

THE WHITE HOUSE

WASHINGTON

MEMORANDUM FOR WHITE HOUSE AND EXECUTIVE BRANCH STAFF

FROM: Francis Thomas Sobol
Special Counsel To The President

SUBJECT: Policy Guidance on Non-White House Uses of the President's and First Lady's Likeness, Words, or Activities as well as Images of the White House and the Presidential Seal

Background

The President receives many requests from individuals, businesses, educational institutions, and others to use his name, likeness (pictures or video tape), activities, or words to promote a variety of endeavors. Businesses, individuals, and communities often propose to use pictures or references to the President's visits or words to promote their products, services, or potential. Various companies desire to use a likeness of the President, the First Family, the White House or the Presidential Seal to capture the attention of the public for their advertising and in the process create a linkage (intentionally or otherwise) between their products or services and the President.

White House Policy Against Commercial Entanglements for the President

The White House's long-standing policy is to refuse permission to use the name, likeness, words, or activities of the President, his family, or the White House itself, in advertising or commercial promotions in any way that suggests a connection between the President, his family, or the White House, and the advertising or promotion, notwithstanding the merits or reasons that accompany the request. The Vice President also subscribes to this policy and its implementing procedures.

Exceptions to the Policy

The reproduction of the likeness, words, or activities of the President, his family, the White House, or the Presidential Seal in educational materials or presentations may be allowed by the White House on a case by case basis. The test for approval is whether the use avoids creating an impression of a Presidential endorsement or approval of a commercial product, service, or enterprise. In addition, permission may be granted to use the President's likeness or that of the White House in fund raising activities conducted under Government auspices or involving a worthwhile charitable or philanthropic endeavor after a case by case review of the merits of the request.

Procedure for Policy Enforcement

Prior written approval must be obtained from the Counsel to the President for all non-White House uses of the likeness, name, words, or activities of the President, his family, or the White House itself. The same policy applies to proposed uses of the Presidential Seal; however, uses of the Seal are also governed by Federal law as codified at 18 U.S.C. § 713.

Violations of these policies will lead to appropriate legal action by the Office of the Counsel to the President.

All requests should be in writing and sent to the Office of the Counsel to the President, the White House, Washington, DC 20500.

April 13, 1993

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Historical summary of White House policy concerning the use of the President's name or likeness based on the Council of Better Business Bureaus' "Do's and Don'ts In Advertising Copy," General Section 2, November, 1984.

USE OF THE NAME OR LIKENESS OF THE PRESIDENT OF THE UNITED STATES

236 Use of the President's Name or Likeness
President Reagan is adhering to a long-standing policy of refusing permission to use the name or likeness of the President of the United States, or of the First Lady, in advertising or commercial promotion in any way that suggests a connection between the President or First Lady and such advertising or promotion, notwithstanding the merits or reasons that accompany the request. The reproduction of the President's or First Lady's name or likeness for sale as such, or inclusion in an educational game, book, collection of portraits and/or biographies shall not be considered advertising or promotion if there is no indication or suggestion of endorsement or approval by the President or First Lady of a commercial product, service or enterprise.

The Counsel to the President has advised the Council of Better Business Bureaus, Inc. (CBBB) that exceptions to this rule, which has been adhered to by all Presidents, can be granted only after a request in writing has been submitted to and approved by the Counsel to the President.

The policy applies with equal force to the use of the name or likeness of the President, or of the First Lady, for any promotion or similar publicity purposes. The only instances where permission has been granted have been in connection with fund-raising campaigns sponsored by the Federal Government, or conducted under government auspices, such as those of the American National Red Cross. Even to such organizations, no overall permission is granted. Each individual case must be brought to the attention of the White House for approval and such exceptional cases could be considered only on their individual merits.

Exception may also be made with respect to advertisements promoting books or articles about the President authored by him or radio-TV programs featuring him, but only if such advertisements are submitted to the Counsel to the President for approval in advance.

This procedure must also be followed in connection with similar advertisements proposing to make use of the name or likeness of the First Lady. (See also 2-394 and 16-415.)

For additional guidance, contact the Office of the Counsel to the President, the White House, Washington, D.C. 20500; telephone (202) 456-1414.

Use of the Presidential Seal
It is not permissible to use the Seal of the President of the United States in advertising copy. The Presidential Seal may be used only as authorized by Federal statute or by the Counsel to the President. 18 U.S.C. § 713 and Executive Order No. 11649 (1972). **236a**

Use of the Vice President's Name or Likeness
Counsel to Vice President Bush has informed the Council of Better Business Bureaus that the Vice President and his family would ask that their names and likenesses not be used for advertising commercial enterprises. The Vice President has adopted exactly the same policy on use of his or his family name or likeness as maintained by the President. **236b**

Office of the Counsel to the President
Following is a statement on references to the White House in advertising provided by the Office of the Counsel to the President November 1984.

REFERENCES TO THE WHITE HOUSE IN ADVERTISING

Neither the name nor the photograph or likeness of the White House should be used in advertising in any way that would suggest an endorsement or approval. If asked, the Counsel to the President would decline to give authorization for such use.

For additional guidance, contact the Office of the Counsel to the President, the White House, Washington, D.C. 20500; telephone (202) 456-1414.

November
1984

Do's and Don'ts in Advertising Copy

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(Most recent update: Feb/Mar-1993)