

Serial Number 1938/113.



THE DENTISTS' ADVERTISING REGULATIONS 1938.

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 14th day of September, 1938.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

PURSUANT to the Dentists Act, 1936, His Excellency the Governor-General of the Dominion of New Zealand, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

REGULATIONS.

REGULATION 1.—PRELIMINARY.

- (1) These regulations may be cited as the Dentists' Advertising Regulations 1938.
- (2) These regulations shall come into force on the 1st day of January, 1939.
- (3) In these regulations, unless inconsistent with the context,—
 - “The said Act” means the Dentists Act, 1936 :
 - “Council” means the Dental Council of New Zealand established by the said Act :
 - “Dental company” means a company carrying on the business of dentistry under the authority of section 28 of the said Act :
 - “Dentist” means a person registered as a dentist under the said Act :
 - “Person” includes both an individual and a dental company :
 - “Qualifications” means the terms “dentist,” “dental surgeon,” and “surgeon dentist,” the word “registered” the name of any diploma by virtue of which a dentist is registered, the name of the institution granting the diploma, and any abbreviation of the foregoing words.
- (4) Any approval given by the Council under these regulations may from time to time be withdrawn by the Council by notice in writing authorized by the Council and communicated to the person for whose benefit such approval was given or enures.

(5) Nothing in these regulations shall apply to the issue of any report, thesis, or essay in a Government publication or in the transactions of any learned or professional society or to the issue of any technical or scientific book, notwithstanding that reference be made therein to the practice of dentistry by the author thereof.

REGULATION 2.—ADVERTISING IN GENERAL.

- (1) No person, being a dentist or dental company, shall advertise—
- (a) Prices or fees charged by such person in the practice of dentistry :
 - (b) Any claim of such person or of a member of such dental company to personal pre-eminence in the practice of dentistry :
 - (c) Any claim of the use by such person or by any member of such dental company of exclusive apparatus in the practice of dentistry or of any special therapeutic agent in the practice of dentistry.

(2) No person, being a dentist or dental company, shall exhibit, or cause or permit to be exhibited, the name of such person or the name of any member of such dental company upon or in connection with any preparation or article which is used or intended to be used for medicinal or dental purposes and which is sold or offered for sale to the public.

(3) No person, being a dentist or dental company, shall advertise, or cause or permit to be advertised, anything relating to the practice of dentistry by such person or by a firm of dentists of which such person is a member or by another member of such firm or by a dental company otherwise than as permitted by these regulations.

(4) In particular and without prejudice to the generality of the last preceding clause hereof, no person, being a dentist or a dental company, shall advertise, or cause or permit to be advertised, anything relating to the practice of dentistry by such person or by a firm of dentists of which such person is a member or by another member of such firm or by a member of a dental company by means of radio broadcasting or optical projection (whether in theatres or elsewhere) or in or upon any public vehicle.

(5) Any person committing a breach of these regulations shall be liable to a fine not exceeding £50.

REGULATION 3.—ADVERTISING IN PERIODICALS.

- (1) In this regulation, unless inconsistent with the context,—
- “Journal” includes any newspaper or other periodical publication circulating in New Zealand whether printed in New Zealand or elsewhere :
- “Advertisement” means an advertisement published in any journal.

(2) Except as provided in clause (8) of this regulation, no advertisement shall appear in any journal except a newspaper issued at intervals not regularly exceeding one week.

(3) Except as hereinafter provided, the wording of any advertisement shall be limited in the case of a dentist in practice on his own account to the name and address of the dentist, his qualifications,

hours of attendance, and telephone numbers, and, in the case of a firm of dentists or dental company, to the name and address of the firm or company and the names of the members of the firm or company and their respective qualifications, hours of attendance, and telephone numbers, and in either case (subject as hereinafter provided) where the practice is of a special nature a notification of the special nature thereof.

(4) Notwithstanding clause (2) hereof, there may be inserted, together with or separately from and in addition to an advertisement permitted under clause (2) hereof, an advertisement announcing on the part of any dentist, firm of dentists, or dental company the commencement of practice in any place, the removal of a practice, the sale or purchase of a practice, or an absence from or return to a practice or (subject as hereinafter provided) a change in the character of a practice as regards the special nature thereof :

Provided that no advertisement authorized by this clause and relating to any one occasion (whether or not the wording be varied from time to time) shall be published in the same periodical publication for a period of more than one month without the express approval of the Council.

(5) No advertisement shall exceed in width the regular measure of one column of the journal or in depth 2 in., and no advertisement shall comprise or include or be accompanied by any pictorial representation.

(6) Not more than one advertisement relating to the same dentist or firm of dentists or dental company or the members thereof respectively shall appear in any one issue, part, or number of any one journal.

(7) A notification of the special nature of any practice or an announcement of a change in the character of a practice as regards the special nature thereof shall not be given or made except in a form approved by the Council.

(8) In any telephone, post-office, or general directory any of the terms "dentist," "dental surgeon," and "surgeon dentist" may be inserted after the name of a dentist, firm of dentists, or dental company, and any such name may be inserted after a general heading consisting of one or more of the aforesaid terms, and the address of a business may be inserted after any such name :

Provided that no entry and no part of such entry be printed in any other type than the least conspicuous type used for printing entries in the directory.

REGULATION 4.—CIRCULARS.

(1) In this regulation, unless inconsistent with the context,—

"Circular" means any document copies of which are or may be made by printing, lithography, typewriting, handwriting, or any other form of mechanical or manual reproduction.

(2) No circular shall contain or be accompanied by matter relating to any person except the dentist, firm of dentists, or dental company by or on whose behalf the circular is issued or relating to any business except the practice of dentistry by such dentist, firm of dentists, or dental company.

(3) No circular shall be issued except a circular announcing on the part of any dentist, firm of dentists, or dental company the commencement of practice in any place, the removal of a practice, the sale or purchase of a practice, an absence from or return to a practice, or (subject as hereinafter provided) a change in the character of a practice as regards the special nature thereof.

(4) A circular containing an announcement of one of the kinds specified in the last preceding clause hereof may also contain an announcement in the case of a dentist in practice on his own account of the name and address of the dentist, his qualifications, hours of attendance, and telephone numbers, and, in the case of a firm of dentists or dental company, of the name and address of the firm or company and the names of the members of the firm or company and their respective qualifications, hours of attendance, and telephone numbers, and in either case (subject as hereinafter provided) where the practice is of a special nature a notification of the special nature of the practice.

(5) An announcement of a change in the character of a practice as regards the special nature thereof or a notification of the special nature of a practice shall not be made or given except in a form approved by the Council.

(6) The size of a circular shall not exceed that of a piece of ordinary-sized letter paper.

(7) A circular shall not be sent to any person except a *bona fide* patient of the dentist, firm of dentists, or dental company to the practice of whom or of which its contents relate.

(8) No circular shall comprise or include or be accompanied by any pictorial representation.

(9) The restrictions set out in this regulation shall not apply to any communication issued solely to dentists, firms of dentists, and dental companies or dealers in dental supplies.

REGULATION 5.—ADVERTISEMENTS ON BUILDINGS.

(1) This regulation applies to an advertisement painted, affixed, or otherwise displayed upon any building, erection, or hoarding, or upon any thing attached thereto (except the windows of a building) so as to be visible from the exterior thereof and so displayed otherwise than by means of one or more specially directed lamps, lights, or other special illumination.

(2) No advertisement shall appear except on or in a building wherein the practice of dentistry is carried on by the dentist, firm of dentists, or dental company to whom or to which the advertisement refers.

(3) Where the advertisement is displayed upon any metal plate, wooden board, or similar mounting the total area of such a mounting or mountings shall not exceed in the case of a dentist in practice on his own account an area of 2 square feet or, in the case of a firm of dentists or dental company, an area of 3 square feet if there are two such members of such firm or company, with 1 additional square foot of area for every member thereof besides the first two.

(4) Where the advertisement is displayed otherwise than upon a mounting as aforesaid the total area occupied by the words and character constituting the advertisement shall not exceed 4 square feet.

(5) The wording of any advertisement to which this regulation applies shall be limited in the case of a dentist in practice on his own account to the name of the dentist, his qualifications, hours of attendance, and telephone numbers, and, in the case of a firm of dentists or dental company, to the name of the firm or company and the names of the members of the firm or company and their respective qualifications, hours of attendance, and telephone numbers, and in either case (subject as hereinafter provided) where the practice is of a special nature a notification of the special nature thereof.

(6) A notification of the special nature of any practice shall not be given except in a form approved by the Council.

(7) In the case of a dentist, firm of dentists, or dental company practising at more than one place in the same city, borough, or town district the provisions of clauses (3) and (4) of this regulation shall apply to one only of such places to be selected from time to time by such dentist, firm, or company, and at every other such place there may be displayed a single advertisement, and if displayed on a plate, board, or similar mounting the size of the mounting shall not exceed 15 in. by 12 in., and if displayed otherwise than upon a mounting as aforesaid the area occupied by the words and characters constituting the advertisement shall not exceed an area of 15 in. by 12 in.

REGULATION 6.—INTERIOR ADVERTISEMENTS.

(1) This regulation applies to an advertisement painted, affixed, or otherwise displayed upon any building (except the windows thereof) so as to be visible from the interior thereof and substantially not visible from the exterior thereof.

(2) The size of any advertisement to which this regulation applies shall not exceed 2 ft. by 1 ft.

(3) Clauses (2), (5), and (6) of Regulation 5 hereof shall apply to such advertisement.

REGULATION 7.—WINDOW ADVERTISEMENTS.

(1) In this regulation the term "window advertisement" means an advertisement painted or otherwise displayed upon a window or upon a screen behind, and so as to be visible from the outside of a window, but not illuminated otherwise than by the normal domestic artificial lighting of the room behind the window.

(2) In the case of a dentist, firm of dentists, or dental company practising at one place only in the same city, borough, or town district a window advertisement may be displayed upon or behind not more than three windows at such place of practice.

(3) In the case of a dentist, firm of dentists, or dental company practising at more than one place in the same city, borough, or town district the provisions of clause (2) of this regulation shall apply to one only of such places to be selected from time to time by such dentist, firm, or company, and at every other such place a window advertisement may be displayed upon or behind one window only.

(4) The wording of any window advertisement shall be limited, in the case of a dentist in practice on his own account, to the name of the dentist and his qualifications, and, in the case of a firm of dentists

or dental company, to the name of the firm or company, and the names of the members thereof, and their respective qualifications.

(5) The characters comprising a window advertisement shall not exceed 6 in. in height.

REGULATION 8.—ILLUMINATED ADVERTISEMENTS.

(1) In this regulation the term "illuminated advertisement" means an advertisement painted, affixed, or otherwise displayed upon any building, erection, or hoarding or upon any thing attached thereto (except the windows of a building) so as to be visible from the exterior thereof and displayed or illuminated by means of one or more specially directed lamps, lights, or other special illumination, or consisting of one or more lamps, luminous tubes, reflectors, or other illuminating-devices, whether the illumination takes place by day or by night, or both, and includes an advertisement on the globe of a lamp, and includes a coloured light not accompanied by any words or characters.

(2) No illuminated advertisement shall be displayed other than an opaque white globe or disk illuminated from within, the greatest diameter or width of which does not exceed 2 ft.

(3) Clauses (2), (5), and (6) of Regulation 5 hereof shall apply to an illuminated advertisement.

C. A. JEFFERY,

Clerk of the Executive Council.

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette* : 22nd day of September, 1938.

These regulations are administered by the Department of Health.