



## Recommendations for Advertising Marine Mammal Viewing Activities in the Wild

NOAA Fisheries Service (NMFS) is responsible for administering the Marine Mammal Protection Act of 1972 (MMPA, 16 U.S.C. *et seq.*) for the conservation and management of all dolphins, whales, seals, and sea lions in the wild. Under the MMPA, **it is illegal to harass or feed wild marine mammals**. “Harassment” is defined as any act of pursuit, torment or annoyance, which has the potential to injure or disturb by causing disruption of behavioral patterns. In addition, the prohibition on feeding includes even *attempting* to feed wild marine mammals. **It is also illegal to negligently or intentionally operate an aircraft or vessel in a manner that disturbs a marine mammal (50 CFR 216.3).**

To avoid harassment, NMFS recommends that people watch wild marine mammals from a respectable distance (see below for recommended distances) using binoculars or telephoto lenses, stay clear of areas used for resting or sheltering, avoid surprising the animals, and never feed them. Advertisements that reflect this responsible approach to marine mammal viewing are recommended. The following guidelines are intended to assist commercial operators and magazine publishers in developing advertisements that do not depict illegal and harmful activities to wild marine mammals.

1. Do not depict people feeding or attempting to feed wild marine mammals, which includes people reaching out to dolphins. Advertisements should avoid suggesting that these activities will/can occur.
2. Do not depict people touching, pursuing (chasing), attempting to swim-with, or closely interacting with wild marine mammals.
3. Do not depict people in close proximity to wild marine mammals.

*NMFS Southeast Region viewing guidelines recommend observing marine mammals from the following distances to avoid harassment:*

- dolphins, porpoises, seals = 50 yards
- whales = 100 yards

*\*Federal law prohibits all approaches to right whales within 500 yards.*

4. Do not depict begging dolphins in advertisements that promote viewing wild dolphins. Typical dolphin begging behavior generally entails an animal that approaches people in classic begging pose, with its head fully out of the water.



*Begging behavior is typical of wild dolphins that have become accustomed to illegally being fed by people. Depicting begging dolphins in advertisements that promote viewing wild dolphins misleads the public by sending a message that wild dolphins need/want to be fed.*

**Note:** *Wild dolphin interactions at public display facilities are allowed and regulated by USDA/APHIS under the Animal Welfare Act. Advertisements for these programs should clearly indicate the animals are at a captive facility and not give the impression they are wild marine mammals.*