

DATE: January 3, 1989

TO: Deputy Mayor Judy McCarty
FROM: City Attorney
SUBJECT: Use of City Seal

You recently inquired about whether or not you could properly use the city seal on mementos that acknowledge the contribution of community volunteers.

The restriction on the use of the city seal is found at San Diego Municipal Code section 21.01(b) which reads as follows:

No person shall use or allow to be used any reproduction or facsimile of the Seal of The City of San Diego for any commercial purpose unless previously authorized by the Council.

Since the restriction is limited to "commercial purpose," we must focus on whether your commemorative mementos equate to a "commercial purpose." We have no hesitancy in concluding that they do not. "Commercial purpose" refers to commerce, trade, business, industry or enterprise having financial profit as the primary aim. *Siegel v. City of Oakland*, 79 Cal.App.3d 351, 358 (1978). The use of mementos to acknowledge volunteer efforts is absolutely devoid of the profit motive intrinsic to "commercial purpose." Hence the use of the city seal on such mementos is permissible.

JOHN W. WITT, City Attorney

By

Ted Bromfield

Chief Deputy City Attorney

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