

[[(2)]] (II) THE OFFEROR WILL GIVE THE CUSTOMER AN IDENTICAL OR SUBSTANTIALLY SIMILAR ITEM OF EQUAL VALUE ON PRESENTMENT OF THE CERTIFICATE[.] ; AND

(2) FULLY COMPLY WITH THE TERMS OF THE CERTIFICATE.

(B) TIME FOR PRESENTMENT OF CERTIFICATE.

THE CERTIFICATE MAY DESIGNATE A PERIOD OF NOT LESS THAN 90 DAYS AFTER THE DATE THE CUSTOMER RECEIVES THE CERTIFICATE WITHIN WHICH THE CERTIFICATE MUST BE PRESENTED FOR REDEMPTION.

REVISOR'S NOTE: This section presently appears as Art. 83, §27A.

In the introductory language to subsection (a), the word "offer" is substituted for "giving of the gift" for purposes of clarity.

In subsection (a) (2), the specific requirement that the offeror "replenish his supply of the item" is deleted as unnecessary in light of the requirement that, in any event, there be a substitution made, and as inconsistent with the requirement that only a "substantially similar item" be given, not necessarily "the item," itself.

The last sentence of present §27A, which provides that the certificate is void after expiration of the 90-day time period, is deleted as superfluous in light of the provisions of subsection (b) of this section.

The only other changes are in style.

With respect to inclusion of this section as an "unfair or deceptive trade practice," subject to the general provisions of this title, see revisor's note to §13-304.

Although the terms of the certificate are statutorily mandated, the Commission notes that there is no express statutory requirement that the offeror actually comply with these terms. Consequently, if an offeror fails to comply, although the offeree may well have a cause of action for breach of contract the offeror would not appear to be subject to the criminal penalties of §13-411. (Of course, failure to give the customer a certificate in the first instance would subject the offeror