



United States Department of the Interior

NATIONAL PARK SERVICE
1849 C Street, N.W.
Washington, D.C. 20240

IN REPLY REFER TO:

A5639(0004)

OCT 02 2007

Memorandum

To: National Leadership Council

From: *for* Director *Paul W. Weik*

Subject: Regulation Regarding Commercial Advertising in Parks

The following memorandum is being provided to clarify the National Park Service (NPS) policy with respect to allowing advertisements in units of the National Park System.

The regulation regarding advertisements (36 CFR 5.1) states the following:

Commercial notices or advertisements shall not be displayed, posted, or distributed on federally owned or controlled lands within a park area unless prior written permission has been given by the Superintendent. Such permission may be granted only if the notice or advertisement is of goods, services, or facilities available within the park area and such notices and advertisements are found by the Superintendent to be desirable and necessary for the convenience and guidance of the public.

Since 36 CFR 1.4 defines "park area" to mean any area of land and water administered by the NPS, publications distributed within parks by the NPS or by partner organizations such as, cooperating associations and friends groups may not include advertisements of goods, services, or facilities available outside park boundaries, regardless of whether the publications are viewed as official or unofficial publications of an NPS unit.

Although advertising is prohibited, existing NPS policy does allow donor recognition, which occurs when an individual, corporation, or some other entity is publicly thanked for their gift or service to the NPS (or to one of the NPS's non-profit partners). Such recognition in the NPS publications, or publications produced for distribution within a park by a non-profit partner, must be consistent with Director's Order #21: Donations and Fundraising. For example, a donor recognition section introduced with a disclaimer such as: "Big Tree National Park does not endorse the organizations and enterprises listed below, but we wish to thank them for their generous support in producing this publication as a visitor service" would be allowed.

Publications that contain commercial advertising cannot be distributed to visitors by park employees, VIP's or cooperating association agents at entrance stations, visitor centers, embarkation points or other locations within a park. However, publications meeting the donor recognition standard in the previous paragraph may be distributed regardless of whether they are represented as "official" park publications containing the arrowhead symbol or as "unofficial" publications produced as a visitor service by a non-profit organization and approved by the superintendent. Publications sold or distributed within a concession or cooperating association operation may contain advertising.

Introductory or welcome messages by a park superintendent or other NPS staff, whether or not accompanied by a photo, in any type of commercial publications are considered a form of endorsement of a commercial product and are not authorized. Articles about park programs that happen to include photos of park rangers engaging in these programs are authorized. Where the publications are not of a commercial nature—as with park newspapers that include donor recognition—the superintendent's welcome message and photo may also be included.

The National Leadership Council recognizes that park visitors often request information about restaurants, lodging, and other facilities and services typically provided by the local business community. These requests can create operational difficulties when park staff want to provide good customer service, but are prohibited by our regulation from distributing materials that would efficiently meet visitor needs. The business community is often puzzled, as well, when parks seem unwilling to actively contribute to the success of the local tourist economy by sharing information that tourists want and need about their facilities and services. As part of our ongoing effort to explore ways to improve our park operations and our relationships with park neighbors, we will continue to review ways to resolve these problems. Meanwhile, superintendents who currently allow the display of such information may continue to do so at current levels, provided that a non-endorsement disclaimer is clearly posted in the immediate vicinity.

When working with organizations or businesses, keep in mind that the NPS Arrowhead Symbol is registered as a service mark with the U.S. Patent and Trademark Office. Its use is controlled through law, regulation, and policies issued by the Director. Non-NPS uses—and some NPS uses—require prior approval. Further guidance is provided in Special Directive 93-7 (which will be superseded by the Director's Order #52D: Use of the Arrowhead Symbol).

Please distribute this memorandum to your superintendents and program managers, and contact the Partnership Office or the Office of Policy if you have any questions.