

Bay Area Extra www.mercurynews.com/community

Attention shoppers: Know rules of the game

As promised, here are key parts of California's Advertising Fact Sheet. Major advertising violations of specific sections (§) of the Business and Professions Code (B&P) or the Civil Code (CC) are listed below.

■ **False and misleading advertisements:** An advertisement that is false or misleading is prohibited in California. An advertisement that fails to disclose information or that is ambiguous or is partially, or even literally, true may be found unlawful if the public is likely to be deceived by it. (B&P Code §17500)

ACTION LINE
DENNIS ROCKSTROH

■ **Bait and switch:** The law prohibits merchants from advertising goods or services with the intent not to sell them as advertised, but to switch the customer to another item, usually at a higher price or on terms more advantageous to the seller. (CC §1770(a)(9))

■ **Supply of advertised item:** Each of the advertiser's stores in the area where an ad is run must have enough of the advertised item available at or below advertised prices to meet a reasonably expected demand. An exception is when the ad states a limit on the quantity of a certain item or a limit on the stores at which the item is available. (CC §1770(a)(10))

■ **Limiting the quantity sold:** Unless the ad mentions a limit on the quantity of the item that will be sold to a single customer, a merchant cannot refuse to sell advertised items to customers in any quantity that the merchant has in stock. (This law excludes sales to those who intend to resell the item.) (B&P Code §17500.5)

■ **Disclosure of price:** If a store advertises a price for a consumer good or service that is sold only in groups of two or more, the ad must indicate the minimum number of items the customer must buy to receive them at the advertised price. For example, an ad cannot say "batteries — \$10 each," if the batteries are sold only in packages of 10. However, the ad could say "batteries — \$10 each, sold only in packages of 10 for \$1.00 per package." (B&P Code §17504)

■ **Disclosure of other items that must also be purchased:** If an advertisement for one product or service requires, as a condition of sale or lease, the purchase or lease of a different product or service, the ad must disclose the price of all of the products or services that must be purchased or leased. (B&P Code §17509)

■ **Rain checks:** Merchants are not required to give rain checks, although some stores do have a policy of providing them. However, giving the consumer a rain check will not ordinarily excuse an advertiser's failure to have enough of an item available to meet reasonably expected demand, as explained immediately above. (CC §1770(a)(10))

■ **Advertisement of used, defective, or irregular items:** If an advertised item is used, defective, or irregular, this information must be conspicuously disclosed in the ad. (B&P Code §17531)

■ **Advertising of "former" and "sale price":** It is unlawful for an advertiser to advertise a price as a "former" price if the price was not the prevailing market price in the locality where the advertisement is published for the three-month period before the advertisement was printed or broadcast. Alternatively, the advertisement must clearly and conspicuously state the date when the "former" price prevailed. If sufficiently large quantities of a product have not been sold at the price listed as "former" in an advertisement, it may be misleading for an advertiser to advertise the former price in comparison to the "sale" price. (B&P Code §17501)

Contact Action Line at actionline@mercurynews.com or 408-920-5796.



Betany Coffland plays the opera's heroine, Rosina, while Silas Elash has the role of control freak Dr. Bartolo.

Zany 'Barber' cracks up crowd

By Richard Scheinin
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Gioachino Rossini's "The Barber of Seville" has been reducing audiences to laughing fits for a couple of centuries. With its nonstop great score and lustily sung over the length of Saturday's opening performance. But this "Barber" had something else going for it: an obvious comfort level among the principal singers of the opening night cast. (I haven't seen the second of the two rotating casts in this production, which runs through Feb. 27.)

OPERA REVIEW

Still, after 200 years, the secret sauce has to be kept fresh, right? Fresh it is at the California Theatre, where Opera San Jose's "Barber" grew increasingly loose, zany and lustily sung over the length of Saturday's opening performance. But this "Barber" had something else going for it: an obvious comfort level among the principal singers of the opening night cast. (I haven't seen the second of the two rotating casts in this production, which runs through Feb. 27.)

Resident artists with the company for several years now, their camaraderie spilled into the stage action, making all the silliness believable: the mistaken identities, the Groucho mustaches. It amplified the fast-paced, imaginatively detailed and ultimately madcap vision of the director, Jose Maria Condemni, a man with an expanding track record not only with Opera San Jose, but also at San Francisco Opera, Lyric Opera of Chicago, Opera Santa Barbara and elsewhere.

High-toned hilarity

Saturday's audience, which included lots of teenagers and twenty-somethings up in the balcony, was cracking up from the opening moments.

Mezzo-soprano Betany Coffland was sassy and elegant in the role of Rosina, the opera's heroine. Especially in the second act, she showed poise, power and precision, taking on Rossini's finely chiseled, mile-a-minute flurries and roudades. As Count Almaviva, Rosina's lover-to-be, tenor Michael Dailey showed off an increasingly pliant and sweet-topped voice — and hilarious acting chops, disguised as the drunken soldier Lindoro and the obsequious and tin-voiced singing teacher Don Alonso.

Based on the 18th-century play by Beaumarchais, the opera has a master string puller, a virtuoso schemer of shenanigans, all of them aimed at bringing together the two lovers. He



Michael Dailey, left, as Count Almaviva, is shown in a scene with Krassen Karagiozov as Figaro in a production of "The Barber of Seville."

Opera San Jose Presenting "The Barber of Seville" by Rossini

When: Through Feb. 27
Where: California Theatre, 345 S. First St., San Jose
Tickets: \$51-\$101; 408-437-4450, www.operasj.org

is Figaro, the self-aggrandizing barber — "Figaro! Figaro! Figaro!" he sings — whose famous aria has been immortalized by legendary baritones and Bugs Bunny, too.

Saturday's Figaro was baritone Krassen Karagiozov, his voice consistently robust, his persona charmingly deceitful. For having sheer fun with a role, however, bass Silas Elash gets the gold medal. He played to perfection the part of Dr. Bartolo, the insufferable control freak who has taken the much younger Rosina as his ward and expects her to marry him. Plus, Elash displayed an ocean liner of a voice, massive, with seamless top-to-bottom power.

His patter numbers, where the ratta-tat syllabification needs to be fast and clean, like an electric typewriter — remember those? — weren't fast or precise enough. Beyond Elash, a six-part patter number in the second act was sloppy, as were a couple of the other big ensemble set pieces. Not to

make excuses, but these scenes also happened to be extremely funny; the audience was practically roaring. I suspect the musical precision will come with more performances.

Handsome staging

A revival of the company's "Barber" production from 2006, the staging at the California is handsome, with sets by Matthew Antaky, lighting by Kent Dorsey, costumes designed by Cathleen Edwards (and coordinated here by Alyssa Oania) and wigs and makeup by Jeanna Parham.

The chorus was strong — and never stopped joining the fun. The orchestra, conducted by Bryan Nies, was sometimes too loud, covering the singers, but mostly light-footed and steady, pulsing out the drama for 2½ hours.

It would be wrong not to mention a few of the singers in smaller roles: mellifluous baritone Anders Froelich, as Fiorello, the count's servant; mezzo-soprano Tori Grayum, spunky and lusty voiced as Berta, Rosina's governess; and especially bass-baritone Isaiah Musik-Ayala, skillfully skewering the character of Don Basilio, the singing teacher and priest, whose authority is suspect from the moment we meet him.

Contact Richard Scheinin at 408-920-5069.

WATCHDOG TEST

UC gets 'F' in records audit

Open government group gives CSU system a B grade

By Thomas Peele
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The University of California flunked a public-records response test from an open government group.

The 10-campus UC system received an F in basic transparency from the nonprofit watchdog group Californians Aware, which asked campuses for contracts, ethics forms and spending reports.

The California State University system fared better in the survey, receiving a B. Audits of both systems are being made public Monday.

The public records were requested Nov. 29, but UC responses lagged, according to the audit results.

"There's a pretty nasty trend here. It's hard not to fault the UC (campuses)," said Emily Francke, the group's executive director.

UC Berkeley scored highest among individual campuses, earning a C. The only other campuses to avoid F grades were Merced and San Diego, which both received D's.

A UC spokesman on Friday said it was difficult to respond to the audit without seeing it, but he said the system does a better job allowing access to records than its grade suggests.

He also disputed some of the audit's findings. The audit said UC San Francisco failed to acknowledge repeated requests for the annual ethics forms of top officials, reimbursement and credit card expenses, its chancellor's contract and other documents.

But UC spokesman Steve Montiel said the records were e-mailed Jan. 11.

Francke said CalAware has no record of receiving the documents. Still, she said it would not have changed UCSF's grade because of the lengthy response time. The law requires public agencies to respond to such requests within 10 days.

Other audit findings on UC were:

■ All campuses refused to make annual statements of economic interests of top officials available locally, instead referring requests for those documents to the office of the UC president in Oakland.

■ Six campuses — Irvine, Los Angeles, San Diego, San Francisco, Santa Barbara and Santa Cruz — failed to acknowledge the requests within 10 days as mandated by law.

■ Most failed to release documents within 30 days despite state law mandating records should be "promptly" available to the public.

Montiel said UC's policy is that statements of economic interests are maintained in the administrative headquarters and defended the practice of referring requesters there.

"The legal entity of the university is the Office of the President," he said.

Francke dismissed that argument, saying copies of the forms should be kept at campuses where they can be publicly accessed.

Cal State campuses fared better. Four Bay Area campuses — Cal State East Bay, San Jose State, San Francisco State University and Sonoma State University — received A-pluses, according to the results.

A copy of the audit is available at www.calaware.org.

GOVERNMENT WATCH » Feb. 14-20

EAST SIDE UNION HIGH SCHOOL DISTRICT

What: School board
When and where: 6 p.m. Thursday, 830 N. Capitol Ave., San Jose
CHARTER SCHOOL: The board will hold a public hearing on a petition to renew the charter of Latino College Preparatory Academy.

BUDGET: The board will hear a report on the governor's proposed state budget.

TAX MEASURE: The board will consider a resolution in support of placing a measure to extend temporary taxes on the state ballot.

MT. VIEW-LOS ALTOS HIGH SCHOOL DISTRICT

What: School board
When and where: 7 p.m. Monday, 1299 Bryant Ave., Mountain View; and 5 p.m. Tuesday, 899 Lundy Lane, Mountain View.

EMPLOYEE NEGOTIATIONS: On Monday, the board will consider negotiation topics for 2010-11 between the district and its employee unions.

PLANNING SESSION: On Tuesday, the board will discuss protocols, board processes and procedures, and future direction.

MOUNTAIN VIEW-WHISMAN SCHOOL DISTRICT

What: School board
When and where: 6:45 p.m. Thursday, Crittenden Middle School, 1701 Rock St., Mountain View

TAX MEASURE: The board will consider a resolution in support of placing a revenue extension measure on the state ballot.

SAN JOSE

What: City Council
When and where: 1:30 p.m. Monday, San Jose City Hall council chamber, 200 E. Santa Clara St.

BUDGET: The council will have a study session on its upcoming budget and talk about how to close a \$110 million projected deficit.

SAN JOSE

What: City Council
When and where: 9:30 a.m. and 7 p.m. Tuesday, San Jose City Hall council chamber, 200 E. Santa Clara St.

TRUSTEES: (3 p.m.) The council will consider appointing one new trustee each to the city's two retirement boards overseeing pensions.

GENERAL PLAN: (7 p.m.) The council will consider draft general plan considerations regarding transportation land use surrounding Tamien Station.

STREETLIGHTS: (7 p.m.) The council will consider streetlight design standards.

SAN JOSE

What: State of the City
When and where: 6 p.m. Thursday, San Jose Civic Auditorium, 135 W. San Carlos St.

MAYOR: Chuck Reed will present his annual State of the City speech.

SANTA CLARA COUNTY

What: Board of Supervisors' Housing, Land Use, Environment and Transportation Committee

When and where: 10 a.m., Thursday, Board of Supervisors' chamber, 70 W. Hedding St., San Jose

SUBJECT: Supervisors and committee members will discuss a regional habitat preservation plan.

SAN JOSE UNIFIED SCHOOL DISTRICT

What: School board

When and where: 6 p.m. Thursday, 855 Lenzen Ave., San Jose

PARCEL TAX: The board will consider a consultant's report and consider placing a tax measure on the ballot.

LAYOFFS and REASSIGNMENTS: The board will consider sending notices of possible release or reassignment to all administrators and confidential employees.

TRACE SCHOOL: The board will consider approving a \$7.9 million contract with Swinerton Builders for design-build services for a new library and classroom building at Trace Elementary School.

SANTA CLARA COUNTY OFFICE OF EDUCATION

What: Board of education

When and where: 5:30 p.m. Wednesday, 1290 Ridder Park Drive, San Jose

WEB STREAMING: The board will consider a \$101,000 proposal for equipment to stream board meetings over the Web.

ALTERNATIVE EDUCATION: The board will hear a report on a \$2.3 million deficit in the alternative schools budget.