

The Indian Arts and Craft Act

What is it?

The [IACA, 25 U.S.C. § 305-305\(e\)](#), is a truth-in-advertising law. It bans the sale of goods

- Falsely represented as Indian-made.
- Sold in a way that makes it seem they were Indian-made.

What does it cover?

It covers all Indian and Indian-style traditional and contemporary arts and crafts produced after 1935, marketed and sold by anyone in the U.S.

What does the IACA require?

It requires truthful labeling as to Indian heritage and tribal affiliation of producers of Indian arts and crafts.

Who is an Indian under the IACA?

One of these:

- A member of a federally or officially state recognized Indian tribe.
- Someone a federally or officially state recognized Indian tribe has certified as an Indian artisan.

How does the IACA define Indian tribe?

As one of these:

- 1) Any federally recognized Indian tribe, band, nation, Alaska Native village, or

other organized group or community recognized as eligible for special programs and services the U.S. provides Indians because of their status as Indians.

- 2) Any Indian group formally recognized as a tribe by a State legislature, State commission, or other organization with State tribal recognition authority.

What is an “Indian product?”

An Indian must have done either the artistic work or labor to make the product. The labor must be entirely Indian.

❖ **Example:** Twenty people make up the labor to create the product(s). One person is not an Indian. It is **not** an “Indian product.”

Any product designed by an Indian, but produced by a non-Indian, is not an Indian product.

❖ The craftwork may be in a traditional or non-traditional style.

What types of products are not “Indian product?”

Those in the style of an Indian art or craft that are, for example:

- made by non-Indian labor
- assembled from a kit
- produced in an assembly line where not all production workers are Indian
- industrial products

❖ You can sell arts and crafts that do not qualify as Indian products without violating the law. You violate the law if you advertise those products as “Indian product.”

Who can sell Indian products?

Anyone can. **The IACA applies to the producer, not the seller.** A non-Indian vendor is okay if advertising of the product meets the IACA’s guidelines.

What are some other examples?

Example 1: An Indian artist designs a greeting card with traditional Indian style artwork. He produces each greeting card by hand. He advertises the cards as “Indian Art Cards.” This is okay.

Example 2: An Indian artist designs a greeting card by hand with traditional Indian style artwork. He sends the card to a printing press to be mass-produced. The printing

press returns the cards to the Indian. He goes out to sell them. On his table at the local Art Show, he markets the cards as “Greeting Cards.” He has info about himself as the original artist (tribal affiliations, and so on).

He states that a printing press mass-produced the cards. This is okay.

Example 3: An Indian artist designs a greeting card by hand with traditional Indian style artwork. He sends the cards out to be mass-produced. **He advertises his cards as “Indian Art Cards.” He does not mention that a printing press mass-produced them.** This violates the law. It is false advertising. Mass production by a non-Indian source does not meet the requirements for an Indian product.

Example 4: An Indian artist designs greeting cards by hand. She individually produces each card. This artist does not have time to travel. She hires a non-Indian to take her cards to powwows and art shows for sale. The non-Indian attends the art shows. She advertises them as “Indian Art Cards.” The artwork is an authentic Indian product. Neither the Indian artist nor the non-Indian vendor is violating the law.

What could happen for violating the IACA?

Goods offered or displayed for sale or sold for \$1,000 or more:

- A first-time individual violator faces a fine of up to \$250,000, up to five years' imprisonment, or both. For future violations, you face a fine, a prison sentence of up to 15 years, or both.
- A business faces a fine of up to \$1,000,000. For future violations, the fines go up to \$5,000,000.

Goods offered or displayed for sale or sold for less than \$1,000:

- A first-time individual violator faces a fine of up to \$25,000, up to one year in prison, or both. For future violations, you face a fine or a prison sentence of up to 15 years, or both.
- A business faces a fine of up to \$100,000. For future violations, the fine goes up to \$5,000,000.

What else could happen?

You can face civil penalties if you directly or indirectly offer or display for sale any good in a manner falsely suggesting it is Indian-produced, an Indian product, or the product of a particular Indian tribe or Indian arts and craft organization within the U.S. Civil penalties can include

- an injunction (court order) to stop the

sales

- paying damages, including any profits you received because of the alleged IACA violations

Who can sue over IACA violations?

Any of these can file a **civil action** in Federal Court:

- the U.S. Attorney General, on the request of the Secretary of the Interior on behalf of an Indian, Indian tribe, or Indian arts and crafts organization
- an Indian tribe on its own behalf or on behalf of a tribal member or Indian arts and crafts organization
- an Indian
- an Indian arts and crafts organization

Criminal cases: the U.S. Attorneys' Office files these in Federal Court.

What is the Indian Arts and Crafts Board (IAC Board)?

It is part of the U.S. Department of the Interior. It promotes tribes' and Indians' economic welfare through the promotion of Indian arts and crafts. The IAC Board investigates complaints of alleged IACA violations and recommends prosecution of violators.

The IAC Board maintains the [Source Directory of American Indian and Alaska Native Owned and Operated Arts and Crafts](#)

[Businesses](#). Directory listings are free.

Application info is here:

<https://www.doi.gov/iacb/source-directory>.

How do I file a complaint or get more info?

You can file an anonymous complaint about market activity you believe violates the IACA with the IAC Board online, by letter, or by phone. You must provide info including copies of advertisements, photos, business cards, or other info.

Website: <http://www.iacb.doi.gov/>

Address: Indian Arts and Crafts Board
U.S. Department of the Interior
1849 C Street, NW, MS 2058-MIB
Washington, DC 20240

Phone: (888 ART-FAKE), or (888) 278-3253

Who else can investigate a possible IACA violation?

A Federal law enforcement officer can investigate. This includes any officer, agent, or employee of the U.S. authorized to engage or supervise the prevention, investigation, or persecution of any violation of Federal criminal law. The officer submits all investigative findings to a Federal or State prosecuting authority, or to the IAC Board.

What if I need legal help?

The Northwest Justice Project's Native American Unit (NAU) provides free civil (non-criminal) legal services for people who cannot afford a lawyer in Washington.

In King County: Call 2-1-1.

All other counties: Call the CLEAR hotline toll-free at 1-888-201-1014, between 9:15 a.m. and 12:15 p.m., Monday through Friday.

This publication provides general information concerning your rights and responsibilities. It is not intended as a substitute for specific legal advice.

This information is current as of March 2018.

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