

Advertising Currency, Stamps and Flags

The federal statute barring the "likeness or similitude of any obligation or security of the United States" from advertisements was changed significantly by the Supreme Court decision in *Regan v. Time Inc.* Now, ads may include photographs or illustrations of stamps, money, other federal issues, and are less than three-fourths or more than one and one-half times actual size. Furthermore, a publisher must destroy any plates and negatives that contain the likeness after they have been used.

Treasury Department regulations permit black and white illustrations of United States and foreign postage stamps in any size (canceled or uncanceled). The regulations permit color illustrations of canceled stamps in any size. Any color illustrations of uncanceled stamps must be of a size less than three-fourths or more than one and one-half in linear dimensions of each part of the stamps illustrated.

While the language of a federal statute would indicate that the flag may not be used in any advertising whatsoever, at least one court has held that the provisions are not to be accorded the full weight of a statutory proscription. Furthermore, the Justice Department has informally advised the National Newspaper Association that it does not generally enforce this prohibition. Therefore, common sense uses that do not desecrate the flag, such as pages with the flag that were sponsored by advertisers to welcome home Iranian hostages, Memorial Day advertising, and advertisements by companies selling flagpoles should not result in any action by the Justice Department.