Opinion No. 317.

Dentists—Advertising Illegally.

HELD: The Montana Dentistry Regulation Act does not prohibit the placing of illegal professional advertisements in Montana newspapers by non-resident dentists.

July 8, 1936.

Dr. T. T. Rider
Secretary-Treasurer, Montana State Dental Association
Missoula, Montana

You have enclosed an advertisement of the Peerless Dentists of Spokane, Washington, in the Daily Missoulian of June 22, 1936, and request my opinion thereon.

This advertisement not only advertises prices but professional superiority, or performance of professional services in a superior manner, which are prohibited by Section 3115.13, R. C. M. 1935, Chapter 48, Laws of 1935.

Since the penalty for such illegal advertising is suspension or revocation of license to practice dentistry in this state, and since the advertising dentists are residents of Spokane, Washington, and do not practice dentistry in this State, it is my opinion that nothing can be done. I do not find any law prohibiting such advertising and fixing a penalty therefor, except the section cited above. Because there is no law prohibiting it, I do not think there is any legal ground for injunction against the newspaper from accepting such advertising copy.