



Doris Battise,  
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## SHOP WISELY... TIPS FOR BUYING

- When purchasing from a dealer, choose one with a good reputation.
- Request a written guarantee or written verification of authenticity.
- Get a receipt that includes all the vital information about your purchase, including price, maker, and maker's Tribal affiliation.
- Familiarize yourself with the different materials and types of American Indian art and craft products, as well as the indicators of a well-made handcrafted piece.
- Realize that authentic handmade pieces may be expensive...if a price seems too good to be true, be sure to ask more questions about the item and its maker.

## YOUR RIGHTS AS A CONSUMER

If you think a business or individual is selling a non-authentic art or craft item as an American Indian product, the action may be a violation of both the federal and State laws regulating the industry.

For questions, more information, or to file a complaint please contact:

### INDIAN ARTS AND CRAFTS BOARD

U.S. Department of the Interior  
1849 C Street NW, MS 2528-MIB  
Washington, DC 20240  
Tel: (888) ART-FAKE or (888) 278-3253  
Fax: (202) 208-3773  
Email: [iacb@ios.doi.gov](mailto:iacb@ios.doi.gov)  
Web: [www.iacb.doi.gov](http://www.iacb.doi.gov)

### OFFICE OF ATTORNEY GENERAL OF TEXAS

Consumer Protection Division  
PO Box 12548  
Austin, TX 78711-2548  
Tel: (800) 621-0508  
Web: [www.oag.state.tx.us](http://www.oag.state.tx.us)

### FEDERAL TRADE COMMISSION

Southwest Region  
Tel: (214) 979-9350



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Laboratory of Anthropology, Department of Cultural Affairs, [www.indianartsandculture.org](http://www.indianartsandculture.org)



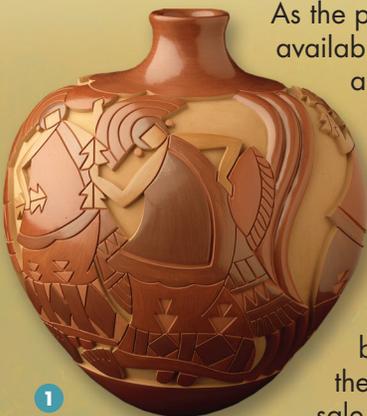
## Indian Arts and Crafts Act U.S. Department of the Interior



57082/12, Fetish Necklace, 1980, unknown artist, Zuni Pueblo

Buy Authentic Indian  
Arts and Crafts from  
Members of Federally  
Recognized Tribes

# Before you shop, there is some important information to know about purchasing Indian arts and crafts in Texas.



1

As the popularity and availability of Indian arts and crafts increases, so does the sale of items misrepresented as authentic Indian products. You can help to protect yourself by becoming familiar with the laws regulating the sale of Indian arts and crafts in Texas, and by considering the shopping tips provided in this brochure.

The sale of American Indian arts and crafts in Texas is regulated by both federal and State laws.

## PROHIBITED BY FEDERAL LAW

Under the Indian Arts and Crafts Act of 1990 (P.L. 101-644), as amended, it is illegal to offer or display for sale, or sell, any art or craft product in a manner that falsely suggests it is American Indian produced, an American Indian product, or the product of a particular American Indian Tribe.

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 American Indian artisan\*, of that Tribe did not actually create the art or craft item.

For example, products sold using a sign claiming "Indian Jewelry-Direct from the Reservation" would be a violation of the Indian Arts and Crafts

Act if the jewelry was produced by someone other than a member, or a certified American Indian artisan, of an American Indian Tribe. Additionally, products advertised as "Navajo Jewelry" would be in violation of the Act if they were produced by someone who is not a member of the Navajo Tribe.



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Covering all American Indian and Indian-style traditional and contemporary arts and crafts produced after 1935, the Indian Arts and Crafts Act broadly applies to the marketing of arts and crafts by any person within the United States. The Indian Arts and Crafts Act is administered by the Indian Arts and Crafts Board, an agency of the U.S. Department of the Interior.

*\*A certified American Indian artisan is an individual who is certified by the governing body of an Indian Tribe of their direct descent as a non-member artisan.*



3

- 1 55554/12, Duochrome Carved Jar, 1999, Tammy Garcia, Santa Clara Pueblo
- 2 47714/12, Bracelet, 1973, unknown artist, Ysleta del Sur Pueblo
- 3 56525/12, Wide Ruins Textile, 1990, Marie Anderson, Navajo
- 4 57318/12, "Four Directions," Purse, 2007, Michael Bird Romero, San Jan (Oke Owinge) Pueblo
- 5 Redware Melon Jar, 2000, Alvina Yepa, Jemez Pueblo

## PROHIBITED BY STATE LAW

Under the Texas Sale of Indian Articles Act, Tex. Bus. & Com. Code Ann. §§ 17.851 - 17.854, it is unlawful to sell or offer for sale (1) a product represented to be authentic Indian arts and crafts unless the product is in fact authentic Indian arts and crafts; (2) arts and crafts represented to be made of silver unless the product is made of coin silver or sterling silver; (3) nonauthentic Indian arts and crafts unless the product is clearly labeled as to any characteristics that make it nonauthentic; (4) any turquoise, mounted or unmounted, without a disclosure of the true nature of the turquoise; or (5) art represented to be by an American Indian unless it is in fact produced by an American Indian.



4

Violation of the Texas Sale of Indian Articles Act is a Class B misdemeanor, punishable by a fine of up to \$2,000 or up to 180 days in jail, or both.

Further, under the Texas Deceptive Trade Practices - Consumer Protection Act, Tex. Bus. & Com. Code Ann. §§ 17.41 - 17.63 (DTPA), it is unlawful to misrepresent (1) the source, approval or certification of goods; (2) affiliation, connection, or association with, or certification by, another; (3) that goods or services have sponsorship, approval, characteristics, ingredients, uses, benefits, or quantities which they do not have; or (4) that a person has a sponsorship, approval, status, affiliation, or connection which he does not.



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Violation of the DTPA is subject to an injunction forbidding the violation and a civil penalty of up to \$20,000 per violation.