

Here are answers to advertising questions



Point size, campaign disclaimers, real estate, liquor

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In April I spoke at the ad managers' meeting. I thought I had answers to all the questions with me, but found us discussing topics for which I had not prepared. Here are the answers I promised:

1. What is the point size required for legal notices?

There is only one place in the Missouri Statutes relating to type size for notices. Section 50.810 mandates that county financial statements "be printed in not less than 8-point type, but not more than the smallest point type over 8-point type available and in the standard column width measure that will take the least space."

This is critical. Legal notices are important to us, and we provide a vital public service when those notices run in our publications. Because they are such an important component of the newspaper business, it is tempting to run these in larger type so they take more space, generating additional revenue.

However, that tendency has contributed to the effort of some officials to remove legal notices from newspapers. The more newspapers abuse this font-size rule, the more likely we'll be to lose all legal notice revenue.

I see this issue from both sides, serving as your attorney and also working in private practice. I work diligently to keep the costs of legal notices contained for my clients, reminding newspapers that I work with that legal notices should be run in a small font. While I have my own opinion as to what that font size should be, I will leave that issue up to your discretion, but note that this is the **ONLY** statute that specifies a certain size of type for legal notices.

2. What is the requirement for attribution (ie: addresses) in campaign advertising?

The rules differ for advertising of state and federal campaigns. For campaigns within the state, state law provides that if the ad is paid for by the candidate, it is enough to include a line saying "paid for by" and the first and last names of the candidate. If a committee pays, the line should state the name of the committee as registered with the state and the name and title of the committee treasurer.

If a business pays for the ad, the line should identify the name of the business, the name of the principal officer of the business and his/her title, and the mailing address of the business or that officer.

If an individual or group of individuals pays for the ad, the line should identify the individual or individuals, and include their addresses. If there are more than five individuals, it is sufficient to state: "For a list of other sponsors, contact:" and add to that the name and address of one person in the group.

Federal law provides that if a candidate or his/her committee pays for and authorizes an ad, the ad must state that it is paid for by that committee. If it is paid for by others authorized by the candidate, the ad states who paid for the advertising **AND** that it was authorized by the political committee.

If it is **NOT** authorized by a candidate and/or his agents, the ad must state the name, street address and telephone or website address of the person or entity that paid for the ad and further state that it is **NOT** authorized by the candidate or his/her committee.

3. What are the rules about advertising real estate listings?

There is a tricky rule relating to the advertising of real estate in newspapers. Missouri law defines a real estate

broker as anyone who lists real estate for sale. Brokers are required to be licensed by the state. However, this definition specifically EXCLUDES “any newspaper WHEREBY THE ADVERTISING OF REAL ESTATE IS INCIDENTAL TO ITS OPERATION.”

I have written about this matter in this column before. There is no case law in the state courts interpreting this provision. Officials with the state agency that governs real estate brokers say that they interpret this paragraph to exclude from this law any newspaper that publishes real estate ads in its want ad section incidental to its operation as a regular newspaper. However, they take a different view if the publication contains only real estate listings. You need to investigate further if you have a real-estate only publication. Call me if we need to talk further about this.

Finally, my most frequently asked question:

4. What should we tell our advertisers about the laws relating to liquor, cigarette, or motor vehicle advertising?

This question appears in various formats, but the answer to all is the same. Each of these is a regulated industry by the state or federal government. One who sells one of these products may face state or federal penalties if he or she makes a mistake in the advertising of the products.

However, there are NO laws that create a penalty to you, the newspaper, for whatever you might run.

But if you start advising your clients about what they can or cannot run, you put yourself in the dangerous position of giving them legal advice. If you are wrong, they may lose their license to do these things. Therefore, in all cases, you should advise them you will run whatever they give you to run, but that they need to consult their own legal counsel as to what advertising is permitted. This is for their protection, and also for yours.

I always welcome your questions via the hotline and look forward to hearing from you.