

Louisiana Revised Statutes of 1950

Title 51 – Trade and Commerce

Chapter 2 – Particular Goods

Part III. Drugs and Cosmetics

[Editor's Note: The Fair Practice Law was created by Act 152 of 1936 Legislature. Subsequent amendments are noted herein.]

§521. Definitions

As used in this Part:

- (1) “*Retail drug trade*” means the selling to the consumer, not for the purpose of resale, of any form of drugs, medicines, cosmetics, toilet preparations, drug sundries or allied articles, but does not include the sale of damaged merchandise if advertised, marked and sold as such, nor merchandise sold during the final liquidation of any business, or sold or donated for charitable purposes or to unemployment relief agencies, or to physicians, dentists, veterinarians or hospitals.
- (2) “*Drug retailer*” means any person engaged wholly or partially in the retail drug trade.
- (3) “*Retail drug establishment*” means any store or department of a store engaged in the retail drug trade.
- (4) “*Cost*” means the manufacturer’s wholesale list price per dozen or per customary unit plus a six percent mark-up.
- (5) “*Drug*” means any substance or preparation intended for external or internal use in the care, mitigation, treatment, remedy or prevention of disease or ailment in man or animal, and any substance or preparation intended to affect the structure or function of the body of man or animal, not including food, but including medicinal or quasimedical preparations.
- (6) “*Cosmetics*” and “*toilet preparations*” mean toilet articles and perfumes, toilet waters, face powders, creams, lotions, rouges, shaving creams, dentifrices, bath salts and all other similar preparations and substances, designed and intended for application to the person for the purpose of cleansing, improving, or changing in any way the appearance of the person, or of refreshing or preserving the person.
- (7) “*Drug sundries*” means such articles as are used in conjunction with, but not included in, drugs, cosmetics or toilet preparations.

§522. Unlawful acts; false or misleading advertising or practices; secret gifts; inaccurate bills; lotteries; demonstrators

No drug retailer shall use advertising or selling methods which refer inaccurately in any material particular to any competitor or his merchandise, prices, values, credit terms, policies or services, nor use selling methods which tend to deceive or mislead the customer, nor use advertising which lays claim to a policy or a continuing practice of generally underselling competitors.

No drug retailer shall give secretly anything of value to a customer or to the employee or agent of a customer for the purpose of influencing a sale or, in furtherance of a sale, render a bill or statement of account to the employee, agent or customer which is inaccurate in any material particular; nor sell or offer for sale any merchandise at less than cost or upon a condition which involves a lottery, gamble, or other element of chance; nor permit any demonstrator or sales employee whose salary is wholly or partially paid by a manufacturer or distributor to work in his establishment, unless the demonstrator or sales employee is clearly and openly identified as the agent of the manufacturer or distributor.

§523. Board of pharmacy; enforcement of law; rules and regulations

The Louisiana Board of Pharmacy may supervise, adjust, arbitrate, and enforce the provisions of this Part, and make and publish reasonable rules and regulations not inconsistent with any federal or state law.

§524. Penalty

Whoever willfully violates this Part shall be fined not less than ten dollars, nor more than five hundred dollars.

§525. Name of Part

This Part may be cited as the “Fair Practice Law.”