

**617.28 CERTAIN MEDICAL ADVERTISEMENTS.**

Subdivision 1. **Placing advertisement; penalty.** Any person who shall advertise, in the person's own name or in the name of another person, firm or pretended firm, association, corporation or pretended corporation, in any newspaper, pamphlet, circular, or other written or printed paper, or the owner, publisher, or manager of any newspaper or periodical who shall permit to be inserted or published in any newspaper or periodical owned or controlled by the owner, publisher, or manager, the treatment or curing of venereal diseases, the restoration of "lost virility" or "lost vitality," or shall advertise in any manner that the person is a specialist in diseases of the sexual organs, or diseases caused by sexual weakness, self-abuse, or excessive sexual indulgence, or in any disease of like causes, or who shall advertise in any manner any medicine, drug compound, appliance or any means whatever whereby it is claimed that sexual diseases of men and women may be cured or relieved, or miscarriage or abortion produced, shall be guilty of a gross misdemeanor and shall be punished by a fine of not less than \$50 nor more than \$3,000 or by imprisonment in the county jail for not more than six months.

Subd. 2. **Publication; penalty.** Any person publishing, distributing, or causing to be distributed or circulated, any of the advertising matter hereinabove prohibited, shall be guilty of a misdemeanor and punished as prescribed in subdivision 1.

**History:** (10191, 10192) 1909 c 162 s 1,2; 1984 c 628 art 3 s 11; 1986 c 444

**NOTE:** This section as it applies to the advertisement and publication of information regarding the inducement of miscarriages or abortions was found unconstitutional in *Meadowbrook Women's Clinic, P.A. v. State of Minnesota*, 557 F.Supp. 1172 (D.Minn. 1983).