

STATE PARKS: No law exists to prohibit the sale of merchandise with the name of a state park inscribed thereon.



May 14, 1954

Honorable Abner Gwinn  
Director, Missouri State Park  
Board  
1206 Jefferson Building  
Jefferson City, Missouri

Dear Mr. Gwinn:

Reference is made to your request for an official opinion of this office which request reads as follows:

"Our Superintendent at Roaring River State Park has inquired for the Concessionaire, Mr. Malcolm Waggoner, whether or not souvenir stand operators outside of the Roaring River State Park have the legal right to sell merchandise such as scarfs, ashtrays, pictures, etc., with the name, Roaring River State Park, inscribed on them.

"There are many souvenir stands surrounding our state parks and I am sure that they sell post cards and other items so inscribed. However, the question has never been raised before this time and I would appreciate your official opinion regarding this as soon as possible."

We have examined the statutes relating to state parks and other applicable provisions and find no provisions which would prohibit a person from selling souvenirs such as scarfs, ashtrays, pictures, etc., with the name of a state park inscribed thereon.

We further know of no principle or rule of law which would prohibit such sale and, therefore, are of the opinion that a person may sell such merchandise with the name of the state park inscribed thereon.

Hon. Abner Gwinn

CONCLUSION

Therefore, it is the opinion of this office that there is no legal prohibition against a person selling or offering for sale goods and merchandise with the name of a state park inscribed thereon, notwithstanding the fact that such sales are made without the territorial limits of said park.

This opinion which I hereby approve, was written by my assistant, Mr. Donal D. Guffey.

Yours very truly,

JOHN M. DALTON  
Attorney General

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