

Educational Outreach to the Legal Profession
Re: Section 1140 of the Social Security Act (42 U.S.C. § 1320b-10)

The Law:

Section 1140 of the *Social Security Act* is a consumer protection tool, which prohibits misleading advertising and communications. The law prohibits:

- Use of Social Security Administration (SSA) program words and/or symbols in advertisements, solicitations, or other communications in a manner that conveys the false impression of SSA approval, endorsement or authorization.
- Fee-based reproduction, reprinting, or distribution of SSA forms, applications, or other publications without authorization from the SSA.
- Fee-based assistance for products or services that the person knows or should know are provided free of charge by SSA (without proper notification).

Why the Law was Enacted:

- Congress enacted Section 1140 to stop individuals and businesses from targeting the elderly and the general public by misrepresenting an approval, endorsement, and authorization by SSA as an integral part of a scheme for financial gain.

How Section 1140 applies to the Legal Profession:

- **Attorneys and Law Firms are prohibited from misrepresenting approval, endorsement, or authorization by SSA in all forms of solicitations and communications.**

How the Legal Profession May Violate the Law:

- Websites, billboards, print, or television advertising, conveying the false impression that an attorney or law firm is endorsed or recommended by SSA or otherwise has a special/unique relationship with SSA;
- Building or door signs conveying the false impression that a law office is an official SSA field office or is otherwise officially associated with SSA (*e.g.*, an ‘official SSA application center’);
- Correspondence conveying the false impression that it originated from SSA (*e.g.*, including SSA’s official emblem on correspondence);
- Telephone answering scripts or recorded messages misrepresenting that the caller reached an official SSA office.

Consequences for Violating Section 1140:

- **Penalties:** Potential for substantial penalties¹ pursuant to 42 U.S.C. § 1320b-10(b);
 - ✓ Up to \$10,705.00 for each violation (*e.g.*, each offending piece of USPS mail, email, or website viewing is subject to a separate penalty);
 - ✓ Up to \$53,524.00 for each offending broadcast or telecast (*e.g.*, includes Internet broadcasts).
- **Injunctive Relief:** Pursuant to 42 U.S.C. § 1320a-7a(k);
 - ✓ In conjunction with the Department of Justice, the SSA may bring an action in U.S. District Court for injunctive relief against a party that violates Section 1140 (*e.g.*, freezing assets and disabling websites).

SSA-OIG Section 1140 Outreach Program Objectives:

- **Education:** Educate individuals and businesses regarding Section 1140 compliance and the penalties for violation through a variety of methods (*e.g.* fact sheets, access to website content, and in person training).
- **Resource:** Provide individuals and businesses with direct lines of communication with SSA’s Office of the Inspector General regarding Section 1140 compliance and potential violations/penalties.

Contact Information:

- **For Additional Information:** **David Rodriguez, Deputy Counsel for Section 1140 Enforcement**
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- **For Allegation Referrals:** **OIG.SSA.GOV**

¹ All penalties are adjusted annually for inflation.