

1970/32



THE DENTISTS ADVERTISING REGULATIONS 1970

ELIZABETH R.

ORDER IN COUNCIL

At the Court at Government House, Wellington, this 12th day of
March 1970

Present:

THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL

PURSUANT to the Dental Act 1963 and the Royal Powers Act 1953, Her Majesty the Queen, acting by and with the advice and consent of Her Executive Council, is pleased to make the following regulations.

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Dentists Advertising Regulations 1970.

(2) These regulations shall come into force on the 1st day of June 1970.

2. Interpretation—In these regulations, unless the context otherwise requires,—

“Council” means the Dental Council of New Zealand established under the Dental Act 1963:

“Dental company” means a company authorised to carry on the practice of dentistry under section 32 of the Dental Act 1963:

“Dentist” means a person registered as a dentist under the Dental Act 1963:

“Name”, in relation to any dentist, includes any title, rank, or distinction, or any words or abbreviations signifying any title, rank, or distinction, which the dentist is entitled to use independently of his occupation as a dentist and which denotes neither a qualification in dentistry nor any skill forming part of the practice of dentistry:

“Qualifications” means the terms “dentist” and “dental surgeon”, the word “registered”, the name of any degree, diploma, certificate, or other qualification by virtue of which a dentist is registered, or which has been inserted in the register pursuant to section 24 of the Dental Act 1963, the name of the institution granting the degree, diploma, certificate, or other such qualification, and any abbreviation of any such term, word, or name.

3. Advertising in general—(1) 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.

(2) In particular, and without prejudice to the generality of subclause (1) of this regulation, no person, being a dentist or dental company, shall—

- (a) Display, or cause or permit to be displayed, any illuminated advertisement relating to the practice of dentistry:
- (b) 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:
- (c) 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 television or optical projection (whether in theatres or elsewhere) or in or upon any public vehicle.

(3) Without prejudice to subclause (1) or subclause (2) of this regulation, no person, being a dentist or dental company, shall advertise, or cause or permit to be advertised—

- (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.

(4) Every person who contravenes any provision of this regulation commits an offence and is liable on summary conviction to a fine not exceeding \$100.

4. Advertising in newspapers and directories—(1) Subject to subclauses (2), (3), (4), and (5) of this regulation, there may be inserted in any newspaper circulating in New Zealand and issued at intervals not regularly exceeding one month a notification 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 a change in the character of a practice as regards the special nature thereof:

Provided that no notification authorised by this subclause and relating to any one occasion (whether or not the wording be varied from time to time) shall be published in the same newspaper for a period of more than one month or more than eight times.

(2) In relation to any announcement referred to in subclause (1) of this regulation the wording of the notification containing the announcement 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 to subclause (5) of this regulation, where the practice is of a special nature a notification of the special nature thereof.

(3) No such notification shall exceed in width the regular measure of one column of the newspaper or in depth 2 in., or comprise or include or be accompanied by any pictorial representation.

(4) Not more than one notification 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 newspaper.

(5) 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.

(6) In any telephone, post-office, or general directory, the term "dentist" or the term "dental surgeon" 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 both 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 type other than the least conspicuous type used for printing entries in the directory.

5. Advertising by circular—(1) In this regulation the term "circular" means any document copies of which produced for distribution to several persons contain substantially the same terms.

(2) Subject to the succeeding provisions of this regulation, a circular may be issued 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 a change in the character of a practice as regards the special nature thereof.

(3) A circular containing an announcement of one of the kinds specified in subclause (2) of this regulation 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 where the practice is of a special nature a notification of the special nature of the practice.

(4) 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.

(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 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.

6. Advertisements on buildings and other land—(1) Subject to subclauses (2), (3), (4), and (5) of this regulation, an advertisement may be displayed 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, or elsewhere on any land occupied together with that building.

(2) The wording of any advertisement displayed under the authority of this regulation 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 to subclause (3) of this regulation, where the practice is of a special nature a notification of the special nature thereof.

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

(4) In the case of any advertisement displayed under the authority of this regulation so as to be ordinarily visible from outside the building in which the practice to which it refers is carried on—

(a) The advertisement shall not be displayed by means of a specially directed lamp, light or other means of illumination:

(b) 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:

(c) Where the advertisement is displayed otherwise than upon a mounting as aforesaid the total area occupied by the words and characters constituting the advertisement shall not exceed 2 square feet.

(5) In the case of any advertisement displayed under the authority of this regulation so as to be visible from inside the building in which the practice to which it refers is carried on but not so as to be ordinarily visible from outside that building—

- (a) Not more than one such advertisement shall be so displayed unless, and except to the extent that, the display of any additional advertisement in or on the building is reasonably necessary for the purpose of indicating the room or rooms in which that practice is carried on:
- (b) The size of any such advertisement shall not exceed 1 square foot.

(6) Nothing in this regulation shall apply to any "window advertisement" as defined in subclause (1) of regulation 7 of these regulations.

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

(2) Subject to subclauses (3) and (4) of this regulation, one, but not more than one, window advertisement may be displayed on or in the 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) 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.

(4) The words and characters comprising a window advertisement shall not exceed 6 in. in height.

8. Approvals of Council—Any approval given by the Council for the purposes of these regulations may be given in writing, signed by the Secretary to the Council and addressed to the dentist or dental company to whom or to which the approval relates, and may in like manner be withdrawn by the Council at any time.

9. Exemptions—Nothing in these regulations shall apply to the issue of—

- (a) Any report, thesis, or essay in a Government publication or in the transactions of any learned or professional society or any technical or scientific book, notwithstanding that reference be made therein to the practice of dentistry by the author thereof:
- (b) Any communication issued only to dentists, firms of dentists, dental companies, dealers in dental supplies, the Department of Health, or the Dental Council.

10. Revocation—The Dentists' Advertising Regulations 1938* are hereby revoked.

P. J. BROOKS,
Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations replace the Dentists' Advertising Regulations 1938 and make several changes. Televised and illuminated advertisements are now banned. Notices may now appear in certain newspapers and directories, however, if published in accordance with the provisions of regulation 4. Some definitions have been omitted from the new regulations as redundant, and other definitions have been redrafted to convey more clearly the intention of the regulations.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 13 March 1970.

These regulations are administered in the Department of Health.