(June 25, 1948, ch. 645, 62 Stat. 733; Oct. 31, 1951, ch. 655, § 21a, 65 Stat. 719; Pub. L. 103–322, title XXXIII, § 330016(1)(E), Sept. 13, 1994, 108 Stat. 2146.)

HISTORICAL AND REVISION NOTES

Based on section 248 of title 22, U.S.C., 1940 ed., Foreign Relations and Intercourse (June 20, 1936, ch. 635, §§ 1, 2, 49 Stat. 1557).

Reference to ''jurisdiction'' of the United States was omitted as unnecessary in view of definition of ''United States'' in section 5 of this title.

Words of punishment ''$250'' and ''six months'' were substituted for ''$500'' and ''one year'' respectively, as more consonant with penalties for similar offenses in this chapter. (See sections 701, 704, 705 of this title.)

Punishment provision was also changed to omit reference to ''misdemeanor'' in view of definitive section 1 of this title.

Words ''upon conviction'' were omitted as surplusage, because punishment can only be imposed after conviction.

Minor changes were made in phraseology.

AMENDMENTS

1994—Pub. L. 103–322 substituted ''fined under this title'' for ''fined not more than $250'' in first par.

1951—Act Oct. 31, 1951, added second par.

§ 709. False advertising or misuse of names to indicate Federal agency

Whoever, except as permitted by the laws of the United States, uses the words ''national'', ''Federal'', ''United States'', ''reserve'', or ''Deposit Insurance'' as part of the business or firm name of a person, corporation, partnership, business trust, association or other business entity engaged in the banking, loan, building and loan, brokerage, factorage, insurance, indemnity, savings or trust business; or

Whoever falsely advertises or represents, or publishes or displays any sign, symbol or advertisement reasonably calculated to convey the impression that a nonmember bank, banking association, firm or partnership is a member of the Federal reserve system; or

Whoever, except as expressly authorized by Federal law, uses the words ''Federal Deposit'', ''Federal Deposit Insurance'', or ''Federal Deposit Insurance Corporation'' or a combination of any three of these words, as the name or a part thereof under which he or it does business, or advertises or otherwise represents falsely by any device whatsoever that his or its deposit liabilities, obligations, certificates, or shares are insured or guaranteed by the Federal Deposit Insurance Corporation, or by the United States or by any instrumentality thereof, or whoever advertises that his or its deposits, shares, or accounts are federally insured, or falsely advertises or otherwise represents by any device whatsoever the extent to which or the manner in which the deposit liabilities of an insured bank or banks are insured by the Federal Deposit Insurance Corporation; or

Whoever, other than a bona fide organization or association of Federal or State credit unions or except as permitted by the laws of the United States, uses as a firm or business name or transacts business using the words ''National Credit Union'', ''National Credit Union Administration'', ''National Credit Union Board'', ''National Credit Union Share Insurance Fund'', ''Share Insurance'', or ''Central Liquidity Facility'', or the letters ''NCUA'', ''NCUSIF'', or ''CLF'', or any other combination or variation of those words or letters alone or with other words or letters, or any device or symbol or other means, reasonably calculated to convey the false impression that such name or business has some connection with, or authorization from, the National Credit Union Administration, the Government of the United States, or any agency thereof, which does not in fact exist, or falsely advertises or otherwise represents by any device whatsoever that his or its business, product, or service has been in any way endorsed, authorized, or approved by the National Credit Union Administration, the Government of the United States, or any agency thereof, or falsely advertises or otherwise represents by any device whatsoever that his or its deposit liabilities, obligations, certificates, shares, or accounts are insured under the Federal Credit Union Act or by the United States or any instrumentality thereof, or being an insured credit union as defined in that Act falsely advertises or otherwise represents by any device whatsoever the extent to which or the manner in which share holdings in such credit union are insured under such Act; or

Whoever, not being organized under chapter 7 of Title 12, advertises or represents that it makes Federal Farm loans or advertises or offers for sale as Federal Farm loan bonds any bond not issued under chapter 7 of Title 12, or uses the word ''Federal'' or the words ''United States'' or any other words implying Government ownership, obligation or supervision in advertising or offering for sale any bond, note, mortgage or other security not issued by the Government of the United States under the provisions of said chapter 7 or some other Act of Congress; or

Whoever uses the words ''Federal Home Loan Bank'' or any combination or variation of these words alone or with other words as a business name or part of a business name, or falsely publishes, advertises or represents by any device or symbol or other means reasonably calculated to convey the impression that he or it is a Federal Home Loan Bank or member of or subscriber for the stock of a Federal Home Loan Bank; or

Whoever uses the words ''Federal intermediate credit bank'' as part of the business or firm name for any person, corporation, partnership, business trust, association or other business entity not organized as an intermediate credit bank under the laws of the United States; or

Whoever uses as a firm or business name the words ''Department of Housing and Urban Development'', ''Housing and Home Finance Agency'', ''Federal Housing Administration'', ''Government National Mortgage Association'', ''United States Housing Authority'', or ''Public Housing Administration'' or the letters ''HUD'', ''FHA'', ''PHA'', or ''USHA'', or any combination or variation of those words or the letters ''HUD'', ''FHA'', ''PHA'', or ''USHA'' alone or with other words or letters reasonably calculated to convey the false impression that such name or business has some connection with, or authorization from, the Department of Housing and Urban Development, the Housing and Home Finance

Agency, the Federal Housing Administration, the Government National Mortgage Association, the United States Housing Authority, the Public Housing Administration, the Government of the United States, or any agency thereof, which does not in fact exist, or falsely claims that any repair, improvement, or alteration of any existing structure is required or recommended by the Department of Housing and Urban Development, the Housing and Home Finance Agency, the Federal Housing Administration, the Government National Mortgage Association, the United States Housing Authority, the Public Housing Administration, the Government of the United States, or any agency thereof, for the purpose of inducing any person to enter into a contract for the making of such repairs, alterations, or improvements, or falsely advertises or falsely represents by any device whatsoever that any housing unit, project, business, or product has been in any way endorsed, authorized, inspected, appraised, or approved by the Department of Housing and Urban Development, the Housing and Home Finance Agency, the Federal Housing Administration, the Government National Mortgage Association, the United States Housing Authority, the Public Housing Administration, the Government of the United States, or any agency thereof; or

Whoever, except with the written permission of the Director of the Federal Bureau of Investigation, knowingly uses the words ''Federal Bureau of Investigation'' or the initials ''F.B.I.'', or any colorable imitation of such words or initials, in connection with any advertisement, circular, book, pamphlet or other publication, play, motion picture, broadcast, telecast, or other production, in a manner reasonably calculated to convey the impression that such advertisement, circular, book, pamphlet or other publication, play, motion picture, broadcast, telecast, or other production, is approved, endorsed, or authorized by the Federal Bureau of Investigation; or

Whoever, except with written permission of the Director of the United States Secret Service, knowingly uses the words ''Secret Service'', ''Secret Service Uniformed Division'', the initials ''U.S.S.S.'', ''U.D.'', or any colorable imitation of such words or initials, in connection with, or as a part of any advertisement, circular, book, pamphlet or other publication, play, motion picture, broadcast, telecast, other production, product, or item, in a manner reasonably calculated to convey the impression that such advertisement, circular, book, pamphlet or other publication, product, or item, is approved, endorsed, or authorized by or associated in any manner with, the United States Secret Service, or the United States Secret Service Uniformed Division; or

Whoever, except with the written permission of the Director of the United States Mint, knowingly uses the words ''United States Mint'' or ''U.S. Mint'' or any colorable imitation of such words, in connection with any advertisement, circular, book, pamphlet, or other publication, play, motion picture, broadcast, telecast, or other production, in a manner reasonably calculated to convey the impression that such advertisement, circular, book, pamphlet, or other publication, play, motion picture, broadcast, telecast, or other production, is approved, endorsed, or authorized by or associated in any manner with, the United States Mint; or

Whoever uses the words ''Overseas Private Investment'', ''Overseas Private Investment Corporation'', or ''OPIC'', as part of the business or firm name of a person, corporation, partnership, business trust, association, or business entity; or

Whoever, except with the written permission of the Administrator of the Drug Enforcement Administration, knowingly uses the words ''Drug Enforcement Administration'' or the initials ''DEA'' or any colorable imitation of such words or initials, in connection with any advertisement, circular, book, pamphlet, software or other publication, play, motion picture, broadcast, telecast, or other production, in a manner reasonably calculated to convey the impression that such advertisement, circular, book, pamphlet, software or other publication, play, motion picture, broadcast, telecast, or other production is approved, endorsed, or authorized by the Drug Enforcement Administration; or

Whoever, except with the written permission of the Director of the United States Marshals Service, knowingly uses the words ''United States Marshals Service'', ''U.S. Marshals Service'', ''United States Marshal'', ''U.S. Marshal'', ''U.S.M.S.'', or any colorable imitation of any such words, or the likeness of a United States Marshals Service badge, logo, or insignia on any item of apparel, in connection with any advertisement, circular, book, pamphlet, software, or other publication, or any play, motion picture, broadcast, telecast, or other production, in a manner that is reasonably calculated to convey the impression that the wearer of the item of apparel is acting pursuant to the legal authority of the United States Marshals Service, or to convey the impression that such advertisement, circular, book, pamphlet, software, or other publication, or such play, motion picture, broadcast, telecast, or other production, is approved, endorsed, or authorized by the United States Marshals Service;

Shall be punished as follows: a corporation, partnership, business trust, association, or other business entity, by a fine under this title; an officer or member thereof participating or knowingly acquiescing in such violation or any individual violating this section, by a fine under this title or imprisonment for not more than one year, or both.

This section shall not make unlawful the use of any name or title which was lawful on the date of enactment of this title.

This section shall not make unlawful the use of the word ''national'' as part of the name of any business or firm engaged in the insurance or indemnity business, whether such firm was engaged in the insurance or indemnity business prior or subsequent to the date of enactment of this paragraph.

A violation of this section may be enjoined at the suit of the United States Attorney, upon complaint by any duly authorized representative of any department or agency of the United States.

(June 25, 1948, ch. 645, 62 Stat. 733; Sept. 21, 1950, ch. 967, § 3(a), 64 Stat. 894; Oct. 31, 1951, ch. 655,

§ 22, 65 Stat. 719; July 3, 1952, ch. 547, 66 Stat. 321; Aug. 2, 1954, ch. 649, title I, § 131, 68 Stat. 609; Aug. 27, 1954, ch. 1008, 68 Stat. 867; Pub. L. 90–19, § 24(b), May 25, 1967, 81 Stat. 27; Pub. L. 90–448, title VIII, § 807(i), Aug. 1, 1968, 82 Stat. 545; Pub. L. 91–468, § 5, Oct. 19, 1970, 84 Stat. 1016; Pub. L. 95–630, title XVIII, § 1804, Nov. 10, 1978, 92 Stat. 3723; Pub. L. 99–204, § 16, Dec. 23, 1985, 99 Stat. 1676; Pub. L. 100–690, title VII, § 7079(a), Nov. 18, 1988, 102 Stat. 4406; Pub. L. 102–390, title II, § 223, Oct. 6, 1992, 106 Stat. 1629; Pub. L. 103–322, title XXXII, § 320911(a), title XXXIII, §§ 330004(3), 330016(2)(C), Sept. 13, 1994, 108 Stat. 2127, 2141, 2148; Pub. L. 104–294, title VI, §§ 602(a), 604(b)(19), (41), Oct. 11, 1996, 110 Stat. 3503, 3507, 3509; Pub. L. 105–184, § 7, June 23, 1998, 112 Stat. 522; Pub. L. 107–273, div. B, title IV, § 4002(a)(10), Nov. 2, 2002, 116 Stat. 1807.)

HISTORICAL AND REVISION NOTES

Based on sections 264(v)(1), 583, 584, 585, 586, 587, 1128, 1318, 1441(d), 1731(d) of title 12, U.S.C., 1940 ed., Banks and Banking, section 616(d) of title 15, U.S.C., 1940 ed., Commerce and Trade, and section 1426 of title 42, U.S.C., 1940 ed., The Public Health and Welfare (R.S. § 5243; Dec. 23, 1913, ch. 6, § 12B(v), as added June 16, 1933, ch. 89, § 8, 48 Stat. 178; July 17, 1916, ch. 245, § 211h, as added Mar. 4, 1923, ch. 252, § 2, 42 Stat. 1461; Mar. 4, 1923, ch. 252, title II, § 216, 42 Stat. 1471; May 24, 1926, ch. 377, §§ 1–4, 44 Stat. 628; Jan. 22, 1932, ch. 8, § 16(d), 47 Stat. 12; July 22, 1932, ch. 522, § 21, 47 Stat. 738; June 27, 1934, ch. 847, § 512, 48 Stat. 1265; Aug. 23, 1935, ch. 614, §§ 101, 203a, 318, 332, 49 Stat. 684, 704, 712, 719; Apr. 21, 1936, ch. 244, 49 Stat. 1237; Sept. 1, 1937, ch. 896, § 26, 50 Stat. 899; Feb. 3, 1938, ch. 13, §§ 9, 10, 52 Stat. 24, 25; June 28, 1941, ch. 261, § 10, 55 Stat. 365).

Numerous sections were consolidated with changes both of phraseology and substance necessary to effect consolidation.

The proviso of section 585 of said title 12 was omitted, since the consolidated section obviously cannot be construed as forbidding Federal agencies, boards, and corporations from using their legal names. The right to continue the use of a name, lawful on the effective date of this section, is preserved.

Last paragraph is based upon section 587 of said title 12. Words ''At the suit of'' were substituted for ''at the instance of''. United States Attorneys are the chief law officers of the districts. *United States* v. *Smith*, 1895, 15 S. Ct. 846, 158 U.S. 346, 39 L. Ed. 1011; *McKay* v. *Rogers*, C. C. A. Okl. 1936, 82 F. 2d 795. Federal courts will not recognize suits on behalf of the United States unless the Government is represented by a United States Attorney. Confiscation cases, La. 1868, 7 Wall. 454, 19 L. Ed. 196.

The words ''any duly authorized representative of any department or agency of the United States'' were substituted for the enumeration of agencies which may make complaint thus making the provision more flexible and less cumbersome.

This consolidated section reconciles the disparities and inconsistencies of 12 sections; thus providing a harmonious scheme for the punishment of similar offenses.

The punishment provision was drawn from section 587 of title 12, U.S.C., 1940 ed., Banks and Banking, but is in substance and effect the same as in sections 264v(1), 1441(d) and 1731(d) of said title 12, but the civil penalty of $50 per day which was in sections 583, 1128, and 1318 of said title 12, was omitted as inconsistent with later acts dealing with similar offenses. Too often actions to recover civil penalties result in judgments which cannot be collected, and yet as long as they remain uncollected they clog the administration of justice.

It was necessary to substitute a fine in place of a $50 per diem penalty for business entities embraced in sections 583, 1128, and 1318 of said title 12, and fine and imprisonment for individuals responsible for such violations. Similarly the penalty of $1,000 fine in section 1426 of title 42, The Public Health and Welfare, was changed to permit alternative fine or imprisonment for individuals responsible for violation.

REFERENCES IN TEXT

The Federal Credit Union Act, referred to in text, is act June 26, 1934, ch. 750, 48 Stat. 1216, as amended, which is classified generally to chapter 14 (§ 1751 et seq.) of Title 12, Banks and Banking. For complete classification of this Act to the Code, see section 1751 of Title 12 and Tables.

Chapter 7 of Title 12, referred to in text, which contained the Federal Farm Loan Act (act July 17, 1916, ch. 245, 39 Stat. 360) as amended, was classified principally to section 641 et seq. of Title 12. The Federal Farm Loan Act, as amended, was repealed by section 5.26(a) of the Farm Credit Act of 1971, Pub. L. 92–181, Dec. 10, 1971, 85 Stat. 624. Section 5.26(a) of the Farm Credit Act of 1971 also provided that all references in other legislation to the Acts repealed thereby ''shall be deemed to refer to comparable provisions of this Act''. For further details, see notes under section 2001 of Title 12. For complete classification of the Federal Farm Loan Act to the Code prior to such repeal, see Tables.

The date of enactment of this title, referred to in fifteenth par., means June 25, 1948.

The date of enactment of this paragraph, referred to in penultimate par., means July 3, 1952.

AMENDMENTS

2002—Pub. L. 107–273, in thirteenth par., substituted ''Whoever'' for ''A person who'' and inserted ''or'' at end.

1998—Pub. L. 105–184 inserted fourteenth par. that extended prohibitions of section to unauthorized use of term ''United States Marshals Service'' or any colorable imitation, or likeness of a United States Marshals Service badge, logo, or insignia on any item of apparel.

1996—Pub. L. 104–294, § 604(b)(41), amended directory language of Pub. L. 103–322, § 330004(3). See 1994 Amendment note below.

Pub. L. 104–294, § 604(b)(19), amended directory language of Pub. L. 103–322, § 320911(a). See 1994 Amendment notes below.

Pub. L. 104–294, § 602(a), which directed amendment of this section by striking out ''Whoever uses as a firm or business name the words 'Reconstruction Finance Corporation' or any combination or variation of these words—'', could not be executed because that language did not appear in text subsequent to amendment by Pub. L. 103–322, § 330004(3), as amended. See 1994 Amendment note below.

1994—Pub. L. 103–322, § 330016(2)(C), substituted ''fine under this title'' for ''fine of not more than $1,000'' in two places in par. relating to punishment.

Pub. L. 103–322, § 330004(3), struck out seventh par. which read as follows: ''Whoever uses the words 'National Agricultural Credit Corporation' as part of the business or firm name of a person, corporation, partnership, business trust, association or other business entity not organized under the laws of the United States as a National Agricultural Credit Corporation; or''.

Pub. L. 103–322, § 330004(3), as amended by Pub. L. 104–294, § 604(b)(41), struck out fourteenth par. which read as follows: ''Whoever uses as a firm or business name the words 'Reconstruction Finance Corporation' or any combination or variation of these words—''.

Pub. L. 103–322, § 320911(a)(2), as amended by Pub. L. 104–294, § 604(b)(19), which directed the insertion of a new par. relating to use of the words ''Drug Enforcement Administration'' or the initials ''DEA'' after the fourteenth unnumbered par. was executed by inserting such par. after the twelfth par. relating to the Overseas Private Investment Corporation, to reflect the probable intent of Congress and amendments by Pub. L. 103–322, § 330004(3). See above.

Pub. L. 103–322, § 320911(a)(1), as amended by Pub. L. 104–294, § 604(b)(19), which directed the substitution of

''words; or'' for ''words—'' in the fourteenth unnumbered par., could not be executed because that par. was struck out by Pub. L. 103–322, § 330004(3). See above.

1992—Pub. L. 102–390 inserted par. prohibiting unauthorized use of the terms ''United States Mint'' or ''U.S. Mint''.

1988—Pub. L. 100–690 inserted provision prohibiting unauthorized use of words ''Secret Service'' or ''Secret Service Uniformed Division'', the initials ''U.S.S.S.'' or ''U.D.'', or other colorable imitation of such words or initials.

1985—Pub. L. 99–204 extended prohibitions of this section to use of ''Overseas Private Investment'', ''Overseas Private Investment Corporation'' and ''OPIC''.

1978—Pub. L. 95–630 in fourth par., inserted provisions expanding the scope of the prohibition to include anyone, other than a bona fide organization or association of Federal or State credit unions or except as permitted by the laws of the United States, who misuses a firm or business name or transacts business using ''National Credit Union'', ''National Credit Union Administration'', ''National Credit Union Board'', ''National Credit Union Share Insurance Fund'', ''Share Insurance'', or ''Central Liquidity Facility'', or ''NCUA'', ''NCUSIF'', or ''CLF'', or any other combination or variation of those words or letters reasonably calculated to convey the false impression that such name or business has some connection with or authorization from the National Credit Union Administration, the Government of the United States, or any agency thereof or represents by any device whatsoever that his business, product, or service is in any way endorsed, authorized, or approved or that he is in any way insured by the National Credit Union Administration, the Government of the United States, or any agency thereof.

1970—Pub. L. 91–468 extended prohibition of this section to include practices which would falsely represent that assets are insured by the Federal Credit Union Act.

1968—Pub. L. 90–448, in ninth par., substituted ''Government National Mortgage Association'' for ''Federal National Mortgage Association'' wherever appearing.

1967—Pub. L. 90–19 extended prohibition of ninth par. to misuse of names ''Department of Housing and Urban Development'' and ''United States Housing Authority'' and symbols ''HUD'', ''PHA'', and ''USHA''.

1954—Act Aug. 27, 1954, brought the use of the name or initials of the Federal Bureau of Investigation within the ban of the section.

Act Aug. 2, 1954, in ninth par., inserted references to the Housing and Home Finance Agency, the Federal National Mortgage Association, and FHA, and inserted provisions relating to false claims made with respect to repairs, alterations, or improvements.

1952—Act July 3, 1952, permitted use of ''national'' as a part of the name of an insurance or indemnity company in penultimate par.

1951—Act Oct. 31, 1951, in ninth par., inserted ''Public Housing Administration'' in lieu of ''United States Housing Authority'', and inserted ''Public Housing Administration,'' after ''Federal Housing Administration''.

1950—Act Sept. 21, 1950, in third par., made subject to provisions of this section whoever advertises that his or its deposit liabilities, obligations, certificates, or shares are federally insured.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by section 604(b)(19), (41) of Pub. L. 104–294 effective Sept. 13, 1994, see section 604(d) of Pub. L. 104–294, set out as a note under section 13 of this title.

EFFECTIVE DATE OF 1994 AMENDMENT

Section 320911(b) of Pub. L. 103–322 provided that: ''The amendment made by subsection (a) [amending this section] shall become effective on the date that is 90 days after the date of enactment of this Act [Sept. 13, 1994].''

EFFECTIVE DATE OF 1988 AMENDMENT

Section 7079(b) of Pub. L. 100–690 provided that: ''This section [amending this section] shall take effect 90 days after the date of enactment of this Act [Nov. 18, 1988].''

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95–630 effective Oct. 1, 1979, see section 1806 of Pub. L. 95–630, set out as an Effective Date note under section 1795 of Title 12, Banks and Banking.

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90–448 effective from and after a date, no more than 120 days following Aug. 1, 1968, as established by the Secretary of Housing and Urban Development, see section 808 of Pub. L. 90–448, set out as an Effective Date note under section 1716b of Title 12, Banks and Banking.

EFFECTIVE DATE OF 1950 AMENDMENT

Section 3(b) of act Sept. 21, 1950, provided that: ''The amendment made by subsection (a) of this section [amending this section] shall become effective on January 1, 1951.''

TRANSFER OF FUNCTIONS

For transfer of the functions, personnel, assets, and obligations of the United States Secret Service, including the functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 381, 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

Functions, powers, and duties of Housing and Home Finance Agency, Federal Housing Administration, and Public Housing Authority transferred to Secretary of Housing and Urban Development who was authorized to delegate such functions, powers, and duties to such officers and employees of Department of Housing and Urban Development as the Secretary may designate, see sections 3534 and 3535 of Title 42, The Public Health and Welfare.

United States Housing Authority consolidated with other agencies into Housing and Home Finance Agency and name of Authority changed to Public Housing Administration by Reorg. Plan No. 3 of 1947, eff. July 27, 1947, 12 F.R. 4981, 61 Stat. 954, set out in the Appendix to Title 5, Government Organization and Employees.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

For creation, succession, and principal office, see section 1717 of Title 12, Banks and Banking.

§ 710. Cremation urns for military use

Whoever knowingly uses, manufactures, or sells any cremation urn of a design approved by the Secretary of Defense for use to retain the cremated remains of deceased members of the armed forces or an urn which is a colorable imitation of the approved design, except when authorized under regulation made pursuant to law, shall be fined under this title or imprisoned for not more than six months, or both.

(Added Sept. 28, 1950, ch. 1092, § 1(b), 64 Stat. 1077; amended Pub. L. 103–322, title XXXIII, § 330016(1)(E), Sept. 13, 1994, 108 Stat. 2146.)

AMENDMENTS

1994—Pub. L. 103–322 substituted ''fined under this title'' for ''fined not more than $250''.

§ 711. "Smokey Bear" character or name

Whoever, except as authorized under rules and regulations issued by the Secretary of Agri-