§ 37.07. Performing artists; ads for availability of employment. 1. It shall be unlawful for any person, firm, corporation, association, or agent or employee thereof, holding itself out to the public by any designation indicating a connection with show business including, but not limited to, talent agent, talent scout, personal manager, artist manager, impresario, casting director, public relations advisor or consultant, promotion advisor or consultant, to

(a) Make, publish, disseminate, circulate or place before the public or cause directly or indirectly to be made, published, disseminated, circulated or placed before the public in this state an advertisement, solicitation, announcement, notice or statement which represents that such person, firm, corporation or association has employment available or is able to secure any employment in the field of show business, including, but not limited to, theatre, motion pictures, radio, television, phonograph records, commercials, opera, concerts, dance, modeling or any other entertainments, exhibitions or performances when an advance fee of any nature is a condition to such employment; or

(b) Accept from a member of the public any fee, retainer, salary, advance payment or other compensation of any nature in return for services or otherwise, other than (i) repayment for advances or expenses actually incurred for or on behalf of such member of the public, or (ii) agreed commissions, royalties or similar compensation based upon payments received by or on behalf of such member of the public as a result of his employment in the field of show business.

2. Whenever there shall be a violation of this section, an application may be made by the attorney general in the name of the people of the state of New York to a court or justice having jurisdiction to issue an injunction, and upon notice to the defendant of not less than five days, to enjoin and restrain the continuance of such violations; and if it shall appear to the satisfaction of the court or justice that the defendant has, in fact, violated this section, an injunction may be issued by such court or justice, enjoining and restraining any further violation, without requiring proof that any person has, in fact, been injured or damaged thereby. In any such proceeding, the court may make allowances to the attorney general as provided in paragraph six of subdivision (a) of section eighty-three hundred three of the civil

practice law and rules, and direct restitution. In connection with any such proposed application, the attorney general is authorized to take proof and make a determination of the relevant facts and to issue subpoenas in accordance with the civil practice law and rules.