WHAT ELSE YOU CAN DO TO STOP MISREPRESENTATION OF INDIAN ART AND CRAFTWORK

Leonda Fast Buffalo Horse Blackfeet, Glass Mosaic, (c) 2006

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.

The Board needs to hear from the arts community and the buying public regarding your first-hand exposure to misrepresentation in the marketing of Indian art and craftwork. Your information plays a key role in our efforts to ensure that the market for authentic Indian art and craftwork remains healthy; that the buying public is protected from fakes and misrepresented products; and that the Indian artists and craftspeople, Indian businesses, and Indian Tribes can sell their products in a marketplace free of imitation Indian art and craftwork.

HOW TO PROTECT YOURSELF AS A CONSUMER

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

Paul McDaniels, Jr. Kiowa, Beaded Cut-out Blanket Pin, (c) 2004

If you purchase an art or craft product represented to you as Indian made, and you learn that it is not, first contact the dealer to request a refund. If the dealer does not respond to your request, you can also contact your local Better Business Bureau, Chamber of Commerce, and the local District Attorney's office, as you would with any consumer fraud complaint. Second, contact the Board with your complaint regarding violations of the Act.

Before buying Indian art and craftwork at powwows, annual fairs, and other events, check the event requirements for the authenticity of products being offered for sale. Many events list the requirements in newspaper 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.

Lauren Good Day Frank Three Affiliated Tribes, Parfleche, (c) 2009

KNOW THE LAW

For a free copy of the Indian Arts and Crafts Act of 1990, the Indian Arts and Crafts Enforcement Act of 2000 amendment (P.L. 106-497), the Indian Arts and Crafts Amendments Act of 2010 (P.L. 111-211), and corresponding regulations:

- Visit **www.iacb.doi.gov**
- E-mail **iacb@ios.doi.gov**
- Call **1-202-208-3773**, or toll free **1-888-ART-FAKE**
- Write to:

U.S. Department of the Interior
Indian Arts and Crafts Board
1849 C Street, NW, MS 2528-MIB
Washington, DC 20240

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

Indian Arts and Crafts Act
U.S. Department of the Interior

T.C. Cannon, Caddo/Kiowa Waiting for the Bus (Anadarko Princess), (c) 1977

The Indian Arts and Crafts Act (the 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 of craft product in a manner that falsely suggests it is Indian produced, an Indian product, or the product of a particular Indian Tribe.

UNDER THE INDIAN ARTS AND CRAFTS ACT OF 1990

Indian is defined as a member of a federally or officially State recognized Tribe, or a certified Indian artisan;
Certified Indian artisan means an individual who is certified 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

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.

James M. Watkins Delaware Nation, Lenape Ball War Club. (c) 1995

SCOPE OF THE INDIAN ARTS AND CRAFTS ACT OF 1990

Covering all Indian and Indian-style traditional and contemporary art and craftwork produced after 1935, the Act broadly applies to the marketing of art and craftwork by any person in the United States.

All products must be marketed truthfully regarding the Indian heritage and Tribal affiliation 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.

Lewis Iyakitan St. Lawrence Island, Yupik, Walrus, Whalebone, (c) 1982

For example, products sold using a sign claiming "Indian Jewelry – Direct from the Reservation to You" 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 "Hopi Jewelry" would be in violation of the Act if they were produced by someone who is not a member of the Hopi Tribe.

The types of products that are copied and may be misrepresented vary from region to region. Some traditional items made by non-Indians include jewelry, pottery, baskets, carved stone fetishes, woven rugs, katsina dolls, and clothing in the style of Indian products.

HOW TO 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 (the Board), an agency within the U.S. Department of the Interior, receives and evaluates complaints of possible violations. The Board can refer those complaints for further investigation and can request prosecution.

If you become aware of any market activity that you believe may be in violation of the Act, please contact the Board with the relevant information. Complaints may be filed anonymously online, by writing to the the Board, or by calling its toll free number:

WEBSITE: www.iacb.doi.gov

ADDRESS:
U.S. Department of the Interior
Indian Arts and Crafts Board
1849 C Street, NW, MS 2528-MIB
Washington, DC 20240

TELEPHONE: 1-888-ART-FAKE, or 1-888-278-3253

Phoebe York, Choctaw, Basket, (c) 1965

Please include, or have available, copies of any other documentation, such as advertisements, catalogs, business cards, photos, or brochures.