

SENATE No. 594

[Senate, No. 594. — Moved (Taylor) as substitute for the House Report of the committee on Public Health, "leave to withdraw," on the petition of Charles I. Taylor, accompanied by bill, Senate, No. 274.]

The Commonwealth of Massachusetts

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

AN ACT FURTHER REGULATING ADVERTISING IN CONNECTION WITH THE SALE OF EYE-GLASSES, LENSES, OR EYE-GLASS 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 one hundred and twelve of the General
2 Laws is hereby amended by striking out section
3 seventy-three A, as inserted by section one of chapter
4 two hundred and eighty-seven of the acts of nineteen
5 hundred and thirty-seven, and inserting in place
6 thereof the following section: —

7 *Section 73A.* No person, in connection with the
8 prescribing, dispensing or sale at retail of eye-glasses,
9 lenses for eye-glasses, eye-glass frames or ophthalmic
10 materials or services, shall include, or permit or cause
11 to be included, in any newspaper, radio, display sign,
12 personal solicitation or other manner of advertising,
13 any written or spoken words or statements of a charac-
14 ter tending to deceive or mislead the public, or claim-

15 ing professional superiority or the performance of
16 services in a superior manner, or tending to solicit
17 patronage for his business, services, advice or products,
18 or any statement which in any way misrepresents
19 any material or service or credit terms, or any state-
20 ment containing the words "free examination of eyes",
21 "free advice", "free consultation", "consultation
22 without obligation", or any words or phrases of simi-
23 lar import which convey the impression that eyes are
24 examined free, or any statement advertising any
25 material used for ophthalmic purposes, or any state-
26 ment advertising lenses or complete eye-glasses includ-
27 ing lenses, either alone or in conjunction with pro-
28 fessional services, or any statement advertising a
29 frame or mounting, or any statement which lays claim
30 to a policy or continuing practice of generally under-
31 selling competitors, or any statement which refers
32 inaccurately to the goods, prices, values, credit terms,
33 policies or services of any competitor, or shall make or
34 set forth any promises, guarantees, offers, induce-
35 ments, representations, statements or rewards of a
36 character tending to influence, persuade or induce
37 persons to seek, employ or patronize his business,
38 service, advice or products; provided, that, notwith-
39 standing the foregoing, a person subject to this section
40 may (1) use and distribute eye-glass cases and eye-glass
41 cleaning materials or professional cards setting forth
42 his name, title, address or addresses, telephone num-
43 ber or numbers and office hours, and, if he limits his
44 practice to a specialty, containing a statement of such
45 specialty; (2) use and distribute personal profes-
46 sional cards or other notices announcing his change of
47 place of business, or his entrance into, absence from
48 or return to business; (3) issue personal appointment

49 cards to his patients, stating thereon the time and
50 place of appointment and containing any statements
51 hereinbefore authorized to be set forth in his personal
52 professional cards; (4) display his name and any such
53 authorized statements, by means of a sign or signs
54 at his residence, office, or place of business, or both,
55 upon the windows thereof or upon a doorplate or in a
56 building directory, so called, thereat. Whoever vio-
57 lates any provision of this section shall be punished
58 for the first offense by a fine of not less than fifty
59 dollars nor more than two hundred dollars or by im-
60 prisonment for not more than three months, or both,
61 and for a subsequent offense by a fine of not less than
62 two hundred dollars nor more than five hundred dol-
63 lars or by imprisonment for not less than three nor
64 more than six months, or both.

