

### AR 215-1 - Chapter 11 Advertising and Commercial Sponsorship

#### Section I Advertising

##### 11–1. Morale, welfare, and recreation and nonappropriated fund instrumentality advertising

MWR programs communicate their presence and the availability of goods and services they offer to as many potential patrons as they can. Such communication will not reflect unfavorably on the DOD, the Army, other DOD components, or the Federal Government.

*a. Armed Forces publications.*

(1) MWR programs may contribute articles and stories for publication as unpaid information items in post newspapers, plan-of-the day, AFRTS, installation cable TV, and other media intended primarily for distribution to authorized patrons. Commercially sponsored MWR events may be mentioned with other pertinent facts in news stories and announcements. Event titles using the name of commercial sponsors may be included if newsworthy and if the use clearly meets Army needs.

(2) MWR programs may pay to advertise MWR goods, services, entertainment, and social events in the civilian enterprise media, including installation cable television. Brand names and item prices, feature acts, films, talent, admission price, or cover charges, and names of commercial sponsors may be included in MWR advertising. Such advertising will prominently display the phrase “PAID ADVERTISEMENT.”

*b. Other than Armed Forces publications.* MWR programs may pay to advertise their services and events in other than Armed Forces newspapers provided the chosen media is circulated to, written for, or geared to an audience consisting primarily of military or DOD personnel, or other authorized patrons. Such information may include sponsors’ names.

*c. Commercial (private sector) media.* MWR programs may pay to advertise in appropriate commercial (local and national) (includes Internet) media when MWR special events are open to the private sector. Examples of MWR events include, but are not limited to, music concerts, athletic programs, Volksmarches, competitive runs, and American historical or traditional military events. Advertising of these events is subject to the following conditions:

(1) Events will not directly compete with similar events offered in the local civilian community. Events open to the private sector and event advertising will be coordinated in advance with the local public affairs office.

(2) Events open to the private sector must be infrequent, increase military civilian community interaction, and enhance community relations.

(3) Event-related merchandise may be sold. Food and beverages may be sold for on-premises consumption only.

(4) Community relations and public affairs open house events are command functions and not MWR events. Therefore, advertising for these PAO events will be conducted and resourced as prescribed in AR 360–1.

*d. Statement.* Advertising of MWR programs, services, or events that may be heard, seen, or read by other than authorized patrons will contain a statement similar to: “This offer/event is open only to authorized patrons—PAID ADVERTISEMENT.” This phrase is not required for advertising MWR events that are open to the private sector as discussed above.

##### 11–2. Selling advertising space in nonappropriated fund instrumentality/entity media

*a.* MWR programs and other NAFIs (see AR 215-8 for AAFES policy) may sell space for commercial advertising in any NAFL/entity media (printed, signs, electronic) produced for or prepared by them and may accept payment for such advertising.

*b.* Publication of paid commercial advertising by NAFIs/entities is bound by similar standards of propriety applying to civilian enterprise publications, as prescribed in AR 360–1. Those standards applying to NAFL/entity commercial advertising include the following:

(1) Advertising will be rejected if it undermines or appears to undermine an environment conducive to successful mission performance and preservation of loyalty, morale, and discipline. Some considerations in accepting advertising include the local situation, the content of the proposed advertisement, and the identity and reputation of the advertiser.

(2) Advertising will not contain anything in it that might be illegal or contrary to DOD or Army regulations, such as discrimination, prohibition against soliciting membership in private groups, endorsement of political positions, favoring one group over another group, partisan political items, political advertisements, and games of chance, including casinos and Indian tribe gaming.

(3) A supplement or insert with commercial advertising may be distributed with NAFL/entity media provided fair and equal opportunity is offered to organizations, businesses, or personnel to compete for this privilege.

(4) No advertising will be accepted from any establishment placed “off limits” by the commander.

(5) “Truth in lending” statutes will be met by consulting with the local SJA.

(6) Advertising will include a disclaimer that it does not constitute DOD, Army, or Federal Government endorsement.

*c.* Acceptance of paid commercial advertising on APF electronic media, such as AFRTS and the local commander's channel, is prohibited.

*d.* All commercial advertising agreements must be in writing and must receive legal review prior to entering into the agreement and prior to signature of the parties.

*e.* Advertising in NAFI/entity media is based on reaching authorized MWR patrons.

*f.* Mailings to authorized patrons are permitted using NAFs of the respective NAFI/entity. NAFI/entity print media will not be distributed to unauthorized patrons.

*g.* Good judgment will be used concerning acceptance of commercial advertising that may compete with MWR or other DOD programs.

*h.* The local garrison commander will make final decisions on acceptance of advertising and must consider public perceptions, impact to the local economy, and the effect on the local civilian enterprise newspaper, installation guide, and installation map.

*i.* Any prominent display of outdoor or electronic signage containing commercial advertising will comply with the installation Army Communities of Excellence standards and be coordinated with the installation engineers.

*j.* Acceptance of paid advertising from Defense contractors is permissible as long as the content of the advertising message is a patriotic message and not promoting a specific product and/or service.

### **11-3. Authorized personnel**

*a.* Commercial advertising sale and the placement of event advertising in civilian media will be performed centrally by individuals designated in writing by the Command authorities, normally the FMWR director. Commanders should designate only the installation advertising/sponsorship coordinator to perform sponsorship solicitation and sales. The Command will forward designee's name, address, phone, and e-mail address to FMWRC to the Commander, Family and Morale, Welfare and Recreation Command (IMWR-POM-C), Corporate Partnerships, 4700 King Street, Alexandria, VA 22302-4419.

*b.* MWR employees designated to work with the commercial advertising program must receive appropriate professional development training; at a minimum, designated employees should attend annual training conducted by FMWRC.

### **11-4. Reporting**

Garrisons will forward through command channels, a fiscal year annual report of all advertising initiatives to FMWRC at the above address not later than 30 November. FMWRC will issue reporting guidance annually. At a minimum, the report will include—

*a.* Cumulative advertising revenue generated during the previous fiscal year.

*b.* Related program expenses, for example, salaries and supplies.

### **11-5. Web site advertising**

The policy applicable to advertising in general also applies to Web site advertising. NAF funded MWR Web sites may contain paid advertising. Web sites must contain an appropriate disclaimer notice when exiting from Army MWR NAF funded Web sites and linking to a commercial advertiser's Web site.

## **Section II**

### **Commercial Sponsorship**

#### **11-6. Definition**

Commercial sponsorship is the act of providing assistance, funding, goods, equipment (including fixed assets), or services to an MWR program(s) or event(s) by an individual, agency, association, company, or corporation, or other entity (sponsor) for a specific (limited) period of time in return for public recognition or opportunities for advertising and other promotions.

#### **11-7. Authorized programs**

*a.* Commercial sponsorship will be either unsolicited or solicited but authorized only for MWR programs and events and the NAF component of Army Community Service (AR 608-1), to include Army Family Team Building (AR 608-48) and Army Family Action Plan (AR 608-47), which are closely associated with MWR programs.

*b.* The commercial sponsorship program does not include acceptance of volunteer services. Additionally, this program does not include nor refer to those products or services considered gifts or donations. MWR gifts policy is contained in chapter 13.

*c.* Military open house programs are primarily PAO activities and are not intended as MWR events. Therefore, commercial sponsorship is not authorized for military open house programs. Commercial sponsorship is authorized for MWR events held in conjunction with open houses only when specifically approved by the installation PAO.

### **11–8. Sponsorship conditions**

Commercial sponsorship support of MWR is authorized under the following conditions:

*a.* Obligations and entitlement of the commercial sponsor and the MWR program are incorporated into a written sponsorship agreement that will be for a 1-year period or less. The period covered by the original agreement and any annual renewals will not exceed a total of 5 years. This does not preclude the award of a new agreement to the same sponsor after the initial 5-year period. All agreements will receive a legal review by the servicing legal office.

*b.* Advertising, publicity, or other promotional consideration provided to sponsors is commensurate with the level of sponsorship offered.

*c.* Special concessions beyond the terms of the sponsorship agreement are not provided to commercial sponsors. Individuals or entities not providing commercial sponsorship are not treated with disfavor and do not suffer any form of reprisal.

*d.* Appropriate disclaimers, such as “sponsorship does not imply Army endorsement,” are required in any public recognition or printed material developed for sponsorship by either the MWR program or commercial sponsor, because the Army does not endorse or favor any commercial supplier, product, or service.

*e.* All sponsor-generated publicity and promotional material must be reviewed and approved by MWR prior to production and distribution.

*f.* Commercial sponsor advertising on APF- and NAF-built MWR facilities, to include ball field fences and sports scoreboards, is authorized.

*g.* Agreements concerning broadcast rights to televise, air, or Web cast MWR events and associated pre-event publicity on commercial (private sector) television or radio are entered into only after coordination with Office of the Assistant Secretary of Defense (Public Affairs) for DOD interservice events or Office of the Assistant Secretary of the Army (Public Affairs) for Army events. Requests for coordination are submitted to FMWRC at the address in paragraph 11–3.

*h.* MWR management will coordinate with AAFES management prior to entering into an agreement if commercial sponsorship proposals and agreements promise AAFES displays or signage and to ensure there is no impact to AAFES existing policies and practices.

*i.* Performance of sponsor(s) will be monitored during the course of agreement.

*j.* Sponsors are generally limited to firms and organizations involved with consumer products and/or services. However, firms involved with games of chance or gambling to include casinos and Indian tribe gaming will not be permitted as sponsors. In overseas areas, solicitation of non-U.S. firms is authorized with the commander’s approval provided solicitation is not in violation of SOFA or other agreements.

*k.* Category exclusivity may be granted to a sponsor. Additionally, multiple sponsors may be obtained for any MWR program or event.

*l.* Military departments ensure commercial sponsors do not obtain personal contact from attendees at MWR programs or events without the express written consent of the attendee. Data collection is permissible only if data collection and/or entry forms include an opt-in clause. Such forms have to be reviewed by the Staff Judge Advocate. Only forms where the opt-in box is checked should be forwarded to sponsors.

*m.* Only MWR programs and those programs authorized in paragraph 11–7 may benefit from commercial sponsorship. Other command groups, units, private organizations, or unofficial activities or organizations are not authorized to use commercial sponsorship to offset program or activity expenses while operating on Government property.

*n.* Naming buildings/facilities and/or rooms with the sponsor name is not authorized. Instead, title sponsorship of MWR events may be offered to sponsors whose contributions are significant.

### **11–9. Written agreements**

*a.* All commercial sponsorship agreements must be in writing and must receive legal review prior to entering into the agreement and prior to signature of the parties.

*b.* Provisions for termination of agreements, force majeure (such as acts of God), and assignment will be included in the written agreement.

*c.* The commercial sponsor will certify in writing that sponsorship costs will not be chargeable in any way to any part of the Federal Government. This certification may be a term of the sponsorship agreement or a separate document.

### 11-10. Solicited sponsorship

*a.* Solicited sponsorship will be competitively solicited from potential sponsors willing to support a MWR event/program for the mutual benefit of the sponsor and the MWR program.

*b.* The sponsorship professional must employ fair business practices when communicating with current and potential sponsors. Additionally—

(1) Sponsors will be solicited competitively from an adequate number of sources. In overseas areas, solicitation of non-U.S. firms is authorized with the commander's approval provided solicitation is not in violation of SOFA or other agreements.

(2) Solicitations must be announced.

(3) Multiple sponsorships for like or different products and/or services may be solicited.

(4) Evaluation of offers will be based on market value of services, goods, or cash offered and the event requirements. Appropriateness of potential sponsoring corporation must be considered.

### 11-11. Unsolicited sponsorship

*a.* Unsolicited sponsorship will be entirely initiated by the prospective sponsor. Receipt of an unsolicited proposal does not require the MWR sponsorship professional to contact other sources. After an inquiry from a prospective sponsor, the command's designated sponsorship representative may inform the prospective sponsors of MWR needs.

*b.* The Army will not solicit commercial sponsorship from companies in the tobacco, beer, or alcoholic industries; however, unsolicited sponsorship may be accepted. Sponsorship agreements with firms in the tobacco, beer, or alcohol industries will include a clause requiring a responsible use campaign (beer, alcohol) and The Surgeon General's warning (tobacco) incorporated into any print media.

### 11-12. Reporting

*a.* Garrisons will maintain a record of all MWR sponsored events/programs during each fiscal year, to include—

(1) The sponsor's name and organization.

(2) Type of event/program sponsored.

(3) Type and amount of the sponsor's assistance, funding, goods, or services provided, and

(4) The disposition and use of that assistance, funding, goods, or services.

*b.* Garrisons will forward through command channels a fiscal year annual report of commercial sponsorship to FMWRC at the address in paragraph 11-3 not later than 30 November. The report will include—

(1) Value of commercial sponsorship, both cash and merchandise/in-kind services, with the cumulative cash total during the previous FY. Cash and services are broken out by solicited and unsolicited. Unsolicited will be further broken out by alcohol, tobacco, and other. Total cash sponsorship revenue reported will equal sponsorship revenue on garrison financial statements. FMWRC will issue reporting guidance annually.

(2) The annual report will include expenses directly related to the sponsorship program, that is, salaries, supplies, advertising, and so on.

### 11-13. Authorized personnel

*a.* Officials responsible for procurement or contracting will not be directly or indirectly involved with the solicitation of commercial sponsors. Such officials may advise, however, on whether vendors are barred from doing business with the Government. Although NAF contracting officers have no authority to approve commercial sponsorship agreements, they may obligate NAFs in accordance with NAF contracting policies (AR 215-4) in support of the commercial sponsorship program. This provision does not limit the involvement of NAF contract personnel whose function is to administer NAF contracts. The above is applicable to those APF contracting officers who perform NAF contracting functions for MWR programs.

*b.* Command authorities (normally the Director, FMWR) will designate by name and in writing individual(s) who perform commercial sponsorship duties. Active duty personnel may not be designated. Commanders should designate only advertising/sponsorship coordinator to perform sponsorship solicitation and sales. The Command will forward designee(s) name, address, phone, and e-mail address to FMWRC at the address in paragraph 11-3.

*c.* Designated MWR sponsorship representatives will receive appropriate professional development training to include an annual ethics briefing. Additionally, these employees will attend training conducted by FMWRC.

### 11-14. Additional guidance

Commercial sponsorship procedures and key management controls are further detailed in the Army Sponsorship Desk Reference Book and other written program guidance and instruction, which may be obtained from FMWRC or accessed through the MWR Web site, [www.armymwr.org](http://www.armymwr.org).

### **11–15. Web site sponsorship**

Commercial sponsors may be provided sponsorship benefits on MWR web sites specified in paragraph 11–5.

### **Section III Expense Accounts**

#### **11–16. Eligible personnel and facility use**

*a.* MWR marketing, sponsorship, and advertising managers may have monthly expense accounts to purchase meals and nonalcoholic beverages when hosting potential commercial sponsors or advertisers. MWR facilities will be used for hosting. If they are not readily available, commercial facilities may be used. The expense account will not be used for the managers' meal/beverage.

*b.* The expense account is authorized for official business with the potential of benefiting MWR programs.

#### **11–17. Administration of accounts**

*a.* Annual expenditures will not exceed amounts designated in approved budgets. The Director, FMWR will authorize and approve expense accounts and will establish monthly dollar limitations which are not transferable to the next month. Expenses will be recorded in the month they are incurred and charged to the program to which the individual is assigned.

(1) Expense accounts will not be used to purchase alcoholic beverages.

(2) Reimbursable expenses will be limited to expenses for which actual receipts are received; the date, type of expense, and location will be documented; and the signature of the individual claiming the expense will verify accuracy.

(3) The individual's immediate supervisor will be the approval authority for reimbursement, which is payable either by a check to the individual incurring the expense or by using a NAF credit card when expenses are incurred.

*b.* Further guidance on establishing and utilizing expense accounts may be obtained from FMWRC.

### AR 215-1 – Paragraphs relating to Events

MWR events are open to the entire military community and may not benefit specific groups or persons. This does not mean that MWR could not hold an event for children and youth; which is a specific group, but as long as the entire military community is welcome to attend, these events are MWR events.

AR 215-1 was changed some time ago and the first sentence above was taken out of the regulation with the remark that the current wording is self explanatory.

#### The following is the Events Chapter in AR 215-1:

##### 13–18. Events

*a. MWR events.* Garrisons may periodically conduct special events. Guidelines for special events involving MWR and/or NAF resources follow:

(1) MWR events conducted in CONUS will comply with applicable laws and regulations; events conducted overseas will comply with applicable international treaties and agreements (see also paras 8–17 and 8–18).

(2) MWR events will not selectively benefit or endorse any commercial interest, product, or person. Gifts and donations may be accepted and commercial sponsorship may be solicited in accordance with the policies in this chapter and chapter 11.

(3) MWR programs may operate authorized resale activities and services in accordance with policy in chapter 12. If unable to provide resale activities or services, commercial contractors may be used.

(4) MOAs/MOUs with on-post POs or members of military units volunteering their services to the benefit of the PO/unit fund or contracts with concessionaires are authorized for the operation of MWR resale booths at MWR events.

DOD 5500.7–R provisions regarding fund raising will apply.

(5) At the discretion of the garrison commander, MWR programs may secure the aid of volunteers or persons providing gratuitous services to assist in the sale of MWR-procured alcoholic beverages. MWR programs may also enter into agreements with military units or on-post private organizations, under which the military units or private organizations will provide qualified personnel to assist the MWR program in selling alcoholic beverages at MWR events in exchange for a fee. Fees paid to military units will be deposited into the unit funds; units will not require Soldiers to participate in the event. MWR programs may also contract with concessionaires to sell alcoholic beverages

at MWR events. This may also apply to cosponsored events, below (see also para 10–8). All personnel assisting the MWR program to sell alcoholic beverages at such events will receive appropriate training.

*b. Cosponsored events.* These events will be governed by DOD 5500.7–R. If gate fees are charged, MWR will collect and account for all receipts.

*c. Installation/community relations events.* Installation open houses and related events are primarily public affairs events, designed to share information about military missions, equipment, facilities, and personnel with local or regional communities. MWR programs may participate in community relations/public affairs open houses/events, as long as generating NAF revenue is not the primary objective of the open house/event. This will not preclude MWR programs from selling food and beverages and mementos commemorating the event.

Here is a paragraph from AR 215-1, Chapter 5-13, d.(1) (b)

(b) MWR events open to the entire military community and approved by the garrison commander. Alcoholic beverages provided at these events are limited to malt beverages and wine. Events should be of a traditional historical or military nature. Dignitaries from the local community may be invited to the MWR event to promote good community relations.