

1979 WL 42705 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

December 31, 1980

**RE: Advertisement Placed by Eckerd Optical Centers in The State and Spartanburg Herald Newspapers on November 9, 1980**

\*1 Mr. Jack S. Folline  
Chairman  
South Carolina Board of Examiners in Opticianry  
P. O. Box 5721  
Columbia, South Carolina 29205

Dear Jack:

This letter is to confirm advice given to you during the recent meeting among you, Richbourg Roberson and me at this office. By letter of November 12, 1980, you asked whether the above-referenced advertisement, a copy of which is attached, is legal. In accordance with recent opinions and specifically the opinion issued by this office on May 15, 1980, which dealt with the offering of a discount by opticians, it is the opinion of this office that the attached advertisement contravenes [Section 40-37-240 of the Code of Laws of South Carolina \(1976\)](#). That section prohibits, among other things, the offering of a thing of value, the object of which is to induce the sale of eyeglasses. As indicated in the above-noted opinion, the South Carolina Supreme Court has held that the offering of a discount is a thing of value within the terms of this Code section. The attached advertisement offers eyeglasses at a reduced price. The advertisement specifically refers to a 'sale'. It is the opinion of this office that a sale as envisioned by the attached advertisement, in effect, offers a discount to the general public and, therefore, contravenes the Code section.

Additionally, this advertisement is devoid of the disclosure requirements of [Section 40-37-81 of the South Carolina Code of Laws \(1976\)](#). Absence of these required disclosures contravenes this Code section and renders the ad defective independently of the above-discussed [Section 40-37-240](#).

If you have any further questions concerning this matter, please do not hesitate to give me a call. LOCA2#Yours very truly, DD#0145182

Grady L. Patterson, IIDJ1#Staff Attorney DBID#AG-ALL

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