

NY CLS Gen Bus § 350-b

Current through 2024 released Chapters 1-59, 61-117

New York Consolidated Laws Service > General Business Law (§§ 1 — 1601) > Article 22-A Consumer Protection from Deceptive Acts and Practices (§§ 349 — 350-f-1)

§ 350-b. Disclosures required in advertisements using the title “doctor”

1. Any person who uses the title “doctor” in making representations for the purpose of inducing, or which are likely to induce, directly or indirectly, the purchase of (a) drugs, devices or cosmetics, as defined in section sixty-eight hundred two of the education law, or (b) other goods or services intended to diagnose, treat, mitigate, prevent or cure any human disease, pain, injury, deformity, nutritional deficiency or physical condition, or which are intended to appear to the purchaser of such goods or services to have done so, shall conspicuously disclose the profession in which he or she is licensed, except that, where no license is required by the department of education, such person shall conspicuously disclose the major subject in which the degree was earned and the name of the institution that issued the degree provided, however, that such person shall be prohibited from using the title “doctor” unless the degree was conferred by an institution of higher education authorized by law to confer doctoral degrees in the state where it is located. For the purposes of this section, “conspicuously” shall mean equally in size, type or prominence and positioned adjacent to the title “doctor”. The requirements of this subdivision supplement, and shall not be construed to limit, the obligations of health professionals pursuant to the education law and regulations thereunder, nor shall they be construed to authorize the practice of any licensed profession nor the offer of professional services by any unlicensed person.

2. In addition to any civil penalty available under section three hundred fifty-d of this article, whenever there shall be an actual or threatened violation of this section an application may be made to a court or justice having jurisdiction to issue an injunction, upon notice to the defendant of not less than five days, to enjoin and restrain such actual or threatened violation; if it shall appear to the satisfaction of the court or justice that the defendant is in fact assuming, adopting or using such title or is about to assume, adopt or use such title and that the assumption, adoption or use of such title may deceive or mislead the public, an injunction may be issued by said court or justice enjoining and restraining such actual or threatened violation without requiring proof that any person has in fact been deceived or misled thereby.

History

Add, L 1989, ch 65, § 1, eff July 20, 1989; amd, L 1991, ch 159, § 1, eff May 31, 1991.

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