

1974 WL 27827 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 25, 1974

**\*1 Re: Advertising and Sale of Hearing Aids Through the Mail**

Walton J. McLeod, III, Esquire  
General Counsel  
Department of Health and Environmental Control  
2600 Bull Street  
Columbia, South Carolina 29201

Dear Mr. McLeod:

In response to your letter dated April 17, 1974, and addressed to Mr. Bruce Davis, our research fails to disclose any authority to the effect that advertising merely through the use of newspapers sent through the mails can be considered 'doing business' within the State of South Carolina sufficient to give the State jurisdiction over the advertiser. The cases indicate that something more, e.g., an order from a resident, is required before jurisdiction can be asserted.

Since the Fourth Circuit has gone to the outer limits allowed under the authority of [International Shoe v. Washington](#), 326 U.S. 310, it is probable that courts would be hesitant to grant an even further reach to South Carolina's longarm statute.

The opinion of this office, therefore, is that an out-of-state mail order hearing aid sales company is not subject to the regulatory and licensing provisions of the South Carolina Pitting and Selling of Hearing Aids Act, absent the conduct of business beyond advertising through the mails.

Kind regards,

Karen LeCraft Henderson  
Assistant Attorney General

**ATTACHMENT**

**References:**

Section 12-23.1(7), CODE OF LAWS OF SOUTH CAROLINA, 1962, as amended.

Section 12-23.14, CODE OF LAWS OF SOUTH CAROLINA, 1962, as amended, and annotations thereunder.

International Shoe v. Washington, *supra*.

McGee v. International Life Ins. Co., 355 U.S. 200.

44 A.L.R.2d 4165.

[49 A.L.R.2d 668](#).

73 A.L.R.2d 400.

6 A.L.R.3d 1106.

19 A.L.R.3d 26, 146, 1367.

20 A.L.R.3d 996, 1210, 1230.

23 A.L.R.3d 562.

24 A.L.R.3d 542, 599.

27 A.L.R.3d 408, 434.

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