

8th Annual Cornell Powwow and Smokedance



The Indian Arts and Crafts Act of 1990

The Indian Arts and Crafts Act of 1990 (P.L. 101-644) is a truth-in-advertising law that prohibits misrepresentation in marketing of Indian arts and crafts products within the United States. It is illegal to offer or display for sale, or sell any art or craft product in a manner that falsely suggests it is Indian produced, an Indian product, or the product of a particular Indian or Indian tribe or Indian arts and crafts organization, resident within the United States. For a first time violation of the Act, an individual can face civil or criminal penalties up to a \$250,000 fine or a 5-year prison term, or both. If a business violates the Act, it can face civil penalties or can be prosecuted and fined up to \$1,000,000.

Under the Act, an Indian is defined as a member of any federally or State recognized Indian tribe, or an individual certified as an Indian artisan by an Indian tribe.

The law covers all Indian and Indian-style traditional and contemporary arts and crafts produced after 1935. The Act broadly applies to the marketing of arts and crafts by any person in the United States. Some traditional items frequently copied by non-Indians include Indian-style jewelry, pottery, baskets, carved stone fetishes, woven rugs, kachina dolls, and clothing.

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 an art or craft item using the name of a tribe if a member, or certified Indian artisan, of that tribe did not actually create the art or craft item.

For example, products sold using a sign claiming "Indian Jewelry" would be a violation of the Indian Arts and Crafts 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, or certified Indian artisan, of the Hopi tribe.

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 Indian Arts and Crafts Board with your written complaint regarding violations of the Act.

Before buying Indian arts or crafts at powwows, annual fairs, juried competitions, and other events, check the event requirements on 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 Indian arts and crafts offered by participating vendors, you should obtain written certification from the individual vendors that their Indian arts or craftwork were produced by tribal members or by certified Indian artisans.

The above information reprinted courtesy of:

[U.S. Department of the Interior, Indian Arts and Crafts Board](#)