

HOUSE No. 1186

By Mr. William F. Sullivan of Boston, petition of William F. Sullivan relative to regulating further advertising in connection with the sale of eyeglasses, lenses or eyeglass frames. Public Health.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Forty-Nine.

AN ACT FURTHER REGULATING ADVERTISING IN CONNECTION WITH THE SALE OF EYEGLASSES, LENSES OR EYEGLASS FRAMES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 112 of the General Laws is hereby amended
2 by striking out section 73A, inserted by chapter 287
3 of the acts of 1937, and inserting in place thereof
4 the following section:—

5 *Section 73A.* No person, in connection with the
6 sale of eyeglasses, lenses or eyeglass frames, shall
7 include in any newspaper, radio, display sign or other
8 advertisement any statement of a character tending
9 to deceive or mislead the public, or any statement
10 which in any way misrepresents any material or
11 service or credit terms, or any statement containing
12 the words “free examination of eyes”, “free advice”,
13 “free consultation”, “consultation without obliga-
14 tion”, or any other words or phrases of similar import
15 which convey the impression that eyes are examined

16 free, or any statement advertising any material used
17 for ophthalmic purposes unless it is described truth-
18 fully in all its component parts, or any statement
19 advertising lens or complete eyeglasses including
20 lenses at a fixed price, either alone or in conjunction
21 with professional services, or any statement adver-
22 tising a frame or mounting at a fixed price unless a
23 further statement, to the effect that said price is for
24 the frame or mounting only and does not include
25 lenses, eye examination or professional services, is in-
26 cluded in said advertisement, orally in case of radio
27 advertisement and, if the advertisement is written or
28 printed, in words or print as legible and not less than
29 one half the size of the words or print used for said
30 price, or any statement which lays claim to a policy or
31 continuing practice of generally underselling com-
32 petitors, or any statement which refers inaccurately
33 to the goods, prices, values, credit terms, policies or
34 services of any competitor. A price shall be construed
35 as being fixed, within the meaning of this section, al-
36 though the words "and up" or "as low as" or words
37 of similar import are used in connection therewith.
38 Any person subject to this section who is not lawfully
39 authorized to practice optometry shall include in all
40 advertisements the words in eight point type, "WE
41 DO NOT EXAMINE EYES" and in case of advertising
42 by radio shall make such statement in each advertise-
43 ment. Whoever violates any provision of this section
44 shall be punished for the first offence by a fine of not
45 less than fifty dollars nor more than two hundred
46 dollars or by imprisonment for not more than three
47 months, or both, and for a subsequent offence by a
48 fine of not less than two hundred dollars nor more
49 than five hundred dollars or by imprisonment for not
50 less than three nor more than six months, or both.