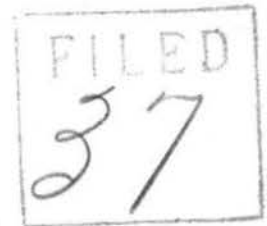


CHIROPODY: Person advertising as "orthopedic shoemaker" and "foot appliance specialist" is engaged in practice of chiropody.

February 20, 1948



L. A. Hansen, D.S.C.
Secretary
Missouri State Board of Chiropody
702 Shukert Building
Kansas City, Missouri

Dear Sir:

We have received your request for an opinion of this department, which request is as follows:

"As Secretary of the Missouri State Board of Chiropody, I am confronted with a situation which I shall appreciate your opinion, whether or not it is a violation of the Chiropody Act.

"Enclosed you will find an advertisement in the 'Kansas City Star' on November 30, 1947, of James Ventola, 3319 Troost, Kansas City, Missouri. You will notice in this advertisement that part of it reads, Quote, 'We will stop the settling and comfort your feet with our leather and felt arch supports made to your individual foot measurement.

"We gradually build your arch supports up to normal over a period of 90 days, plus our comfortable, free service.' Unquote.

"In my opinion, the above statement would make the people believe that he is making a support for the individual and then making individual adjustments for health purposes, rather than selling a stock support, according to sizes made and sold as a piece of merchandise.

"You will notice in this advertisement that he is holding himself out as a foot appliance specialist, one who knows how a shoe with an arch support should be fit to be comfortable. It is my opinion that he is trying to make the people believe that he has a special knowledge regarding the foot."

On November 3, 1947, this department issued to your Board an opinion, copy of which is enclosed herewith, to the effect that one who is not licensed to practice chiropody, and who advertises and holds himself out as a "Cuneiform Specialist" violates the provisions of Section 9800, R.S. Mo. 1939, which prohibits the practice of chiropody without a license. The principles which were applied in that opinion are, we believe, applicable to the present situation. In this case, the person advertises himself as a "foot appliance specialist." By doing so, he purports to treat the foot by "mechanical means," which is, under Section 9801, R.S. Mo. 1939, prima facie evidence of the practice of chiropody. By so advertising, he also places himself beyond the exemption provided by Section 9809, R.S. Mo. 1939, which extends to manufacturers and dealers in shoes or corrective appliances for deformed feet, that section expressly providing that such manufacturers and dealers shall not be entitled to practice chiropody unless licensed to do so.

CONCLUSION

One who advertises as an "orthopedic shoemaker" and "foot appliance specialist" is engaged in the practice of chiropody under Section 9801, R.S. Mo. 1939; and, if he does so without a license to practice chiropody, violates Section 9800, R.S. Mo. 1939.

Respectfully submitted,

ROBERT R. WELBORN
Assistant Attorney General

APPROVED:

J. E. TAYLOR
Attorney General *JET*

RRW:LR