



Office of the City Clerk

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Legislation Text

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Committee on Finance

WHEREAS, a woman born in the U.S. today has an estimated 1 out of 8 chance of being diagnosed with breast cancer over the course of her lifetime; and

WHEREAS, the diagnosis of breast cancer, as is any diagnosis of cancer, is a highly emotional experience affecting the entire family; with many devoting countless hours to fundraise for various legitimate not-for-profits to help those fighting this dreadful disease and searching for a cure; and

WHEREAS, the corporate authorities of the City of Chicago are committed to protecting Chicago residents from fraud, deception, and unfair business practices; and

WHEREAS, on November 27, 2012 and December 1, 2012, the Chicago Sun-Times reported on the questionable business practices of Boobies Rock!, Inc., a for-profit corporation that holds itself out as one of the leading advocates for the awareness of breast cancer across the U.S.; and

WHEREAS, according to reports, Boobies Rock! has collected thousands of dollars selling merchandise outside Chicago sports venues and at bar and nightclub events; and

WHEREAS, Boobies Rock! claims to support several breast cancer awareness charities, some of which allege the claims of support are false and misleading; and

WHEREAS, several charities identified by Boobies Rock! as "non-profit affiliates" reported receiving nothing or very little in donations from the company; and

WHEREAS, according to reports, Boobies Rock! allegedly instructed its promotional models not to use the word "sell" and that they were seeking "donations" for a "breast cancer awareness promotion"; and

WHEREAS, a number of "sellers" of Boobies Rock! merchandise were reportedly surprised to learn they were not working for a not-for profit organization; and

WHEREAS, a preliminary search revealed that Boobies Rock! has not secured a business license or permit authorizing it to operate in the City of Chicago; and

WHEREAS, pursuant to Section 2-25-090 of the Municipal Code of Chicago ("Code"), no person shall engage in any act of consumer fraud, unfair method of competition, or deceptive practice while conducting any trade or business in the city; and

WHEREAS, any conduct constituting an unlawful practice under the Illinois Consumer Fraud and Deceptive Business Practices Act, 815 ILCS 505/1 et. seq., shall be a violation of the Code {See § 2-25-090(a)}; and

WHEREAS, unlawful practices under the Illinois Consumer Fraud and Deceptive Business Practices Act are defined broadly as, unfair methods of competition and unfair or deceptive acts or practices, including but not limited to the use or employment of any deception, fraud, false pretense, false promise, misrepresentation or the concealment, suppression or omission of any material fact with intent that others rely upon the concealment, suppression or omission of such material face, or the use or employment of any practice described in the Uniform Deceptive Trade Practices Act, 815 ILCS 510/2, in the conduct of any trade or commerce whether any person has in fact been misled, deceived or damaged thereby (See 815 ILCS 505/2); and

WHEREAS, the Commissioner of the Department of Business Affairs and Consumer Protection is charged with enforcing the section of the Code that prohibits any act of consumer fraud, unfair method of competition, or deceptive practice while conducting any trade or business in the city (See § 2-25-090(b)); and

WHEREAS, the Office of the Illinois Attorney General is conducting its own investigation of Boobies! Rock; now therefore

BE IT RESOLVED, that the corporate authorities of the City of Chicago do hereby urge the Department of Business Affairs and Consumer Protection to thoroughly investigate Boobies Rock!, Inc., and its president, Adam Shryock, for any and all violations of the Municipal Code of Chicago, including, but not limited to, unlawful practices under the Illinois Consumer Fraud and Deceptive Business Practices Act; and

BE IT FURTHER RESOLVED, that the Department of Business Affairs and Consumer Protection is urged to coordinate its investigation with the Office of the Illinois Attorney General; and

BE IT FURTHER RESOLVED, that the Commissioner of the Department of Business Affairs and Consumer Protection is hereby invited to appear before the Committee on Finance to testify at a hearing concerning its investigation of Boobies Rock!, Inc.

Carrie M. Austin, Alderman, 34* Ward

Edward M.%%fflce, Alderman, 14th Ward