

of the former class of statutes; their language, properly given its full meaning, must, at least by that meaning, expressly include the case; and in ascertaining that meaning the court cannot go beyond the plain meaning of the words and phraseology employed in search of an intention not certainly implied in them.' Endlich, *Interp. of Stat.*, Sec. 329."

Applying the foregoing rule of statutory construction, it seems to me that the court would not be authorized to read into the language, repeated so often in the body of the Act, "seeds or plant parts"—the word "plants." I think "plants" and "plant parts" refer to two different things.

Accordingly, your first question is answered in the negative.

Your second question is likewise answered in the negative. If, however, he uses the term "certify" with respect to seeds, such a use would be a violation if done without complying with the Act.

Your third question has already been answered earlier in the opinion.

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**DENTAL EXAMINERS, STATE BOARD OF: Dentists—advertising, legality of advertising by car cards.**

August 18, 1937.

Dr. J. M. Hale, Secretary-Treasurer,  
Indiana State Board of Dental Examiners,  
Mt. Vernon, Indiana.

Dear Dr. Hale:

I have before me your request for an official opinion concerning the legality of the use of car cards in street cars, trackless trolleys and buses in the various cities of Indiana, by dentists; also whether or not they may use their photographs on such cards.

Although you do not say so, I am assuming that those cards are being used for advertising purposes.

Your attention is called to section 7, chapter 90, Acts of 1935, which reads in part as follows:

“The State Board of Dental Examiners may refuse to issue a certificate, or, if a certificate has already been issued, have the right to review the evidence upon which a certificate has been issued, and then suspend or revoke the same and the license issued thereon for any of the following causes: \* \* \*”

“(9) That the holder thereof has, within one (1) year prior to the filing of the complaint as provided in section 17, been guilty of unprofessional conduct as hereinafter defined; \* \* \*”

“The term ‘unprofessional conduct’ as used in paragraph (9) shall mean and embrace any one (1) or more of the following practices: \* \* \*”

“K. To advertise or attempt to attract patronage by the erection of display signs, placards or devices visible from the street or highway or any other public place or from the public corridors or halls of any building: \* \* \*”

The only question that presents itself is the construction of certain words as used in clause “K” as above quoted.

“It should be accepted as the rule that non-technical words used in the title of an Act, or in the Act itself, will be construed according to their ordinary and accepted dictionary meaning, unless an intention to convey some other or different meaning can be gathered from the context.”

Midwestern Petroleum Corporation v. State Board of Tax Commissioners, et al., 206 Ind. 688.

The following words are defined by Webster’s New International Dictionary as follows:

*Display*: “To spread out before the view; to exhibit to the sight, or to the mind. To make an exhibition of; to set in view conspicuously; to exhibit for the sake of publicity.”

*Sign*: “A publicly displayed token or notice.”

*Placard*: “A notice, as an advertisement or announcement, posted, or to be posted, in a public place; a poster; a bill. To post placards on or in; as to placard a wall. To announce by placards.”

*Device:* "An emblematic design."

*Erection:* "To set up or establish; to found; form, institute."

Twenty-one Corpus Juris, 819, defines erection as:

"To establish; to institute; to found, form, frame, etc.

Port Huron, etc. R. Co. v. Richards, 90 Mich. 577, 579, 51 N. W. 680.

Construing the statute in the light of these definitions, it is my opinion that a "car card" is a "display sign" and/or "placard" for the purpose of advertising. That when it is placed within view in a street car, trackless trolley or bus, it is "erected" within the meaning of the statute, and that such advertising is in contravention of the statute.

It necessarily follows that the answer to your second question; namely, whether or not photographs may be used on such cards, is in the negative.

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**FIRE MARSHAL, STATE: Public shows and entertainment, inspection and regulation by Fire Marshal.**

August 20, 1937.

Hon. Clem Smith,  
State Fire Marshal,  
Indianapolis, Indiana.

Dear Sir:

I have before me your letter of August 12, 1937, wherein you inquire about the powers of your office as follows:

"I wish to have an opinion concerning the powers and duties of the State Fire Marshal Department under chapter 83 of the Acts of 1937, concerning so called free motion picture shows, which operate on public streets, lots, etc.

"Also I wish to be informed as to what classification this particular type of show is to come under, whether Class A, B or C. I would also like to know whether or not these particular shows are subject to the same penalties as prescribed by law for legitimate theatres."