



The Copy Desk

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Mission: To provide mission-essential and/or professional-development information for Public Affairs professionals representing Training and Doctrine Command activities. Published/distributed last Wednesday of the month.

From Army Public Affairs

Adds to previous "WWWPAOWeb" discussion on soldiers in advertising

Subject: Use of Department of Defense personnel, uniforms and insignia in commercial products and in marketing, promotional or advertising materiel.

Relevant U.S. law and regulations

Federal laws and regula-

tions limit the use by non-federal sources of images of Department of Defense employees as well as military uniforms, insignia and materiel in any advertising, promotion or marketing activity.

Under federal law, no one except a member of the U.S. armed forces may wear the uniform, a

distinctive part of the uniform, or any part of a uniform that is similar to the uniform of the U.S. armed forces. DoD regulations prohibit the endorsement (specified or implied) of a non-federal entity, product or enterprise by DoD or by DoD employees acting in their official ca-

pacities.

DoD guidelines

DoD Instruction 5410.20, *Public Affairs Relations with Business and Non-Governmental Organizations Representing Business*, dated Jan. 16, 1974, requires that any request for use of DoD materiel, including uniforms and insignia, in any commercial advertising or promotional activity must be approved in advance by the Office of the Assistant Secretary of Defense-Public Affairs. In considering whether to approve such requests, five considerations are particularly important to DoD:

- First, whether the proposed materiel or use serves the government's interest and that of DoD?

- Second, whether the proposed use in "good taste"?

- Third, whether the proposed use is devoid of any suggestion or implication of endorsement or support by the government and/or DoD?

- Fourth, whether the proposed materiel or use incorporates a disclaimer, if relevant?

- Fifth, whether there is any possibility that claims made or implied in the proposed materiel could be "misleading"?

What this means in practice is that DoD employees cannot be used or featured in any individual or corporate product, promotional, marketing or advertising campaign because they

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CPA Perspective and other features return next month

TRADOC PA Conference: Transformation, PA 'roadmap'

*Patty Ann Belvin
Plans officer, Plans and Policy Branch*

Plans are being finalized to bring a wealth of information to this year's TRADOC PAO conference Sept. 15-17, themed "TRADOC Transformation - a roadmap for Public Affairs."

TRADOC commanding general Gen. Kevin P. Byrnes is slated to give the conference opening remarks at 8 a.m. Sept. 16, speaking on TRADOC's vision and priorities. Some of TRADOC's headquarters staff will follow Byrnes with segments on Warrior Ethos, the Futures Center and the "culture of innovation." DA Public Affairs is also joining us to talk about hot topics and future initiatives.

Sept. 17 begins with sessions on command information and Web operations, including a case study by Maj. James Hutton, PAO for Fort Leonard Wood, Mo., on office manpower and the Web content review requirements. Tentatively scheduled is a presentation by Lt. Col. Ross Romero of 1st Information Operations Command on operational security and Website content. Jean Offutt, PAO for Fort Bliss, Texas, will also walk us through a case study on the 507th Maintenance Company, and Joint Forces Command's PA director will provide the Joint focus.

Also on tap are sessions on strategic communications, the

Strategic Readiness System Army Public Affairs scorecard and PA civilian career management.

On the lighter side is an ice-breaker social Sept. 15 at the Quality Inn Hotel. Brig. Gen. Robert Gaylord, the Army's chief of Public Affairs, will be our dinner speaker Sept. 16.

Many suggestions from the field were applied to the agenda, and quality subject-matter experts will share their knowledge. This is your conference - this is your Public Affairs roadmap.

are legally prohibited from endorsing any individual, company and/or its products or services.

It also means that individual or commercial entity is legally prohibited from using military-specific insignia on the attire worn by non-government persons pictured in such products or campaigns.

In other words, on whatever attire is depicted in a fictional portrayal of DoD personnel, there must be no visible indicator of military insignia, branch of military service, awards, etc.

This requirement is best met by using unadorned camouflage attire (for example, battle dress uniform), flight suits or something akin to Class B attire. In addition, images could be posed in such a way that distinctive badges, buttons, ribbons, etc., are illegible.

Any fictional portrayal of armed forces personnel must be devoid of any "visual relationship" to the military. Alternatively, fictional or generic emblems might be permissible if they are used sparingly and do not contribute to the perception that what is being depicted is an actual military uniform.

As well, DoD materiel such as aircraft, missiles, ships and other hardware cannot be used in any company marketing or advertising campaign if they incorporate military distinctive markings and/or other features that would connote DoD endorsement for the campaign.

Specifically, fictional portrayals of DoD materiel must be devoid of such distinctive military service, organizational and other markings as "U.S. Navy," "RC-135" (in other words, U.S. equipment nomenclature or designation), organization or unit designation.

Approval process

DoD does not by itself require non-federal entities to obtain advance approval prior to using portrayals of DoD employees or materiel in sales, advertising, marketing or public relations campaigns. Rather, such requirements are established by various federal and state laws. However, to ensure that any such portrayal does not violate federal and state laws and regulations as summarized above, each non-federal entity is encouraged to establish an internal process that ensures compliance with such laws, including the obtaining of releases and coordination with the legal department. Proposed images and layouts for use in each proposed creative materiel should be subject to review by corporate legal offices prior to use.

Use of DoD personnel and materiel in advertising, marketing or promotional activities or communications

The use of DoD photographs that include military personnel who can be personally identified in the photograph in any advertising, marketing or promotional materiel is not authorized unless the requestor contacts the military personnel and obtains written permission from those military personnel for use of their identifiable image in any advertising, marketing or promotional activities or communications. Even with a signed model release, the use of such photographs still will require the removal of military service-specific insignia.

While DoD makes photographs available on various Websites for use by journalists and the information media, the availability of those photographs for such informational uses does not eliminate the

rights of identifiable military personnel in those photographs to control the use of their personal image.

Use of DoD personnel and materiel in non-advertising, marketing or promotional activities or communications

Images, pictures and other media depicting DoD personnel carrying out their official duties may be used by non-federal entities in general internal and external communication venues which are solely informational in nature, similar to newspapers, newsmagazines or other media that focus on reporting social or industry news, and are not directly or indirectly associated with a marketing, advertising or self-promoting activity.

For example, it would be permissible for a non-federal entity to include in its internal or external Websites or company newsletters pictures highlighting visits by select DoD officials to company facilities.

Likewise, it would be permissible for a non-federal defense contractor to use those same media to showcase photographs of DoD officials participating in a government-sanctioned roll-out ceremony featuring equipment produced by that defense contractor.

As noted above, the principal consideration is whether or not the image or depiction connotes or implies DoD endorsement, marketing or promotion of the non-federal entity and its products or services.

Using images of DoD personnel and materiel for strictly informational or general public relations purposes unrelated to any marketing, advertising or self-promoting activity does not require the advance approval of either DoD or the DoD employee(s) concerned.