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September 4, 2011

Comment Form

Federal Trade Commission

Title: Advanced Notice of Proposed Rulemaking and Request for Public Comments

Subject Category: 16 CFR Part 424 Retail Food Store Advertising and Marketing Practices Rule, Project No. P104203

Published: August 18, 2011 [View Notice \(PDF\)](#) ([Download Adobe Reader](#))

Comments Due: October 19, 2011

Invitation To Comment:

The Unavailability Rule states that it is an unfair or deceptive act or practice for “retail food stores” to advertise “food, grocery products or other merchandise” at a stated price if those stores do not have the advertised products in stock and readily available to consumers during the effective period of the advertisement. As part of the Commission’s systematic review of all current FTC rules and guides, the Commission requests public comment on the overall costs, benefits, necessity, and regulatory and economic impact of its Unavailability Rule.

Privacy & Use:

The FTC Act and other laws the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. All timely and responsive public comments, whether filed in paper or electronic form, will be considered by the Commission, and will be placed on the public record of this proceeding—including on the publicly accessible FTC website at www.ftc.gov, to the extent practicable. Any information placed in the following fields on this form – “Title,” “First Name,” “Last Name,” “Organization Name,” “State,” “Postal Code,” “Country,” “Comments,” and “Attachment” – will be publicly available on the FTC Web site. Although filling out this comment form is voluntary, the fields marked with an asterisk are required in order for the FTC to fully consider a particular comment. Because comments will be placed on the public record including on the publicly accessible FTC web site, they should not include any sensitive or confidential information. In particular, comments should not include any sensitive personal information, such as an individual’s Social Security Number; date of birth; driver’s license number or other state identification number, or foreign country equivalent; passport number; financial account number; or credit or debit card number. Comments also should not include any sensitive health information, such as medical records and other individually identifiable health information. In addition, comments should not include any “[t]rade secrets and commercial or financial information obtained from a person and privileged or confidential. . . .” as provided in Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and Commission Rule 4.10(a)(2), 16 CFR 4.10(a)(2). Comments containing material for which confidential treatment is requested must be filed in paper form, must be clearly labeled “Confidential,” and must comply with FTC Rule 4.9(c).¹ As a matter of discretion, the FTC makes every effort to remove home contact information for individuals from the public comments it receives before placing those comments on the FTC Web site. More information, including other routine uses permitted by the Privacy Act, may be found in the FTC’s privacy policy, at <http://www.ftc.gov/ftc/privacy.htm>.

Accessibility:

If you are unable to access this form, [click here for an alternate method of submitting a public comment.](#)

¹The comment must be accompanied by an explicit request for confidential treatment, including the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. The request will be granted or denied by the Commission’s General Counsel, consistent with applicable law and the public interest. See FTC Rule 4.9(c), 16 CFR 4.9(c).

Title:

Mr

First Name:

Charles

***Last Name:**

Gettz

Organization Name:

Mailing Address:

*State Province:

Postal Code:

woody

Country:

UNITED STATES

Comments

The rule should be kept and expanded to include drug store chains such as Walgreens, CVS and Rite-aid as these stores have expanded there merchandise to include most items sold by tradional food stores. They should be required to meet the same rules as their competition!

it is very frustrating in these days of economic stress for the consumer to spend time and energy to read all the ads and go to the store only to find that the product you want is not in stock or not in the size offered in the ad.

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