



UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

Division of Enforcement  
Bureau of Consumer Protection

April 26, 2007

**Via Facsimile and U.S. Mail**

Ms. Patricia Kachura  
Senior Vice President, Ethics & Consumer Affairs  
The Direct Marketing Association  
1615 L Street, NW, Suite 1100  
Washington, DC 20036

Re: The Direct Marketing Association's "Recycle Please" Campaign

Dear Ms. Kachura:

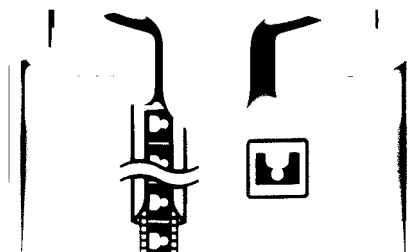
Thank you for your April 2, 2007 letter concerning the Direct Marketing Association's (DMA) upcoming campaign to promote the recycling of direct mail. You enclosed with your letter an outline of the "Recycle Please" campaign that DMA, the Magazine Publishers of America, and the Envelope Manufacturers Association plan to launch in May 2007 to increase the recycling of their members' products following their use. You have requested the FTC staff's opinion concerning your members' use of the phrase "Recycle Please," without qualification, on direct mail.

As you know, the Commission's Guides for the Use of Environmental Marketing Claims (Green Guides), 16 C.F.R. Part 260, state that consumers interpret the claim "Please Recycle" to mean that the product is "recyclable." The Green Guides provide that to avoid deception when making an unqualified recyclable claim, recycling collection sites should be available to a substantial majority of consumers or communities where the product is sold. The Green Guides also state that unqualified claims of recyclability may be made if the entire product, excluding minor incidental components, is recyclable. Further, the Green Guides provide that if an incidental component significantly limits the ability to recycle a product, a recyclability claim could be deceptive.

In our prior conversations, you have stated that DMA believes that an unqualified recyclability claim on direct mail would not be deceptive because recycling programs are available to a substantial majority of consumers. DMA relies on the American Forest & Paper Association study (AFPA study), prepared by R.W. Beck, to support its contention that a substantial majority of consumers have access to direct mail recycling programs. The AFPA study, which you previously submitted, reports the results of a nationwide survey to determine the level of access to recycling programs. According to your letter, the study finds that "over 60 percent of the U.S. population has access to programs for recycling direct mail."<sup>1</sup> Your letter also states that the 60 percent figure "is a lower-bound estimate since it imputes no recycling to communities for which there were no responses in the survey."

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<sup>1</sup> The AFPA study states that 61 percent of the U.S. population has access to direct mail recycling programs.

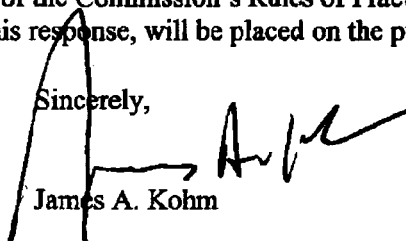


DMA also states that direct mail does not contain incidental components that would significantly limit the ability to recycle the product. Your outline of the recycling campaign states that "[t]he presence of inserts or 'ride-along' pieces does not inhibit acceptance, recovery, or use of used magazines, catalogs, and direct mail to any significant degree, though it may affect the grade and/or price paid for the material."

Assuming that the information contained in your letter and enclosed outline is accurate, we would not recommend an enforcement action to the Commission if DMA members place the phrase "Recycle Please" on direct mail. We recommend that DMA remain apprised of any changes to the composition of direct mail, such as increased use of inserts or ride-alongs, that may adversely affect direct mail recyclability.

This letter sets out the views of the staff of the Bureau of Consumer Protection, as authorized by the Commission's Rules of Practice. Those views are based on information provided to Commission staff by you. Staff has not engaged in independent factual investigation regarding the information that you have provided. In accordance with Section 1.3(c) of the Commission's Rules of Practice and Procedure, 16 C.F.R. § 1.3(c), this is a staff opinion only and has not been reviewed or approved by the Commission or by any individual Commissioner, and is given without prejudice to the right of the Commission later to rescind the advice and, where appropriate, to commence an enforcement action. In accordance with Section 1.4 of the Commission's Rules of Practice and Procedure, 16 C.F.R. § 1.4, your letter, along with this response, will be placed on the public record.

Sincerely,



James A. Kohm

