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LB 547

SENATOR SCHMIT: They could be construed to be engaged in the sale by virtue of the fact that they carry the ad, Senator.

SENATOR CHAMBERS: Are they engaged in the merchandising of the food?

SENATOR SCHMIT: That is the language we are trying to clear up because there were people who a year ago felt that by virtue of the fact they carry the ad they are involved in the merchandising.

SENATOR CHAMBERS: Senator Schmit, how many news people were able to come to you...oh, Senator Pirsch has pointed something out in addition, you know, below this, but here is what I want to ask you.

SENATOR SCHMIT: I can answer Senator Pirsch's question directly.

SENATOR CHAMBERS: Okay, so I am not going to ask her a question. How many news people came to you and established that under the law as it is now they were found to have done something unlawful by running an advertisement that somebody thought was false?

SENATOR SCHMIT: I visited with several news people after the bill passed a year ago, Senator. But they did not ask me to correct the bill. I drafted that myself.

SENATOR CHAMBERS: But how many told you that they were found to have done something unlawful for running ads that people considered to be false?

SENATOR SCHMIT: At the present time, Senator, there has not been a situation where they have been taken to court.

SENATOR CHAMBERS: Members of the Legislature, it is my feeling that with the amendment that Senator Schmit is adding to this bill, you are not talking about newspapers, you are talking about those who sell merchandise or distribute food. They can know that what they are saying about the food is false. They can take this formula that is being discouraged for sale throughout the Third World countries, condemned by every nation in the world except America because Nestle, an American corporation, is putting it out, and they can bring that product to this country and falsely advertise it in the State of Nebraska and it is not an unlawful act, unless you can prove a specific intent to deceive. Now, if knowledge of the falsity is not enough,