

any authority presently vested in that office or which may be hereafter prescribed by law.

(4) On the power of a state agency in the enforcement, or administration of any provision of law which it is specifically permitted or required to enforce or administer.

(5) On the right of any person to maintain at any time any appropriate action for relief against any air pollution.

SEC. 9. There is added to chapter 232, Laws of 1957 and to chapter 70.94 RCW a new section to read as follows:

New section.

The wilful violation by an person of any provision of chapter 70.94 RCW, or of any rule, regulation, or order issued in pursuance thereof, shall constitute a gross misdemeanor.

Violation,  
GROSS  
misdemeanor.

SEC. 10. If any section, subsection or clause of this act shall be adjudged unconstitutional, such adjudication shall not affect the validity of the act as a whole or of any section, subsection, sentence or clause hereof not adjudged unconstitutional.

Severability.

Passed the Senate March 3, 1961.

Passed the House March 7, 1961.

Approved by the Governor March 20, 1961.

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CHAPTER 189.

[ S. B. 57. ]

FALSE, DECEPTIVE, MISLEADING ADVERTISING.

AN ACT relating to and prohibiting false, deceptive and misleading advertising, and providing for enforcement thereof.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. It shall be unlawful for any person to publish, disseminate or display, or cause directly or indirectly, to be published, disseminated or displayed in any manner or by an means, including solicita-

False, de-  
ceptive or  
misleading  
advertising  
unlawful.

tion or dissemination by mail, telephone or door-to-door contacts, any false, deceptive or misleading advertising, with knowledge of the facts which render the advertising false, deceptive or misleading, for any business, trade or commercial purpose or for the purpose of inducing, or which is likely to induce, directly or indirectly, the public to purchase, consume, lease, dispose of, utilize or sell any property or service, or to enter into any obligation or transaction relating thereto: *Provided*, That nothing in this section shall apply to any radio or television broadcasting station which broadcasts, or to any publisher, printer or distributor of any newspaper, magazine, billboard or other advertising medium who publishes, prints or distributes, such advertising in good faith without knowledge of its false, deceptive or misleading character.

Enforcement officials.

SEC. 2. The attorney general or the prosecuting attorneys of the several counties may bring an action in the superior court to restrain and prevent any person from violating any provision of this act.

Penalty.

SEC. 3. Any person who violates any order or injunction issued pursuant to this act shall be subject to a fine of not more than five thousand dollars or imprisonment for not more than ninety days or both.

RCW 9.01.090 inapplicable.

RCW 9.01.090 shall not be applicable to the terms of this act and no penalty or remedy shall result from a violation of this act except as expressly provided herein.

Assurance of discontinuance—As evidence.

SEC. 4. In the enforcement of this act the official enforcing this act may accept an assurance of discontinuance of any act or practice deemed in violation of this act, from any person engaging in, or who has engaged in such act or practice. Any such assurance shall be in writing and be filed with and subject to the approval of the superior court of the county in which the alleged violator resides or has his principal place of business, or in Thurston county.

A violation of such assurance shall constitute prima facie proof of a violation of this act: *Provided*, That after commencement of any action by a prosecuting attorney, as provided herein, the attorney general may not accept an assurance of discontinuance without the consent of the prosecuting attorney.

SEC. 5. If any provision of this act is declared unconstitutional, or the applicability thereof to any person or circumstances is held invalid, the constitutionality of the remainder of the act and the applicability thereof to other persons and circumstances shall not be affected thereby. Severability.

Passed the Senate March 7, 1961.

Passed the House March 6, 1961.

Approved by the Governor March 20, 1961.

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## CHAPTER 190.

[ S. B. 86. ]

### TIDELANDS IN SKAGIT, SNOHOMISH, ISLAND COUNTIES.

AN ACT relating to public lands; authorizing the withdrawal of described tidelands from sale, and from lease except for specific purposes; authorizing the use of said tidelands as public shooting grounds to be administered by the state game commission; and amending section 77.40.090, chapter 36, Laws of 1955, and RCW 77.40.090.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. Section 77.40.090, chapter 36, Laws of 1955, and RCW 77.40.090 are each amended to read as follows: RCW 77.40.090 amended.

The commissioner of public lands shall withdraw from sale or lease, except lease for the production of oysters or for booming or industrial uses: *Provided*, That the director of game has approved such industrial uses as not being generally incompatible with the primary function of these lands as public Public shooting grounds. Certain tidelands in Skagit, Snohomish and Island counties.