

1981 WL 158044 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

November 12, 1981

**\*1 RE: Opinion Request**

Henry V. Sawyer, O.D.  
Secretary  
State Board of Examiners in Optometry  
Post Office Box 1149  
Marion, South Carolina 29571

Dear Dr. Sawyer:

You, as Secretary of the State Board of Examiners in Optometry, have requested the opinion of this office concerning how many trade names one optometrist or partnership of optometrists may utilize.

Attached is an opinion issued May 21, 1979, which concludes that the use of a trade name by an optometrist is no longer statutorily prohibited in this state. Although there is no longer any statute prohibiting the use of a trade name by an optometrist or a partnership of optometrists, such a name could not be used in a manner conflicting with R95-1P or R95-2 of the Rules of Practice of the South Carolina Board of Examiners in Optometry.

R95-2 prohibits misleading or deceptive advertisements concerning the practice of optometry. Certainly, the use of several trade names by the single optometrist may be confusing to the public. As the South Carolina Supreme Court has noted, when services such as those provided by an optometrist are sought, it is desirable that people know the individual with whom they are dealing. See, South Carolina Board of Examiners in [Optometry v. Cohen](#), 256 S.C. 13, 180 S.E.2d 650. See also, [Friedman v. Rogers](#), — U.S. —, 47 Law Week 4151 (1979).

It is apparent that where an individual optometrist advertises his professional services under more than one trade name the public may be deceived into believing the distinct 'trade names' involve different practitioners. The same reasoning is applicable to the use of multiple trade names by a partnership of optometrists. While the trade names change, the practitioner[s] remains the same, thus, confusing the public.

In conclusion, although there exist no specific statutory limitation on the number of trade names under which an optometrist or a partnership of optometrists may practice, the use of multiple trade names may deceive or mislead the public and, thus, would not be in compliance with R95-1P or R95-2.

If I can be of further service, please contact this office.

Very truly yours,

Edwin E. Evans  
Assistant Attorney General

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