

Help Note

# Claims on envelopes



*CAP Help Notes offer guidance for non-broadcast marketing communications under the UK Code of Non-broadcast Advertising, Sales Promotions and Direct Marketing (the CAP Code). For advice on the rules for TV or radio commercials, contact Clearcast [www.clearcast.co.uk](http://www.clearcast.co.uk) for TV ads or the RACC [www.racc.co.uk](http://www.racc.co.uk) for radio ads.*

*These guidelines, drawn up by the Copy Advice team and the Direct Marketing Association, are intended to help marketers, agencies and media interpret the rules in the UK Code of Non-broadcast Advertising, Sales Promotion and Direct Marketing. Though they take into account past decisions and will be referred to by the ASA Council in the event of a complaint about a marketing communication that follows them, they neither constitute new rules nor bind the Council.*

## **Background**

The Code states:

### **Rule 4.1**

Marketing communications must not contain anything that is likely to cause serious or widespread offence. Particular care must be taken to avoid causing offence on the grounds of race, religion, gender, sexual orientation, disability or age. Compliance will be judged on the context, medium, audience, product and prevailing standards.

Marketing communications may be distasteful without necessarily breaching this rule. Marketers are urged to consider public sensitivities before using potentially offensive material.

The fact that a product is offensive to some people is not grounds for finding a marketing communication in breach of the Code.”

### **Rules 3.1**

“Marketing communications must not materially mislead or be likely to do so.”

### **Rule 3.9**

“Marketing communications must state significant limitations and qualifications. Qualifications may clarify but must not contradict the claims that they qualify.”

### **Rule 3.10**

“Qualifications must be presented clearly”

### **Rule 3.11**

“Marketing communications must not mislead consumers by exaggerating the capability or performance of a product.”

### **Rule 4.2**

“Marketing communications must not cause fear or distress without justifiable reason; if it can be justified, the fear or distress should not be excessive. Marketers must not use a shocking claim or image merely to attract attention.”

## **Rule 3.2**

“Obvious exaggerations (“puffery”) and claims that the average consumer who sees the marketing communication is unlikely to take literally are allowed provided they do not materially mislead.”

### **1. General**

**1.1** This guidance applies to marketing words, phrases, images, logos, stickers and other devices, hereafter referred to as “claims”, that appear on the outside of envelopes containing marketing (for the purposes of these guidelines, claims on envelopes will include claims visible through envelope windows, claims on postcards and claims on packages);

**1.2** Some of the phrases that appear in this guidance may need defining: “social correspondence” is correspondence between friends, family, etc.; “official correspondence” is correspondence from an official body (e.g. the Inland Revenue); and “private commercial correspondence” is correspondence from a commercial company where the content is information that the recipient is likely to consider private (e.g. bank account details);

**1.3** Claims can legitimately entice consumers to open envelopes but, in doing so, should not go so far as to breach the Codes;

**1.4** Direct marketers should note that the Data Protection Act 1998, and interpretations thereunder, could affect the acceptability of claims on envelopes, particularly regarding the disclosure, on the envelope, of personal information about the recipient.

### **2. Envelopes that Masquerade as Social Correspondence**

**2.1** Direct marketers who use hand-written text, hand-written-style printed text, postage stamps or other devices or forms of presentation that consumers often associate with social correspondence should ensure that envelopes contain an indication that the content is commercial correspondence. For example, they could include the name of the direct marketer or a statement such as “contains commercial material”;

**2.2** Similarly, direct marketers who send out teaser postcards, or the like, before subsequent mailings should ensure that the postcards will not be mistaken for social correspondence.

### **3. Envelopes that Masquerade as Official Correspondence**

**3.1** Direct marketers should not state or imply on envelopes that mailings are from an official source when this is not the case;

**3.2** Claims on envelopes such as “Final Reminder”, “Security Tabbed Documents Enclosed” and “Penalty Notice Enclosed”, are likely to mislead as to the importance and status of the

content of mailings and be unacceptable.

#### **4. Envelopes that Masquerade as Private Commercial Correspondence**

**4.1** Direct marketers should not state or imply on envelopes that mailings contain private information when this is not the case. Claims such as “Important: Your Policy Documents Enclosed” are likely to mislead as to the importance and status of the content of the mailings and be unacceptable;

**4.2** Claims on envelopes such as “Private/Personal and Confidential” are likely to mislead as to the importance and status of the content of mailings and be unacceptable unless the content, which might principally consist of marketing, also contains information that the recipient is reasonably likely to consider private (e.g. bank account details);

**4.3** More ambiguous claims such as “Official Notice/Official Documents Enclosed” and “Important Documents Enclosed” could mislead by inflating the importance of the content of mailings if they are not immediately and prominently qualified to relate to the products, services or promotions on offer (for example, “Official Notice” on its own could be problem but “Official Notice, You Can Enter our Holiday Draw” should be acceptable);

**4.4** Claims on envelopes such as “Addressee Only” are likely to be acceptable.

#### **5. Envelopes that Contain Other Misleading Claims**

**5.1** Direct marketers should not make other claims on envelopes that mislead consumers. Claims that imply that mailings have been sent by recorded or express delivery when this is not the case, for example, are unlikely to be acceptable;

**5.2** Direct marketers should take particular care when making claims that are visible through the windows of envelopes. If these are likely to initially lead consumers into thinking they’ve won a prize in a prize draw when this is not the case, for example, they are unlikely to be acceptable, even if the content of the mailings that is not visible through the windows qualifies the claims visible through the windows to state that consumers are eligible to enter the draw only;

**5.3** Direct marketers who do no more than urge consumers to open envelopes, by using phrases like “Urgent...Open Immediately”, are unlikely to run into problems so long as the identity of the sender and purpose of the mailing is made clear somewhere on the envelopes and so long as the overall impression does not alarm or distress.

#### **6. Envelopes that Alarm or Offend or Contain Content that Might Alarm or Offend**

**6.1** Direct marketers should not make claims on envelopes that might unduly alarm or offend consumers. Claims such as “Enclosed: Medical Test Results” that relate to mailings that contain advertising material are unlikely to be acceptable;

**6.2** Where the content of mailings concerns matters of safety in the context of promoting safety, direct marketers should take care to ensure that the fear or distress aroused by claims on envelopes is not disproportionate to the risk addressed. Claims such as “Important: You Are At

Risk” are unlikely to be acceptable; claims such as “Safety First: Contains Information on Peace-Of-Mind Products” are unlikely to be a problem, particularly if the identity of the sender is made clear on the envelopes;

**6.3** Voluntary sector marketers (for example, charities) should likewise ensure that the fear or distress aroused by claims on envelopes is not disproportionate to the issue addressed. They should not make claims on envelopes that mislead consumers into thinking that the content of the mailings is non-distressing if this is not the case; where the content is particularly distressing, direct marketers should state on the envelopes both their identity and a warning to consumers of the distressing nature of the content;

**6.4** Obviously humorous exaggerations or wordplay on envelopes is likely to be acceptable, though direct marketers should take care to ensure that consumers will not misinterpret them and should pay due regard to the other points in these guidelines.

Advice on specific marketing communications is available from the Copy Advice team by telephone on 020 7492 2100, by fax on 020 7404 3404, or you can log a specific written enquiry via our online request form <http://www.copyadvice.org.uk/Ad-Advice/Bespoke-Copy-Advice.aspx>. The Copy Advice website at [www.copyadvice.org.uk](http://www.copyadvice.org.uk) contains a full list of Help Notes as well as access to the AdviceOnline database, which has links through to relevant Code rules and ASA adjudications.