

CITY OF SAN DIEGO
ADMINISTRATIVE REGULATION

SUBJECT	Number 95.65	Issue 2	Page 1 of 3
PRODUCT ENDORSEMENT	Effective Date July 1, 1977		

1. Purpose

1.1 To provide direction to City employees and agencies or organizations funded by the City of San Diego regarding endorsements of commercial products or services.

2. Scope

2.1 This regulation applies to the City, its employees, and agencies or organizations funded either in whole or in part by the City.

3. Policy

3.1 Implied or direct endorsement of commercial products for the purpose of advertising is prohibited.

- a. City Employees. No City employee, in his/her capacity as a City employee, shall endorse a product or service nor comment on that product or service if it is the intent of the solicitor of the endorsement, or of the vendor or manufacturer of that product or service, to use such comments for purposes of advertisement. City employees are not prohibited from responding to inquiries regarding effectiveness of products or services used by the City unless it is the inquirer's intention to use those comments for purposes of advertisement.

Consultants, Contractors and Vendors. All City contracts or agreements with consultants, contractors and vendors shall include a condition stating that any advertisements referring to the City of San Diego as a user of a product or service will require prior written approval of the City Manager who will insure that:

- a. the facts in the advertisement are accurate,
- b. there are no references to individual City employees, and,
- c. there is no indication of the City's endorsement of the product or service.

City-Funded Agencies or Organizations. All contracts or agreements with agencies or organizations to fund that agency or organization either in whole or in part with City funds shall include a condition requiring that

(Supercedes Administrative Regulation 95.65, Issue 1, dated June 1, 1977)

Authorized _____

(Signed by Hugh McKinley)

City Manager

(Signed by John W. Witt)

City Attorney

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agency or organization to adopt and follow a similar policy prohibiting that agency or organization's endorsement of commercial products or services. When such a condition is prohibited by state or federal regulation due to the fund source or type of program, the City of San Diego shall request those agencies which receive such funding from the City to adopt a similar policy.

4. Procedure

<u>Responsibility</u>	<u>Action</u>
Each Department Head	<ul style="list-style-type: none"> a. Prepares departmental instructions to inform all employees of the policy prohibiting product or service endorsements; insures that employees comply with policy; keeps employees informed through such means as memos and staff meetings. b. Includes in agreements or contracts with consultants, contractors and vendors the condition that any advertisements referring to the City of San Diego as a user of a product or service will require prior written approval of the City Manager. c. Receives and evaluates written requests from consultants, contractors and vendors for approval of advertisements referring to the City of San Diego as a user of a product or service. d. Requests City Manager approval or disapproval of written request from consultant, contractor or vendor. e. Insures that all contracts or agreements with agencies or organizations funded in whole or in part with City funds shall include a condition requiring the agency or organization to adopt and follow a policy prohibiting the agency's or organization's endorsement of commercial products or services.

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Deputy City Manager

Approves or disapproves, based on evaluation of department head, of written request from consultant, contractor or vendor for approval of advertisements referring to the City of San Diego as a user of a product or service. Insures the facts in any such approved advertisement are accurate, that there are no references to individual City employees, and that there is no indication of the City’s endorsement of the product or service.

City Attorney

Check all agreements with City-funded agencies or organizations for inclusion of provision requiring that agency or organization adopt and follow a policy prohibiting endorsement of commercial products or a service. If agency or organization is prohibited by a state or federal agency from agreeing to such a provision, then the City may “request” compliance rather than require it.

APPENDIX

Subject Index

- Advertising, Commercial Products
- Consultants, Product Endorsement
- Endorsement, Commercial Products or Services
- Personnel, Product Endorsement
- Vendors, Product Endorsement

Reference: Council Policy 000-41 “Product Endorsement”