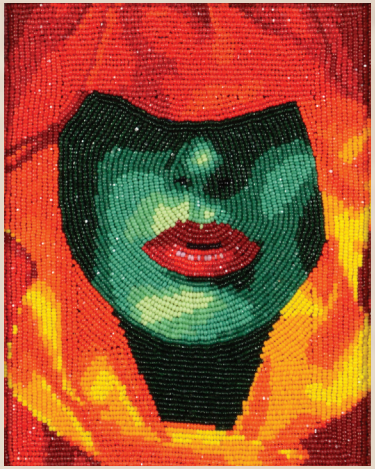
OTHER STEPS TO HELP STOP MISREPRESENTATION

As an alternative to a formal complaint, you may want simply to pass along information about a potential violation of the Act. This information may provide an invaluable lead to uncovering violations of the Act.



Marcus Amerman, Choctaw, Beadwork, *Sorceress*, ©1984

The IACB needs to hear from the Indian arts community and the buying public regarding your first-hand exposure to apparent misrepresentation in the marketing of Indian art and craftwork. Your information plays a key role in our efforts to ensure the vitality of the authentic Indian art and craft market; that the buying public is protected from counterfeits and misrepresented products; and that the Indian artists and artisans, Indian businesses, and Indian tribes can sell their products in a marketplace without unfair competition from counterfeit Indian art and craftwork.

Chandler Good Strike, Gros Ventre, Hide Painting, ©1998

HOW TO PROTECT YOURSELF AS A CONSUMER

To avoid purchasing counterfeit or misrepresented Indian art and craftwork, buy from a reputable dealer. Ask the dealer for written verification that the item is authentic Indian art or craftwork. The dealer should be able to provide you with this documentation.

Chase Kahwinhut Earles, Caddo, Pottery, *Kahwis Bahateno / Red River Bowl*, ©2015

Before buying Indian art and craftwork online, at powwows, annual fairs, and other events, check the website policy page or event vendor requirements regarding the authenticity of products being offered for sale. Many events list the requirements online, in media advertisements, promotional flyers, and printed programs. If the event organizers make no statements on compliance with the Act or on the authenticity of art and craftwork offered by participating vendors, you should obtain written verification from the individual vendors that their Indian art or craftwork was produced by tribal members or by certified Indian artisans.

KNOW THE LAW

For a free copy of the Indian Arts and Crafts Act, as amended,

U.S. Department of the Interior
Indian Arts and Crafts Board
1849 C Street, NW
Washington, D.C. 20240
1-888-ART-FAKE or 1-888-278-3253
1-202-208-5196
www.doi.gov/iacb
iacb@ios.doi.gov

Publication of the U.S. Department of the Interior, Indian Arts and Crafts Board, August 2019

Indian Arts and Crafts Act

U.S. Department of the Interior

Allan Houser, Chiricahua Apache, Painting, *Apache Fire Dancer*, ©1961

INDIAN ARTS AND CRAFTS ACT

The Indian Arts and Crafts Act (Act) of 1990 (P.L. 101-644), as amended, is a truth-in-marketing law that prohibits misrepresentation in the marketing of Indian art and craftwork within the United States. It is illegal to offer or display for sale, or sell, any art or craft product in a manner that falsely suggests it is Indian produced, an Indian product, or the product of a particular Indian tribe resident within the United States.

Bruce Caesar, Pawnee, Metal Work, *Natural Consciousness*, ©1978

ACT DEFINITIONS

Indian is defined as a member of a federally or officially State recognized tribe of the United States, or a certified Indian artisan;

Certified Indian artisan means an individual who is certified, in writing, as a nonmember Indian artisan by the governing body of an Indian tribe from which the individual is a direct lineal descendant;

Indian product means any art or craft product made by an Indian;

Indian labor makes the Indian art or craft object an Indian product;

Indian tribe means:
1) Any federally recognized Indian tribe, band, nation, Alaska Native village, or organized group or community, or

Mavis Doering, Cherokee, Basket, ©1986

2) Any Indian group that has been formally recognized as an Indian tribe by a State legislature, a State commission, or another similar organization vested with State legislative tribal recognition authority.

CIVIL AND CRIMINAL PENALTIES

For a first-time violation of the Act, if the total sale amount is less than $1,000, an individual will face a fine of up to $25,000, imprisonment of up to a year, or both, and a business will face a fine of up to $100,000. For fraudulent works with a total sales transaction amount of $1,000 or more, a first-time violation by an individual will result in a fine of up to $250,000, imprisonment of up to five years, or both. A first-time violation by a business will result in a fine of up to $1 million.

Charles Loloma, Hopi, Bracelet, ©1982

SCOPE OF THE ACT

The Act broadly applies to the marketing of Indian and Indian-style traditional and contemporary art and craftwork produced after 1935 as Indian, Native American, or the product of a particular Indian tribe.

All products must be marketed truthfully regarding the tribal enrollment of the producers so as not to mislead the consumer. It is illegal to market art and craftwork using the name of a tribe if a member, or certified Indian artisan, of that tribe did not actually create the art and craftwork.

For example, products sold using a sign claiming "Authentic Indian Jewelry" would be a violation of the Act if the jewelry was produced by someone other than a member, or certified Indian artisan, of an Indian tribe.

Products advertised as "Navajo Jewelry" would be in violation of the Act if they were produced by someone who is not a member of the Navajo Nation.

Under the Indian Arts and Crafts Act, it is unlawful to offer or display for sale, or sell, any product in a manner that falsely suggests it is Indian produced, an Indian product, or the product of a particular Indian or Indian tribe or Indian arts and crafts organization. Unqualified use of the terms "Indian," "Native American," "Alaska Native," or the name of a particular Indian tribe in the marketing of non-Indian made art or craft products would be in violation of the Act.

FILE A COMPLAINT WITH THE INDIAN ARTS AND CRAFTS BOARD

While the beauty, quality, and collectability of authentic Indian art and craftwork make each piece a unique reflection of our American heritage, it is important that buyers be aware that fraudulent Indian art and craftwork competes daily with authentic Indian art and craftwork in the nationwide marketplace. The Indian Arts and Crafts Board (IACB), an agency within the U.S. Department of the Interior, receives and carefully evaluates complaints of possible Act violations. The IACB refers valid complaints of potential Act violations to law enforcement for further investigation and possible legal prosecution. If you become aware of any market activity that you believe may be in violation of the Act, please notify the seller then contact the IACB with the relevant information, such as websites, photographs, suspicious advertising, receipts, business cards, etc. Complaints may be filed online anonymously, by writing to the IACB, or by calling its toll free number.

John Julius Wilnoty, Cherokee, Sculpture, ©1969