

[Mass. Gen. Laws ch. 93, § 84.]

§ 84. Unfair and deceptive trade practices: Massachusetts Antitrust Act

It is hereby declared to be an unfair and deceptive trade practice in violation of chapter ninety-three A for a seller, or his agents, employees or other representatives to:

- (1) misrepresent directly or indirectly, including in its advertising, promotional materials, or in any other manner, the size, location, available facilities, or equipment of its health club or health clubs, or the location or locations at which its services, facilities or equipment will be offered;
- (2) misrepresent directly or indirectly, including in its advertising, promotional materials, or in any other manner, the nature of its courses, membership programs, training devices or methods, services, pricing structure, price discounts, sales or offers;
- (3) misrepresent, directly or indirectly, including in its advertising, promotional material, or in any other manner, the number, qualifications, title, status, training or experience of its personnel, agents, employees or other representatives, whether by means of endorsements or otherwise;
- (4) use or refer, directly or indirectly, including in its advertising, promotional material, or in any other manner, to fictional organizational divisions or personnel position titles, or make any representation which has the tendency or capacity to mislead or deceive consumers as to the size or importance of the health club, its franchisor, parent, subsidiary or affiliated business, its divisions, or its personnel, or in any other material respect;
- (5) fail to clearly and conspicuously post on its health club premises all of its courses and membership prices, discounts, sales or offers;
- (6) misrepresent, directly or indirectly, including in its advertising, promotional material, or in any other manner, the nature, extent or availability of any services, guidance, instruction, counseling, assistance, or other attention which the health club will provide to buyers;
- (7) misrepresent, directly or indirectly, including in its advertising, promotional material, or in any other manner, or fail to disclose the buyer's rights to cancel under sections eighty-one to eighty-three, inclusive; or
- (8) violate or fail to comply with any other provision of sections seventy-eight to eighty-eight, inclusive.

This section shall not be construed to prevent other acts or practices of a seller from being declared to be in violation of said chapter ninety-three A.