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COMMITMENT TO CONSUMER CHOICE (CCC)

CCC Compliance Guide:
Commentary & Notice Examples

DMA^D
Direct Marketing Association
Member

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1) INTRODUCTION – **Commitment to Consumer Choice**

In May 2007, DMA's Board of Directors took an important step toward securing the future of direct marketers' ability to communicate with consumers. The step taken, passage of the new **Commitment to Consumer Choice (CCC)**, addresses the preferences and concerns of consumers and policymakers. The **Commitment to Consumer Choice** also provides a pro-active approach to environmental and privacy issues.

This Compliance Guide explains the **Commitment to Consumer Choice** requirements and includes numerous examples members can utilize. These requirements are basic standards that are required of DMA members; members can go above and beyond the basic minimum requirements if they choose.

Importance of the CCC to Direct Marketers

The Board believes the new *Commitment to Consumer Choice* is one of the best ways for DMA and its members to address the very real threat to commercial mail exhibited in the United States today. This threat is three-pronged: 1) state governments calling for legislation that would require Do Not Mail registries, much like the national Do Not Call registry; 2) organizations, both for profit and not-for-profit, promoting the end of commercial mail; and 3) consumers who have expressed several concerns. Specifically, consumers are concerned about the volume and relevance of the mail they receive, ID theft and privacy, and the environmental impact of producing and disposing of unwanted direct mail.

In today's world, companies and organizations are judged not just by the products or services they provide, but for how they interact with their customers and donors. When companies engage responsibly and respectfully with consumers, they create a foundation of trust that can contribute greatly to long-term brand loyalty and business success.

The DMA's *Commitment to Consumer Choice* reflects the strong belief within the marketing community that the evolving needs of consumers must be met in order to be successful in today's market. The DMA believes the direct marketing community must be progressive in addressing consumer needs. Effective self-regulatory actions will directly respond to the advocates and regulators who otherwise would respond with their own initiatives.

The CCC Applies to Consumer Marketers

The new CCC requirements apply to all DMA members, including nonprofit organizations, that market to consumers — both customers and prospects. Suppliers and other businesses that provide services to consumer marketers and nonprofits should understand the new requirements so that they can implement them on behalf of DMA member clients. (*Additional information regarding the role of suppliers is under the General Compliance Questions section.*)

Effective Date and Transitional Period for CCC Requirements

The *Commitment to Consumer Choice* (CCC) was announced in October 2007, and members were asked to implement immediately the core CCC tenets, with the exception of the *Consumer Notice* requirement. Members were given a twenty-four month transition period to implement the *Consumer Notice* requirement, allowing sufficient time to test various notices and procedures for their practicality and effectiveness. Enforcement of the *Consumer Notice* requirement will begin in October 2009.

The DMA's Privacy Promise and Ethics Guidelines; Compliance with Legal Restrictions

In 1999, the DMA made a *Privacy Promise to American Consumers*, which was a public assurance that all members of DMA would follow certain specific practices to protect consumer privacy. The CCC builds on the principles originally outlined in the *Privacy Promise*.

DMA's *Guidelines for Ethical Business Practice* is the cornerstone for all direct marketers and covers privacy as well as many other areas (see www.the-dma.org/guidelines/ethicalguidelines).

Note that there may be federal or state notice requirements with which DMA members must abide. Compliance with the CCC would be in addition to these legal requirements.

Focus on Building Consumer Trust by Providing Choices to Consumers

The new program supports DMA's strong desire to empower consumers and build consumer trust. As noted earlier, consumers today have several specific concerns. Consumers want:

- To hear from direct marketers and nonprofit organizations on matters that are relevant to them
- Choice over the types and volume of mail they receive
- Direct marketers and nonprofits to be responsible in the handling of information about them
- To know that their shopping and donating experiences are safe and secure
- To be environmentally conscious — and they want organizations to be environmentally conscious as well

2) STEPS REQUIRED OF DMA MEMBERS

In summary: the CCC requires DMA members to provide existing and prospective customers and donors with notice of an opportunity to modify future mail solicitations from their organization in every *commercial solicitation*. The notice should contain access to an option to eliminate future commercial mailings, and may also offer additional modification options. The CCC also requires consumer marketers to tell consumers where they got their names, and to use the DMAchoice name-removal file (formerly the Mail Preference Service) every month.

DMA members are encouraged to view an instructional Web-based training video on the details of the CCC, and certify completion of the training by taking a simple online test. Visit www.dmaccc.org for more information and to view the training video.

Details of each step follow:

COMMITMENT NUMBER ONE – Effectively Honoring Consumer Requests for Modifying or Eliminating Mail

A marketer should provide existing and prospective customers and donors with notice of an opportunity to modify future mail solicitations from their organization. The notice should contain access to an option to eliminate future commercial mailings, and may also offer additional modification options.

The notice should:

- appear in every marketing offer; and
- be easy for the consumer to find, read, understand, and act upon.

A consumer's request for elimination of future mailings should be honored:

- within 30 days; and
- for a period of at least three years from the date of receipt of request.

An in-house suppression request from a consumer also indicates that the consumer wants to eliminate the transfer or rental of his or her personal information to other marketers.

Where affiliates, divisions, or subsidiaries market under different company or brand names, and are perceived as separate by the consumer, each corporate entity or brand should honor its own received requests.

Commentary:

- Existing DMA guidelines already require direct marketers to *honor* in-house suppression requests — that is, requests not to receive mail anymore from your organization. They also require marketers to provide *notice of rental, sale, or exchange* of customer information to third-party marketers soon after a prospect becomes a customer or donor and at least annually thereafter. The CCC requires consumer marketers and nonprofits to give notice of the availability of an in-house suppression function, which could also include options for modifying the consumer's receipt of mail — a requirement that builds on those established principles.
- The notice on the mailing piece can offer modification options — for instance, receipt of mail on a less frequent basis, or receipt of mail just from one company division — but should also either offer a way to eliminate further mailings, or refer consumers to another access point (website, phone number, mailing address) where they can easily exercise the option to eliminate future mailings, if they wish.
- DMA does not require that the notice to prospective customers and donors be in a specific place on the mailing piece or the envelope, or be of a certain font or size. Your organization's notice should, however, be easy for consumers to find, read, understand, and act on.
- While the notice for in-house modification needs to be in every marketing solicitation, members are not required to place notices in billing statements, thank you letters, order fulfillment packages, volunteer recruitment pieces, or customer service communications. The notice needs to be only in mailings where the primary purpose of the mailing is to ask consumers to purchase a product or service, or to make a donation. Again, the notice can refer consumers to the location of your website where they can easily affect their choices to modify or eliminate mailings from your organization.
- A consumer's name should be placed on the marketer's in-house suppression list within 30 days. It is understood that some mailings will be in process at the time of the consumer's request; consumers should be informed they may receive mailings that were already in process and that mailings will cease within a certain period of time.

- An in-house suppression request from a consumer should be interpreted as meaning that the consumer also wants to opt out of the transfer of his or her name to other marketers. In effect, the consumer is asking both not to hear from your organization anymore, and not to share his or her name with others. However, a consumer's request to simply modify mailings — for instance, to receive four catalogs a year instead of ten — would not trigger an opt-out request for information transfers.
- Consumer perception of your company or organization brands is key to deciding how to handle in-house suppression requests. If a consumer asks to be removed from one subsidiary or division of your organization, this does not necessarily mean that every brand in the corporate structure has to honor the request. For example, if your organization operates under many different brand names and these are reasonably perceived as separate companies by consumers, then removal of the consumer's name from all brands would not be required. On the other hand, if all your subsidiaries are under the same brand name, a consumer's request should be honored by all of the subsidiaries.

A Few Examples of Notice Language:

1. If you wish to modify receipt of future mail offers from us, go to our website at www.yourwebsite.com/consumerchoice.
2. We have appreciated your donations to our important mission. If you wish to change the frequency of requests we send to you or if you would like to stop receiving requests from us, go to www.yourwebsite.org.
3. We make a portion of our mailing list available to reputable firms that offer products we believe may interest you. If you prefer that we not exchange your name with other marketers, or if you wish to modify future marketing offers from us, please call xxx.xxx.xxxx or go to www.yourwebsite.com/customerservice.
4. We believe in environmental stewardship, and understand environmental issues are important to you, too. To see our environmental practices or to modify or eliminate the amount of mail you receive from us, go to www.yourwebsite.com/environment.

Many more examples are included later in this compliance guide.

COMMITMENT NUMBER TWO – Disclosing the Source of the Consumer’s Name

Upon request by a consumer, a marketer should disclose the source from which it obtained personally identifiable data about that consumer.

- Informing consumers who are trying to reduce the amount of mail they receive that you don’t know where you got their names is not a good way to build consumer trust. If consumers request information as to the source of their names on your prospecting list, you should be able to tell them. If, because of unusual circumstances, you cannot be specific as to the source, at least tell consumers the kinds of sources you use.
- If your organization rented the consumer’s name through a cooperative database or other multi-list provider, it is sufficient to tell the consumer the name of that entity.
- DMA does not specify the method for providing source information to consumers, as that is up to each organization. At some organizations, the customer service representative is able to locate the source of the mailing and provide it right away to the consumer. At other companies, requests for source information are routed to other staff and consumers are subsequently provided the requested information. This process should be completed within a few days.
- Because of this CCC requirement, DMA requests that marketers not enter into agreements with list sources that would prohibit disclosing the source of information to consumers. Also, you should make sure that your own lists are not rented or sold with this non-disclosure of source provision.

COMMITMENT NUMBER THREE – Use of the DMAchoice Name-Removal File

A member should use the most recent *monthly* release of the DMAchoice file before contacting prospects.

- DMAchoice, formerly the Mail Preference Service (MPS), is a file of consumers who do not wish to receive promotional mail at their home addresses from companies with which they do not already do business. Individuals register their names and addresses with DMAchoice via DMA’s online registration page. Nonprofit organizations also use DMAchoice.

- Most business subscribers of DMAchoice have been using the name-removal file on a quarterly basis. Using DMAchoice on a monthly basis, as now required by the CCC, will greatly increase the speed in which consumer choices are honored.
- Consumer marketers or their service bureaus can get more information about and access DMAchoice by going to <http://preference.the-dma.org/products>.

COMMITMENT NUMBER FOUR – Establish Systematic Practices

A marketer should establish internal policies and practices in support of the CCC.

DMA has designed several steps along the way in promoting the CCC program to its members. These steps educate members as to the requirements of the CCC, and should help get you started in terms of establishing your own internal practices.

First, all DMA members who are consumer marketers and nonprofits have been asked to designate a senior level person in their organization who has responsibility for compliance with the requirements of the CCC. In cases where such a designation has not been made, DMA staff will rely on the voting member for ongoing CCC communications.

Next, DMA has provided an instructional web-based training video on the details of the CCC and a simple online test which members (to which the CCC is applicable) are encouraged to take and pass. If the designated contact person within your organization changes, DMA encourages the new designee to view the training video and take the test within three months of becoming DMA's new CCC contact.

Your organization needs to have internal systems in place in order to adhere to the CCC, specifically mechanisms to honor requests from consumers to suppress mailings, not transfer consumer information to third parties, and/or to modify mailings. A senior level executive should be responsible for making sure that your organization implements its policies and practices, and reviews and updates them as necessary. Both new and existing staff members need ongoing training as to your policies and how to implement them properly. In addition, your organization should promote its policies to its customers and donors, prospects, and others clearly and accurately.

3) EXAMPLES OF CONSUMER NOTICE LANGUAGE

In this section, we present examples of how your organization can easily provide notice to consumers about their options to modify or eliminate the mail they receive from you and others with whom you share your mailing lists.

The notice must be provided in all mailing pieces to existing customers and prospects in which the primary purpose of the mailing is to solicit sales or donations. To emphasize, the notice can refer to “modifying” mail rather than “eliminating” mail. Your organization’s notice can refer consumers to your website, phone number, or mailing address to make their choices. You do not need to provide a toll-free telephone number for consumers to make their choices — that is up to each organization. The key is making sure your notice is *easy to find, read, understand, and act upon!*

- We believe in strong environmental stewardship. If you would like to review our environmental practices or modify or eliminate the amount of mail you receive from NonprofitLabs, you may do so at www.nonprofitlabs.org.
- Change is good. If your name, your address, or even your interests have changed, let us know! We want to make sure we’re sending you only the most accurate, relevant, and exciting communications. To modify your mail preferences, visit www.nonprofiturl.org or call xxx.xxx.xxxx.
- Our Commitment to Respectful Communication... We will do our best to respect your time, preferences, and privacy with accurate information, personalized offers, and relevant communications that reflect how — and how often — you wish to hear from us. To clarify or modify your communication preferences, please visit www.urlhere.com, call xxx.xxx.xxxx, or write to us at Company Customer Service, P.O. Box 111, Anywhere, WA, 01234-5678.
- Help us get it right... We strive for accurate, respectful, and relevant communications. If you would like to modify your mailing preferences, please visit www.urlhere.com or call xxx.xxx.xxxx.

- Your mailbox. Your choice.
We only want to send what you want to receive. To modify the frequency or focus of future mailings, visit www.urlhere.com or call xxx.xxx.xxxx.
- We're listening. If you would like to receive additional, different, fewer or no future mailings, let us know. Call us at xxx.xxx.xxxx and tell us what you like, and what you don't. We'll do our best to send you just what you want...and nothing else. It's good business, and more importantly, it's just good manners. P.S. If you like things just the way they are, we'd like to hear that too. In fact, it would make our day. :)
- A Commitment to Considerate Communication...
We respect your privacy and preferences. Contact us to clarify or modify your mailing preferences, and we'll do our best to send just what you want...and nothing else. It's good business, and good manners.
www.urlhere.com | xxx.xxx.xxxx | P.O. Box 111, Anywhere, WA, 01234-5678
- Thank you for subscribing to *Our Sports Magazine*. We value you as our customer. If you wish to renew your subscription or if you are interested in additional magazine offers, or you wish to change your delivery address or modify the numbers of subscription offers you receive, please go to www.oursports.com/consumerchoices, or call us at xxx.xxx.xxxx.
- If you would like additional information on other offers or wish to modify future marketing mailings, please visit our website at www.ourcompany.com.
- We make a portion of our donor list available to other reputable nonprofit organizations. If you prefer that we not include your name or you wish to modify the receipt of future mailings from us, please send an email with your preferences to privacy@ourorganization.org.
- On our website www.acmegoods.com you will find exclusive sales not offered anywhere else. You can also modify or eliminate future mailings from us, request customer assistance, or find the Acme Goods location closest to you.
- If you wish to order a product or have any comments or questions, please call xxx.xxx.xxxx. An operator is standing by and will help you with your order or, if you wish, with modifying the receipt of future marketing mailings to your home.

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- Go to our website www.sportsstuff.com and find additional savings of up to 30% — and discounts for large orders! On our website you can also request that we reduce or eliminate future mail offers to you.
- We occasionally make a portion of our mailing list available to select companies whose products or services may be of interest to you. If you would prefer that we not disclose your personal information, or wish to modify the receipt of future marketing offers from our company, please contact subscriber services at consumerchoices@ourcompany.com.

As these examples demonstrate, the notice on your mailing piece can but does not have to specifically refer to the option for consumers to eliminate mail from your organization — as long as consumers are pointed to an easy way to learn about and act on options to eliminate (or modify) mailings. And, again, the location of the notice on your organization's mailing piece, and the notice's size or other features, is your decision — as long as it meets the test of being *easy for consumers to find, read, understand, and act upon*. If your organization would like to share sample notice language that you have found effective, please email ethics@the-dma.org.

4) ACTUAL EXAMPLES OF NOTICE LANGUAGE USED BY DMA MEMBERS

In this section, we present real examples of CCC notice language and online preference centers used by DMA member organizations. If your organization would like to share examples of its CCC notice language, please email ethics@the-dma.org.

▼ EXAMPLE 1



Special Olympics

Actual Notice Language:

"You have been selected to receive these materials because we believe you have expressed an interest in helping our programs and services. If you would prefer not to receive our communications, please let us know by emailing us at donorservices@specialolympics.org. Your generous contribution supports your local chapter as well as Special Olympics' worldwide programs and initiatives. By participating in a cooperative direct mail effort with Special Olympics, Inc. and other state chapters, Special Olympics makes your dollars go further for athletes here and around the world."

▼ EXAMPLE 2



Actual Notice Language:

"If you wish to modify receipt of future mail offers from us, call us at 1.800.676.6878."

▼ EXAMPLE 3



American Institute for Cancer Research

Actual Notice Language:

"From time to time AICR rents or exchanges its list of supporters with other trusted organizations to benefit AICR's programs and activities. If you do not wish to participate in AICR's list rental or exchange activities, or if you wish to modify the frequency of future communications from AICR, please write us at our headquarters address above or complete the form at www.aicr/optout."

▼ EXAMPLE 4

Actual Notice Language:

▼ EXAMPLE 5

Crate&Barrel Actual Notice Language:

"We share our mailing list with select companies that may be of interest to our customers. If you prefer not to receive these additional mailings, or to change your mailing or email address, please contact Customer Service.

Crate&Barrel also offers an online catalog preference center, giving consumers the ability to opt out, opt in and opt down! <http://www.crateandbarrel.com/Customer-Service/optout.aspx>

BusinessWeek

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5) GENERAL COMPLIANCE QUESTIONS

My organization is small and adhering to the *Commitment to Consumer Choice* is time consuming and expensive for such a small operation. Must we adhere?

It is important for DMA to be able to assure the public that all of our consumer marketer members follow the rules. DMA members in the unique circumstance of contacting so few prospects each year as to make using the DMAchoice file and meeting the other CCC requirements burdensome and unduly expensive may apply to DMA for assistance or a possible exemption. It is important to note that *any relaxation of the obligations under the CCC* may be granted only by DMA's Committee on Ethical Business Practice. To contact the Committee, write to DMA's Department of Corporate Responsibility, 1615 L Street, NW, Suite 1100, Washington, DC 20036 or ethics@the-dma.org.

What is the role of suppliers in this process?

Suppliers are an essential partner in meeting the requirements of the Commitment to Consumer Choice. If you are a supplier, you should take steps to encourage compliance with the CCC. That could include educating your clients about the CCC, and might include inserting special statements in contracts encouraging compliance, such as:

(Supplier) strongly endorses compliance with DMA's *Commitment to Consumer Choice*. This includes endorsing the use of the DMAchoice file (previously the DMA's Mail Preference Service) every month, and requesting that every list owner, manager and user use this file in accordance with the industry's *Commitment to Consumer Choice*; providing consumer notice regarding options to modify or eliminate future mailings, and honoring such requests; and providing the source of consumer information on a mailing piece, upon consumer request. For more information, contact the DMA's Corporate & Social Responsibility (CSR) department at 202.955.5030 or ethics@the-dma.org.

Can I do business with non-DMA members that are not bound to follow these rules?

Yes. But DMA member list owners, managers, users, brokers, and suppliers should exercise their own independent business judgment as to whether to adopt contractual provisions such as that offered in this compliance guide.

What are the rules for co-marketing ventures where both companies have access to customer data?

DMA members should see to it that all their business ventures, including joint ventures, satisfy the *Commitment to Consumer Choice*. DMA members should take all reasonable steps to assure that customer data generated by a co-marketing venture with a non-DMA member are used in accordance with the CCC.

Do resident/occupant/saturation mailers have to follow the Commitment to Consumer Choice?

DMA believes that such mailers should abide by the CCC to the extent that they are able to suppress individual consumer addresses. Under DMA's *Privacy Promise*, the belief was that because the mail was not delivered to an individual at a particular address, there was not a privacy violation. However, the CCC addresses consumer concerns about not only privacy, but also about consumers' general annoyance and irritation at the receipt of unwanted mail as well as its environmental impact. In the spirit of responding to today's broader concerns, resident/occupant/saturation mailers should abide by the CCC.

What happens if a DMA member does not follow the Commitment to Consumer Choice?

If DMA's Committee on Ethical Business Practice determines that a member appears not to be in compliance with the *Commitment to Consumer Choice*, the organization will be contacted and asked for immediate compliance. The member will then need to come into compliance and/or demonstrate to the Committee that its practices are consistent with the CCC. (DMA Corporate Responsibility staff attempt to gain compliance before an individual matter is referred to the ethics committee. An ongoing monitoring program is also in place to ensure member compliance with the CCC.)

Any unanswered Committee questions or unmet Committee requests will be referred to the DMA Board of Directors for appropriate action, which may include censure, suspension or expulsion from the DMA, and publicity to that effect.

Must I follow the Commitment to Consumer Choice when communicating to consumers in other countries?

DMA encourages those marketing to consumers in other countries to follow the principles of notice, in-house suppression, and opt out. If appropriate, the use of DMA's Foreign Mail Preference Service (F-MPS), which includes the MPS files of Belgium, the United Kingdom, and Germany, is encouraged. Information on F-MPS can be found at <http://preference.the-dma.org/products>.

Does the CCC notice provision apply to magazine and membership renewals?

While the CCC notice is required on every commercial mail solicitation, there is an exception for magazine renewal requests. Specifically:

- In instances where a subscriber has requested that his/her magazine subscription be cancelled or a member has requested his/her membership be cancelled, renewal requests may be sent to that lapsed subscriber or member via the mail without including a CCC notice for an additional 6 months from the point of lapsing.
- In a passive situation where a lapsed subscriber/member does not request cancellation of his/her magazine subscription/membership, renewal requests may be sent via the mail to that lapsed subscriber or member without including a CCC notice for a period of 18-months, in keeping with the existing business relationship (EBR) timeframe. After the EBR period is over (18 months maximum), the CCC notice should be included on any future mail renewal requests sent to that lapsed subscriber or member.

If your organization would like to share its feedback on the CCC, we want to hear from you! Please send your testimonials, sample notice language, and general feedback on CCC implementation to ethics@the-dma.org. In addition, please be sure to designate a compliance officer who can serve as our key contact point for ethics/privacy/compliance and environmental matters affecting your company. Email your compliance officer contact information to ethics@the-dma.org.