

Compliance with 18 USC 2257 and Model Releases  
Reducing Risk to Your Adult Business  
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What is 18 USC 2257?<sup>1</sup>

18 USC 2257 and CFR 75 are the federal law requirements of record keeping of the proof of age of models and required notices on products including content. A compliance set, including notice and record keeping requirements, and model and primary producer legal forms are available for purchase from the author [here](#).

Why Should I Care?

Possessing, transporting or creating (among other things) content containing images of persons under 18 is child pornography and is a very serious criminal act.

Compliance with 18 USC 2257 is a good defense to allegations of child pornography. If you comply, you will have statutorily required identification and thorough records to show police should you ever need to. By failing to comply, you are not only in violation of this statute which outlines the procedures, but more importantly, you are risking serious criminal charges. Without the records set forth in 18 USC 2257, it will be difficult to prove that the models in the content were, in fact, over 18 at the time of creation of the images.

Finally, 18 USC 2257 is very well known in the adult business community and your failure to have proper notices on your website and/or products, quickly identifies you to law enforcement authorities as a business that may be failing to comply with the law. The lack of notices flags these authorities and can result in much more serious investigations.

Model Releases

Savvy content creators always obtain model releases. These can also include the necessary information for compliance with 18 USC 2257.

Model releases ensure that the model states that:

- She is aware of the adult nature of her employment
- He is aware of what the images will be used for

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<sup>1</sup> Readers are cautioned not to rely on this article as legal advice as it is no substitution for a consultation with an attorney in your state. Based on jurisdiction and time, the law varies and changes.

- She understands the gravity of lying about her age and using false identification
- He releases all claims against the producer/distributor

Without a model release, a model has a host of possible claims against the content creator and anyone distributing or using the content. These could include the following:

- Violation of her rights of publicity, which cover the use of any person's image, voice, likeness or name in a commercial endeavor
- Violation of his rights of privacy, which prohibit the use of private information or images of any person
- Sexual criminal claims including being forced to perform, being kidnapped, abused or otherwise
- Claims of being unaware of the age requirements or nature of the work, or use of the content
- Claims of misuse of the content
- Claims of libel or slander by the model regarding the acts in the content
- Trademark claims if the model's name is famous enough to merit trademark status

### Primary Producer Release

A primary producer release covers the necessary information required by 18 USC 2257 from a purchaser of content from its original creator, and can also cover a license to use and distribute the work, and warranty having obtained of model releases.

Again, failure to comply with 18 USC 2257 is very risky and failure to comply with this section implies no less risk.

If a producer cannot show you model releases and proof of age, you are assuming substantial risk in using the content. You should also be suspicious of doing business with a content creator who is so cavalier or legally unaware in his business.

### What If I Have the Content, But Cannot Comply?

If you have content and do not have proof of the model's age and the necessary records required by 18 USC 2257, which also covers content created abroad in your possession, you are assuming full risk of violation of the statute and possible child pornography charges.

## Conclusion

The easiest way to comply with 18 USC 2257 is to do business with reputable content providers and to have your lawyer advise you on the notice and record keeping requirements. An 18 USC 2257 compliance set of legal forms by the author is available for purchase [here](#), but is no substitute for full consultation with an attorney.