

**OPINION  
42-54**

July 20, 1942(OPINION)

FLAG

RE: Advertisements

I have your letter of July fifteenth inquiring whether the provisions of North Dakota statute prohibiting the use of the flag in connection with any advertisement would prohibit the use of the flag in connection with advertising promoting war projects or other patriotic advertising, such as an appeal to buy war bonds issued over the name of a business firm.

Section 10232 of the 1913 Compiled Laws prohibits the use, exhibition or display of the flag, standard, color or ensign of the United States in connection with any advertising whatsoever. This prohibition does not apply to any act permitted by the law of the United States or by Army or Navy regulations.

Having given this matter very careful consideration we have concluded that if a patriotic appeal is made by some business firm and no advertisement of its goods is included in the ad that such use of the flag would be permissible. As for example, an appeal to buy war bonds over the firm name of a business concern would be permissible but any attempt to commercially advertise its goods in connection with such ad would be strictly prohibited. Such terms as "quality furniture," "Your credit is good at Jack's" or any other statement which would attempt to use such ad in which the flag is used for purely commercial purposes, should and would be illegal. In other words, an appeal to support any war effort over the firm name would be legal but any attempt to make use of such advertising in which the flag is displayed for advertising the merchandise of the firm sponsoring the ad would not be.

ALVIN C. STRUTZ  
Attorney General