
The “officially released” date that appears near the beginning of each opinion is the date the opinion will be published in the Connecticut Law Journal or the date it was released as a slip opinion. The operative date for the beginning of all time periods for filing postopinion motions and petitions for certification is the “officially released” date appearing in the opinion. In no event will any such motions be accepted before the “officially released” date.

All opinions are subject to modification and technical correction prior to official publication in the Connecticut Reports and Connecticut Appellate Reports. In the event of discrepancies between the electronic version of an opinion and the print version appearing in the Connecticut Law Journal and subsequently in the Connecticut Reports or Connecticut Appellate Reports, the latest print version is to be considered authoritative.

The syllabus and procedural history accompanying the opinion as it appears on the Commission on Official Legal Publications Electronic Bulletin Board Service and in the Connecticut Law Journal and bound volumes of official reports are copyrighted by the Secretary of the State, State of Connecticut, and may not be reproduced and distributed without the express written permission of the Commission on Official Legal Publications, Judicial Branch, State of Connecticut.

ZARELLA, J., concurring. I agree with and join the well reasoned opinion of the majority in this matter. I write only to express my concern that, since the passage of the Connecticut Unfair Trade Practices Act (CUTPA), General Statutes § 42-110a et seq., we increasingly have ignored the directive in the statute that “[i]t is the intent of the legislature that in construing subsection (a) of this section, the commissioner [of consumer protection] and the courts of this state shall be guided by interpretations given by the Federal Trade Commission and the federal courts to Section 5 (a) (1) of the Federal Trade Commission Act (15 U.S.C. 45 (a) (1)), as from time to time amended.” General Statutes § 42-110b (b). I point out that commentators, at least as early as 1988, have noted this court’s lack of attention to major policy statements and decisions issued by the Federal Trade Commission (FTC). For example, Professor John Morgan noted in a 1988 article in the Connecticut Bar Journal that, “[a]s to unfair and deceptive acts and practices, FTC doctrine has been altered significantly in the [1980s]. Major policy statements have been issued and have later become binding precedent for the FTC by incorporation in FTC decisions. In spite of this adoption by the FTC, courts interpreting CUTPA have so far given only brief attention to the statements with no substantial discussion of their import. Courts continue to cite older authority where the current FTC policy is rather more elaborate or even where it differs markedly.” J. Morgan, “The Connecticut Unfair Trade Practices Act: Determining the Standards of Conduct,” 62 Conn. B.J. 74, 94 (1988). Other changes to FTC policy and decisions have occurred since this article was written but have received limited, if any, attention in our opinions. Nevertheless, it is also my view that the case presently before us would not be the appropriate case to take on such a review of our precedent, and, therefore, any such review must be left to a future case.
