

**ADVERTISING POLICY**

Adopted: 3/6/2017

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**OBJECTIVE:** Establish guidelines regarding advertising on MST buses.

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**I. POLICY**

- 1.01** MST sells space inside and upon its buses for the display of Commercial Advertising. The sole purpose for doing so is to raise revenues to finance MST's operations.
- 1.02** In order to realize the maximum benefit from the sale of advertising space, the program must be managed in a manner that will procure as much revenue as practicable, while ensuring that the advertising does not discourage the use of MST's transit system, does not diminish MST's reputation in the community it serves or the good will of its patrons, and is consistent with MST's principal purpose of providing safe, comfortable, efficient and affordable public transportation. To attain these objectives, MST's Board of Directors has established these regulations for the advertising displayed in and upon its buses.
- 1.03** Under no circumstance is this Policy intended to create, permit, or allow a public forum on or inside MST buses.
- 1.04** All regulation pursuant to this Policy shall be viewpoint neutral.
- 1.05** In addition to the foregoing, noncommercial speech is excluded from advertising inside and upon the buses for the following reasons:
- a.** MST wishes to maintain a position of neutrality on political, religious, environmental, or other public matters and issues in order to promote its commercial enterprise;
  - b.** If potentially controversial advertisement inside and upon the buses is not restricted, the buses and passengers could be subject to violence;
  - c.** Preventing a reduction in income earned from selling advertising space because commercial advertisers may be dissuaded from using the forum commonly used by those wishing to communicate political or religious ideas or beliefs;

## II. APPLICABILITY

- 2.01** This Policy is applicable to all persons (including MST employees and independent contractors), groups, and organizations that contract with MST for the placement of advertisement in and upon MST's buses .

## III. DEFINITIONS

**3.01** Commercial Advertising:

- a. Advertising the sole purpose for which is to raise awareness of a product, service, or events for business purposes, or to promote events and programs sponsored by MST, in a manner not in contravention of the limits set forth in paragraphs 3.01 b, c, or d below.
- b. Does not include any advertising that both offers to sell property or services and also conveys information about matters of general interest, political issues, religious, moral, or environmental matters or issues, or other public matters or issues, or expresses or advocates opinions or positions upon any of the foregoing.
- c. Does not include advertising that conveys - whether expressly or implied, intentionally or unintentionally, by inference or innuendo - the religious, social, political, legal or moral view of any person, group, or organization.
- d. Does not cause the vehicles, if posted individually or in combination with other advertisements, to become a public forum for the dissemination, debate, and/or discussion of public issues.

**3.02** Political Advertising:

- a. Any advertising that supports or opposes the election of any candidate or group of candidates for election to any federal, State, or local government office;
- b. Any advertising that supports or opposes any referendum conducted by the federal or State government, or by any local government, such as referenda on constitutional amendments, on bond issues, or on local legislation;
- c. Any advertising that advocates or discourages the placement of any referendum on a federal, state, or local ballot.
- d. Any advertising that features any person whose prominence is based wholly or in part upon his or her past or present activity in political affairs or that represents or implies any such person's approval or endorsement of the subject matter of the advertising.

**IV. ADVERTISING STANDARDS:**

- 4.01** All advertising displayed in or upon MST's buses shall be Commercial Advertising.
- 4.02** MST's transit system, in order to serve the purpose for which it has been established, must of necessity accommodate all persons without distinction of age. It is therefore necessary to exclude advertising unsuitable for exposure to children or persons with immature judgment. The following advertising therefore will not be displayed in or upon MST's buses:
- a.** Political Advertising.
  - b.** Advertising for cigars, cigarettes, pipe tobacco, chewing tobacco, and other tobacco products, including e-cigarettes.
  - c.** Advertising for alcoholic beverages, including beer, wine, and distilled spirits.
  - d.** Advertising for firearms.
  - e.** Advertising that promotes the usage or availability any substance that is currently listed, pharmacologically substantially similar to, or is represented as being similar to a substance listed in the federal Controlled Substances Act Scheduler as found in 21 U.S. Code § 812 - Schedules of controlled substances.
  - f.** Advertising for products or services related to human reproduction or sexuality, including but not limited to contraceptive products or services, other products or services related to sexual hygiene, and counseling with regard to pregnancy, abortion, or other sexual matter.
  - g.** Advertising for products, services, or entertainment directed to sexual stimulation or using words or phrases that refer to human reproduction or sexuality, except in a medical manner (see 4.06 below).
  - h.** Advertising that explicitly and directly promotes or encourages the use of means of transportation in direct competition with MST's bus service shall not be displayed in or upon MST's buses.
  - i.** No advertising shall be permitted that in any way denigrates MST's organization, or its operation, or its officers, agents, or employees. This prohibition includes advertising copy and illustrations that state or imply or could reasonably be expected to cause an inference, that MST's service or operations are anything but safe, efficient, affordable and convenient.
  - j.** Advertising that would violate any federal or State law or regulation, or any law, regulation, or ordinance of any county or municipality in or through which MST buses are or may be operated.
  - k.** Advertising that is obscene, as defined by federal, California, or local regulation or law.

- l. Advertising that advocates lawlessness or violence.
- m. Advertising that promotes or encourages unlawful activity.
- n. Religious advertising, to include advertising that supports, opposes, or comments on any such issue or cause and/or that, comments on, advocates, or opposes a religion, belief, or non-belief.

**4.05** All advertising copy shall be truthful. Advertising copy and illustrations may not be exaggerated, distorted, false, misleading or deceptive.

**4.06** Medical products or treatments shall be presented in a restrained and inoffensive manner.

**4.07** Testimonials shall be authentic. Advertisers using them will be required to indemnify MST against any action brought in connection with them. Advertising that promotes contests or giveaways is expected to comply with all applicable laws and regulations.

**4.08** No advertising in or upon MST's buses shall include language, pictures, or other graphic representations that are unsuitable for exposure to persons of young age and immature judgment, or shall be derogatory or defamatory of any person or group because of race, color, national origin, ethnic background, religion, gender, sexual preference or gender identity.

## **V. USE OF MST'S NAME**

**5.01** Use of MST's name, logo, slogans, or other graphic representations is subject to advance approval by MST. MST does not endorse or imply endorsement of any product or service.

## **VI. ADMINISTRATION OF ADVERTISING REGULATION**

**6.01** Advertising space on MST's buses is sold through an independent contractor. The contractor shall comply with the foregoing policies and review all advertising with reference to them. They shall refer all such advertising that falls or may fall into any of the categories defined above to MST's designated representative responsible for administering the advertising program, who shall determine whether the proposed advertising will be accepted. If the proposed advertising is rejected, the party or parties proposing it may request that this decision be reconsidered. Upon such request, MST's representative shall consult with MST's District Counsel and with its General Manager/CEO or the officer designated by him/her for this purpose. The General Manager/CEO or his/her designee, on the basis of such consultation, shall determine whether the proposed advertising will be accepted or rejected.

**6.02** MST will co-operate with the party or parties proposing the advertising, and with the independent contractor through whom it has been proposed, in a reasonable effort to revise it in order to produce advertising that can be accepted and displayed consistently with the foregoing policies.