

Claims on envelopes

Advertising Guidance (non-broadcast)

Legal, decent, honest and truthful



Foreword

The Committee of Advertising Practice (CAP) offers guidance on the interpretation of the UK Code of Advertising (the CAP Code) in relation to non-broadcast marketing communications.

The Broadcast Committee of Advertising Practice (BCAP) offers guidance on the interpretation of the UK Code of Broadcast Advertising (the BCAP Code) in relation to broadcast marketing communications.

Advertising Guidance is intended to guide advertisers, agencies and media owners how to interpret the Codes but is not a substitute for those Codes. Advertising Guidance reflects CAP's and/or BCAP's intended effect of the Codes but neither constitutes new rules nor binds the ASA Councils in the event of a complaint about an advertisement that follows it.

For pre-publication advice on specific non-broadcast advertisements, consult the CAP Copy Advice team by telephone on 020 7492 2100, by fax on 020 7404 3404 or you can log a written enquiry via our [online request form](#).

For advice on specific radio advertisements, consult the [Radio Centre](#), and for TV advertisements, [Clearcast](#).

For the full list of Advertising Guidance, please [visit our website](#).

Revisions to this guidance:

Updated: September 2010

Revised: August 2013

Overview

This Guidance applies to marketing words, phrases, images, logos, stickers and other devices, 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).

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. HMRC); 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).

CAP Code rules

- 2.1 “Marketing communications must be obviously identifiable as such.”
- 3.1 “Marketing communications must not materially mislead or be likely to do so.”
- 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.”
- 3.9 “Marketing communications must state significant limitations and qualifications. Qualifications may clarify but must not contradict the claims that they qualify.”
- 3.10 “Qualifications must be presented clearly.”
- 3.11 “Marketing communications must not mislead consumers by exaggerating the capability or performance of a product.”
- 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
- 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.”

Guidance

General

This Guidance applies to marketing words, phrases, images, logos, stickers and other devices, 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).

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. HMRC); 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).

Consumers should be able to tell from the envelope itself that the mailing is a marketing communication.

Marketers can legitimately entice consumers to open envelopes but, in doing so, should not breach the Code.

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

Envelopes that Masquerade as Social Correspondence

Direct marketers who use hand-written text, hand-written-style printed text, postage stamps or other devices or forms of presentation should not mislead consumers into thinking it is social correspondence.

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

Envelopes that Masquerade as Official Correspondence

Direct marketers must not state or imply on envelopes that mailings are from an official source when this is not the case.

Claims on envelopes such as “Security Tabbed Documents Enclosed” or “Penalty Notice Enclosed”, are likely to mislead by exaggerating the importance and status of the envelope’s contents.

Envelopes that Masquerade as Private Commercial Correspondence

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 exaggerate the importance and status of the envelope’s contents.

Claims on envelopes such as “Private/Personal and Confidential” are likely to mislead 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).

More ambiguous claims such as “Important Documents Enclosed” or “Final Reminder” could mislead by exaggerating the importance of the envelope’s contents unless they are immediately and prominently qualified to relate to the marketer, products, services or promotions on offer. For example, “Important Notice” on its own could be a problem but “Important Notice, You Can Enter our Holiday Draw” may be acceptable.

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

Envelopes that Contain Other Misleading Claims

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.

Direct marketers should take particular care when making claims that are visible through the windows of envelopes. For example, claims that mislead by implying consumers have won a prize when they have not are unlikely to be acceptable, even if, when read as a whole, the content of the mailing explains that consumers are merely being offered the chance to enter a draw.

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 envelope and so long as the overall impression does not alarm or distress.

Envelopes that Alarm or Offend or Contain Content that Might Alarm or Offend

Direct marketers should not make claims on envelopes that might cause offence to consumers or unduly alarm them. Claims such as “Enclosed: Medical Test Results” that relate to mailings that contain marketing material are unlikely to be acceptable.

Voluntary sector marketers (for example, charities) should ensure that the fear or distress aroused by claims on envelopes is not disproportionate to the issue addressed. They should not mislead by implying the content is not distressing if it is and should state on the envelopes both their identity and a warning to consumers if the content is particularly upsetting.

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