 325D.44**

This document is current with legislation effective through March 5, 2024.

***LexisNexis® Minnesota Annotated Statutes*  > *Trade Regulations, Consumer Protection (Chs. 324 — 338)* > *Chapter 325D. Restraint of Trade (§§ 325D.01 — 325D.72)* > *Uniform Deceptive Trade Practices (§§ 325D.43 — 325D.48)***

**325D.44 DECEPTIVE TRADE PRACTICES**

**Subdivision 1. Acts constituting. —** Acts constituting. A person engages in a deceptive trade practice when, in the course of business, vocation, or occupation, the person:

**(1)** passes off goods or services as those of another;

**(2)** causes likelihood of confusion or of misunderstanding as to the source, sponsorship, approval, or certification of goods or services;

**(3)** causes likelihood of confusion or of misunderstanding as to affiliation, connection, or association with, or certification by, another;

**(4)** uses deceptive representations or designations of geographic origin in connection with goods or services;

**(5)** represents that goods or services have sponsorship, approval, characteristics, ingredients, uses, benefits, or quantities that they do not have or that a person has a sponsorship, approval, status, affiliation, or connection that the person does not have;

**(6)** represents that goods are original or new if they are deteriorated, altered, reconditioned, reclaimed, used, or secondhand;

**(7)** represents that goods or services are of a particular standard, quality, or grade, or that goods are of a particular style or model, if they are of another;

**(8)** disparages the goods, services, or business of another by false or misleading representation of fact;

**(9)** advertises goods or services with intent not to sell them as advertised;

**(10)** advertises goods or services with intent not to supply reasonably expectable public demand, unless the advertisement discloses a limitation of quantity;

**(11)** makes false or misleading statements of fact concerning the reasons for, existence of, or amounts of price reductions;

**(12)** in attempting to collect delinquent accounts, implies or suggests that health care services will be withheld in an emergency situation;

**(13)** engages in (i) unfair methods of competition, or (ii) unfair or unconscionable acts or practices; or

**(14)** engages in any other conduct which similarly creates a likelihood of confusion or of misunderstanding.

**Subd. 2. Proof.**

**(a)** In order to prevail in an action under sections 325D.43 to 325D.48, a complainant need not prove competition between the parties or actual confusion or misunderstanding.

**(b)** For purposes of subdivision 1, clause (13), the standard of proof provided under section 325F.69, subdivision 8, applies.

**Subd. 3. Other law. —** This section does not affect unfair, deceptive, or misleading trade practices otherwise actionable at common law or under other statutes of this state.

**History**

1973 c 216 s 2; 1986 c 444; 1988 c 592 s 11; 2023 c 57, art 4 s 6, 7, effective August 1, 2023.

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