

the advertising. It would seem to me this is a rather broad prohibition so that a manufacturer, or company which had eyeglass frames, would be restricted under that subsection from advertising.

Mr. WEINMANN. It seems to me that subdivision would restrict opticians from advertising also.

Mr. HORTON. That is what I am getting at.

Mr. WEINMANN. And I think that is all wrong.

We know that druggists advertise. The newspapers are full of ads by druggists for aspirin or anything else. I see no harm in that. I think that is the American system of competition. It is a business.

Mr. FUQUA. Do you have advertising for prescription drugs?

Mr. WEINMANN. I think the druggists themselves advertise their products, whatever they may be. Items which are obtainable by prescription may be advertised.

Mr. FUQUA. Does he say you can get phenobarbital a little cheaper at his drug store?

Mr. WEINMANN. I haven't seen advertisements like that myself, but that may be because it is rather difficult to advertise an item which is set forth in a prescription where generic names may or may not be used.

The fact is that the druggist per se is not forbidden from advertising, and what is the product in a case of an optician? It is a pair of eyeglasses. It is not any special compound. It is a pair of eyeglasses and there is no reason why an optician shouldn't be able to advertise as far as I am concerned. I see no harm to the public.

Mr. WHITENER. Mr. Weinmann, there on page 11, Subsection (4), line 11, you will note the use of the word "ophthalmic material." What does that term embrace?

Mr. WEINMANN. That is about as broad as you can get when you talk about material.

I think, Congressman, that your reference to Windex was about as apt a description of ophthalmic material as you could get. I think it could encompass that too. It could encompass almost anything. It is, again, another illustration of how broad this bill is drawn in favor of the optometrists and against anybody else.

Mr. WHITENER. Do you think this language in Subsection (4) would be broad enough to prohibit a manufacturer of lenses, or of frames, from advertising in trade journals which might be given to the public or put on display in the Library of Congress?

Mr. WEINMANN. It may be so construed. I certainly wouldn't want to go out on a limb and say it is impossible to construe that language that way at all. Ophthalmic material could be anything remotely connected with the eye; any material whatsoever. You couldn't find a word broader than "material."

Mr. WHITENER. Do you think that makes advertising in a local newspaper a crime, if permitted by the advertising manager of a newspaper, if he causes to be advertised ophthalmic materials?

Mr. WEINMANN. I think that is a terrible possibility.

Mr. WHITENER. Or such advertising by a radio station manager?

Mr. WEINMANN. That is what this bill says. We would certainly be opposed to anything like that. Yet I think you are quite right. Yet a newspaper would be subjecting itself to criticism if it advertised ophthalmic material.