



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

**WILL WILSON
ATTORNEY GENERAL**

April 8, 1957.

Honorable Zollie C. Steakley
Secretary of State
Capitol Station
Austin, Texas.

Opinion No. WW-91

Re: Can the Secretary of
State authorize the use
of the Great Seal of
Texas as a lounge car
decoration on a new Texas
Zephyr passenger train?

Dear Sir:

This is in response to a request concerning the use of the Great Seal of Texas in which you asked the question, substantially as follows:

Does the Secretary of State have the authority to authorize the use of the Great Seal of Texas as a lounge car decoration on a new Texas Zephyr passenger train?

Section 1 of Chapter 350, Acts of the 54th Legislature, which has been codified as Article 157a, Vernon's Penal Code, reads in part as follows:

"Art. 157a. Advertising and other prohibited uses of Great Seal of Texas.

"No person, firm, or corporation, or any agent, servant, representative, employee, or receiver, of any firm or corporation, shall use any facsimile, imitation, label, trademark, design, device, imprint or form of the Great Seal of Texas for the purpose of advertising or giving publicity to any goods, wares, or merchandise or any commercial undertaking, or for any trade or commercial purpose. . . ."(emphasis added).

It is our opinion that the use of the Great Seal of Texas in the manner set forth in your question clearly falls within the prohibition of the Act which denies the use of the Seal for the purpose of advertising or giving publicity to any commercial undertaking or for any trade or commercial purpose. For this reason your question must be answered in the negative.

SUMMARY

Section 1 of Chapter 350, Acts of the 54th Legislature, which has been codified as Article 157a, Vernon's Penal Code, prohibits the use of the Great Seal of Texas as a lounge car decoration on a new Texas Zephyr passenger train.

Yours very truly,

WILL WILSON
ATTORNEY GENERAL

By 
Wayland C. Rivers, Jr.
Assistant

WCR:pf;rh

APPROVED:

OPINION COMMITTEE:

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