

"RIGHT OF PRIVACY" DENIED.

State Court of Appeals Reverses Decision Awarding Defendant Damages for Use of Her Likeness.

Special to The New York Times.

ROCHESTER, July 1.—The Court of Appeals, in reversing the opinion of the lower courts, awarding damages to Abigail M. Roberson, who sued the Rochester Folding Box Company for damages for using her likeness as an advertisement on flour barrels, has decided that there is at present no right of privacy known to the law, and that it would not be possible to give damages for the invasion of the so-called right. The prevailing opinion was written by Justice Parker, who says:

"The so-called right of privacy, is, as the phrase suggests, founded upon the claim that a man has the right to pass through this world, if he wills, without having his picture published, his business enterprises discussed, his successful experiments written up for the benefit of others, or his eccentricities commented upon either in handbills, circulars, catalogues, periodicals, or newspapers, and necessarily that the things which may not be written and published of him must not be spoken of him by his neighbors, whether the comment be favorable or otherwise. While most persons would much prefer to have a good likeness of themselves appear in a responsible periodical or leading newspaper rather than upon an advertising card or sheet, the doctrine which the courts are asked to create for this case would apply as well to the one publication as to the other."