

# **PRACTICE TIP**

## **by Garris Neil Yarborough, NCALB Counsel**

Occasionally, the Board Staff comes across violations of the NCALB's advertising regulations in newspaper, brochures, radio or even television advertising. This is relatively infrequent because most North Carolina licensed auctioneers are very familiar with the provisions of Section .0602 relating to "Advertising" in our regulations. However, in recent months, the Board Staff has noticed numerous violations of the NCALB's advertising regulations in free or paid "advertisements" in the electronic media such as Craigslist, EstateSales.net, AuctionZip and the like. Many of these infractions relate to the failure to include the auctioneer's license number. However, some are more serious such as improper absolute auction advertisements where the advertised transaction may not technically be an "absolute auction" under NCALB's regulations. This may come about from several reasons, but the primary one that the staff has encountered is the lack of appreciation by some auctioneers that something on Craigslist or EstateSales.net is "advertising" or, at least, they are not as meticulous in abiding with North Carolina Auctioneer Law when it comes to internet postings.

The American Heritage Dictionary defines "advertise" as "to make public announcement, especially to proclaim the qualities or advantages of a product or business so as to increase sales." North Carolina Case Law makes no difference in distinguishing print and electronic media in liability for advertising and neither does the NCALB. The provisions in our administrative code [Section .0602(a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k) and (l)] regarding advertising are one of the most extensive sections in that code, covering the use of such words as "estate sale", "bankruptcy sale", "absolute", "urgent", "confiscated" and a variety of other specific advertising-related regulations. All of these requirements are designed to protect the integrity of the auction process and stem from the statutory prohibition against "Any false, misleading, or untruthful advertising." N.C. Gen. Stat. §85B-8(b)(4).

Please remember that as a North Carolina Licensed Auctioneer, you are required to comply with Section .0602 in our regulations regarding advertising whether in the free or paid print media or on the internet or otherwise.