

Ad reps play 'Stump the Lawyer' at their meetings

They ask obscure questions that need research

Every time I attend a meeting of the Missouri Advertising Managers' Association, it's like playing a game of "Stump the Lawyer." I think the calls I get from ad folks are full of good questions, but they are nothing like the ones that get lobbed to me at these meetings!

So, here's the questions I COULDN'T answer at the meeting, or perhaps should have answered in a little more depth, and the answers I think apply, given time to do a little research and thinking at the office.

1. Do the same campaign ad attribution requirements apply to broadcast media as they do to print media?

This needs to be answered on several levels. First, broadcasters fall under FCC regulations and therefore an entirely different set of rules applies to them. All the "equal time" provisions regarding candidates as programming guests are involved. Candidates who buy time must fill out paperwork concerning who purchased and paid for the time and those records are open for public inspection at all times. None of those rules apply to print media, of course. A broadcast station running any political advertising needs to identify the sponsor of the ad as required by federal law.

However, the rules about the "Paid for by" apply to both print and broadcast advertising on the state level (see the chart at <http://tinyurl.com/busm7cc>). Similarly, the chart relating to attribution in federal campaigns (you can find the language for federal campaigns at <http://1.usa.gov/I6xmMv>) applies both to print and broadcast advertising.

2. Can housing advertising say "Not

Section 8 Qualified" since we can't say "No Section 8 Renters"?

I went back and reviewed all the HUD materials I have in the office. I conclude, based upon all that material, that adding "Not Section 8 Qualified" to an advertisement is fine. It may be fine to say "No Section 8," but since it's unclear, as far as I can tell based on the materials I have available, I'd suggest you use the descriptive of the property rather than the descriptive of the renter.

By the way, in connection with a question related to what proof you must have that a property is qualified under the Senior Citizen housing program, I understand that HUD has instructed

its staff that newspaper publishers are allowed to rely on the owner's assurance that a complex meets the 55-and-older complex requirements.

3. Is there a problem running advertising that says "Not Responsible for Debts?"

As far as I can tell, this is left over from some earlier self-help books on how to deal with divorces where one party had substantial debt and the other wanted to advise the public of the divorce. It has no legal effect in Missouri.

Here, there appears to be only one case, from 1899, involving a situation where a husband ran an ad in the *St. Louis Post-Dispatch* stating he was not responsible for his wife's debts. She came into the newspaper office afterward and complained that her husband would not give her enough money to buy clothes for their children or feed them.

It's wonderful reading, but the only discussion of the ad in the case was whether it could be shown as evidence to justify the wife's statements made to

the reporter and printed in the paper in response to his comments. I think it's clear that there is no case law in Missouri to hold that these words alone are actionable in a libel case or that running such an ad will subject your paper to liability.

Having said that, remember that you are free to accept or reject any advertising on your own criteria and therefore, this decision is yours to make.

4. Is there a liquor law violation for newspapers to sell certificates for half-price discounts at liquor by the drink establishments?

This was a tough one. Liquor facilities are controlled by regulations issued by Missouri's Department of Public Safety. State regulations provide, among other things, that a licensed establishment may not sell liquor under

cost as an incentive for customers to come drink.

If a newspaper purchased discounted certificates, the law is clear that the newspaper is not a "regulated industry" under state regulations, despite this purchase, and the re-selling of those certificates to the public under a Groupon-type program will not bring the newspaper under jurisdiction of the state regulations for liquor control.

A spokesman for the Department of Public Safety confirmed that, saying that the department's focus would still be toward the license-holder and whether that entity is selling liquor below cost. There is not a provision in state law that would direct enforcement in this matter at the newspaper.

Liquor license holders can't sell alcohol at below cost as an incentive to purchase. Can newspapers sell half-price coupons for liquor?



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