



# ETHICAL MARKETING COMPLIANCE REPORT

REPORTING PERIOD: JANUARY – JUNE 2025





# Center for Ethical Marketing

## Best Practices and Compliance Resources Background

ANA, as a leader in self-regulation, offers a robust data accountability toolkit to assist businesses and consumers in building trust in marketing:

- ▶ **Ethics Code of Marketing Best Practices** set a high bar for responsible marketing yet are flexible enough to address ongoing challenges in technology, markets, consumer interest and new business practices
- ▶ **Committees** to knowledge-share and learn
- ▶ **Compliance Resources** for all modes of marketing: direct mail, digital advertising, email, text, and voice
- ▶ **Consumer-Facing Choice Tools** to honor consumers' marketing preferences

Self-  
Regulation:  
Guidance and  
Programs

Best Practices  
for Direct  
Marketers

Best Practices  
for Digital  
Marketers

Dispute  
Resolution  
Services

Accountability  
Reporting

Consumer  
Help



# Center for Ethical Marketing

## Key Compliance Findings

### 2,943 consumer inquiries processed by ANA Accountability staff:

- 61% related to general direct marketing ethics
- 39% related to online/Interest-based ads

### Top areas of concern for online advertising remain:

- Data Security
- Opt-Out Choices for Consumers
- Ads Blocking Content

### Key consumer concerns:

- Preference for marketing choices to be respected
- Desire for increased control over the amount and type of promotional mail and online ads received

### Key method for contacting ANA:

- 97% submit emails or online complaint forms



# Best Practices for Companies:

## Advancing Trust and Compliance in Responsible Marketing

Regularly update privacy policies and terms, including legal reviews when practices change.

Clearly state honest terms and conditions for marketing and advertising.

Represent individuals accurately and respectfully in marketing materials.

Ensure offers are accessible to everyone.

Stay informed about relevant local, national, and global privacy laws and requirements.



# Provide and Honor Consumer Marketing Choices



- ▶ Provide choice for the types of marketing messages consumers receive and honor those choices
- ▶ Provide a clear point of contact for consumers to select their marketing preferences and communicate their concerns
- ▶ Subscribe to data hygiene tools such as [DMAchoice.org](https://DMAchoice.org) to help ensure your marketing offers are reaching your intended audience



# Mailing List Hygiene:

- ▶ Most consumers contacting the ANA are seeking help with too many or not relevant marketing offers.
- ▶ We have a consumer service, [DMAchoice.org](https://DMAchoice.org), that can help reduce unwanted mail offers.
- ▶ Mailers and data solution providers of all sizes participate, and the ANA encourages all members to use the service as a best practice for consumers.





# Consumer Choice Tools

ANA offers a variety of tools to assist consumers in managing marketing messages - delivered to the mailbox, email or phone.

DMACHoice  
(mail opt-out service)

Deceased Do Not Contact List

Do Not Contact List for Caretakers

Email Opt-Out Service



Have a question on a marketing or fundraising offer or need more information on how to better manage your marketing experience: [file an inquiry with the ANA.](#)

## DMACHoice

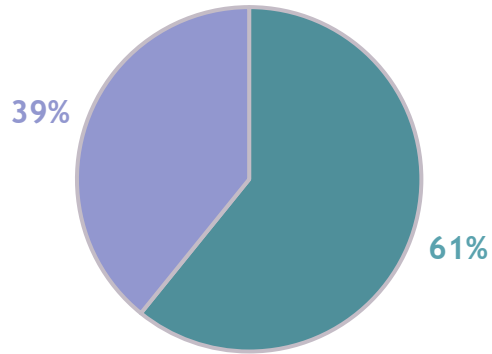
ANA Consumer Preference Service





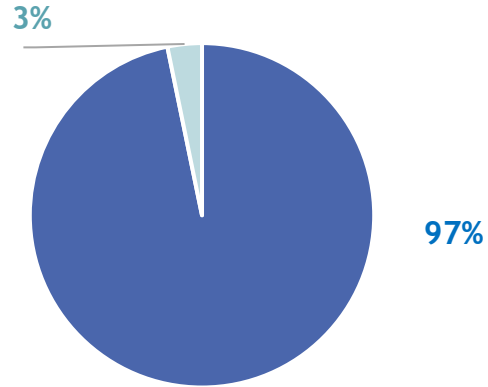
# 2,943 Consumer Marketing Inquiries Processed by ANA Center for Ethical Marketing

### Area of Concern



■ Direct Marketing ■ Digital Advertising

### Contact Method

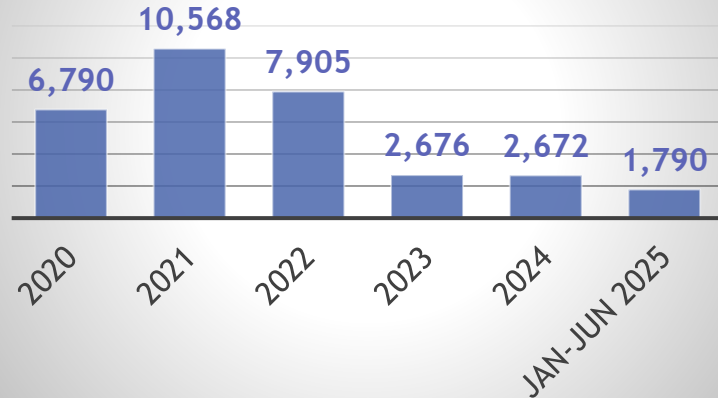


■ Emails ■ Calls

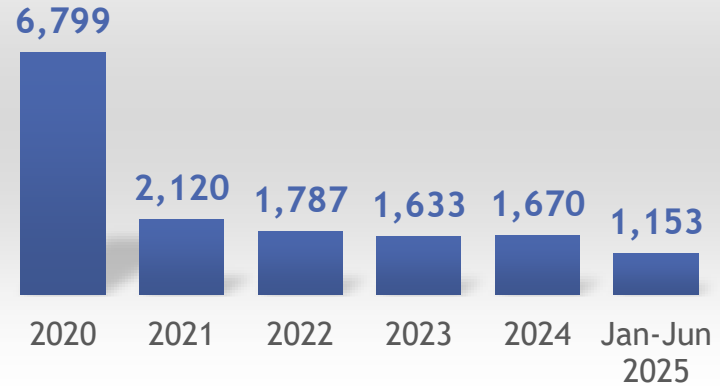


# Consumer Inquiries Processed 2020 | 2021 | 2022 | 2023 | 2024 Jan-June 2025

## GENERAL MARKETING ISSUES



## DIGITAL ADVERTISING ISSUES





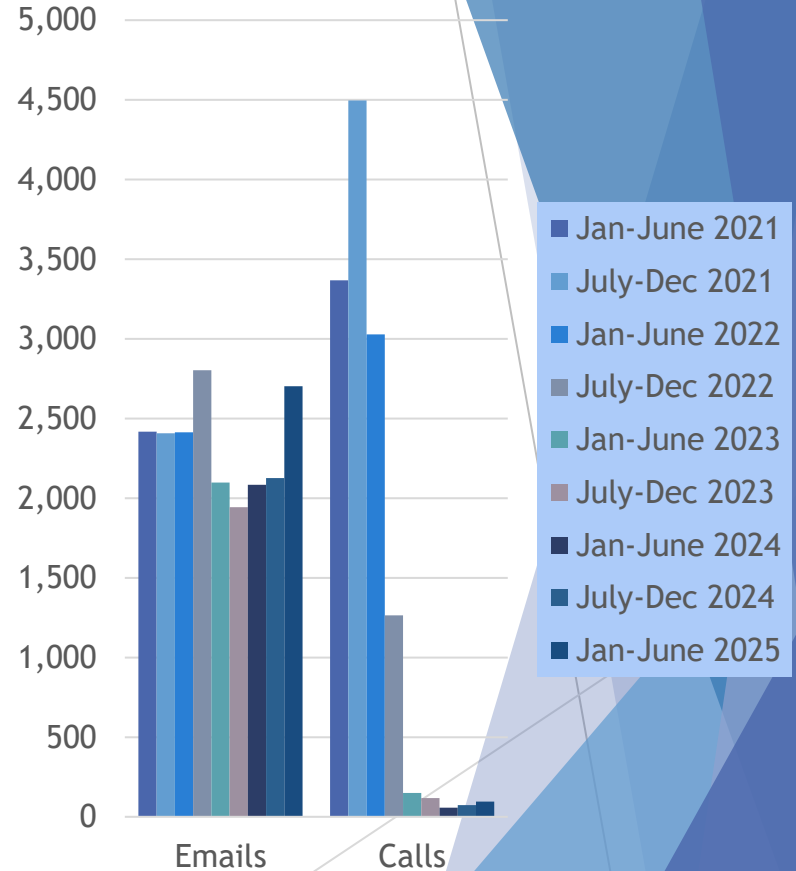


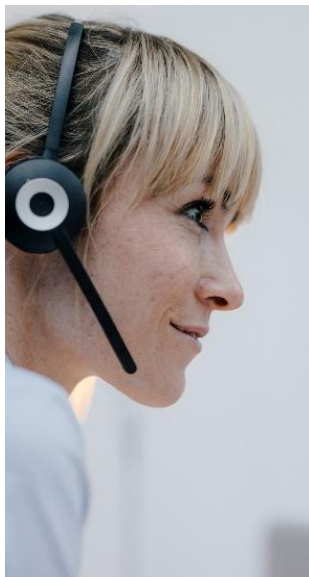
# How are Consumers Contacting the ANA?

- Consumers continue to use email and online forms to contact ANA for complaint handling.
- ANA's DMAchoice.org phone tree system is providing consumers with the requested services and tools.
- ANA's Interest-based advertising complaint system provides consumers with education and resources to help understand and manage digital ad experiences.

## Tips:

- Companies should provide consumers with an easy and accessible way for removal from company-specific mailings.
- DMAchoice should be used to supplement the company's in-house suppression.



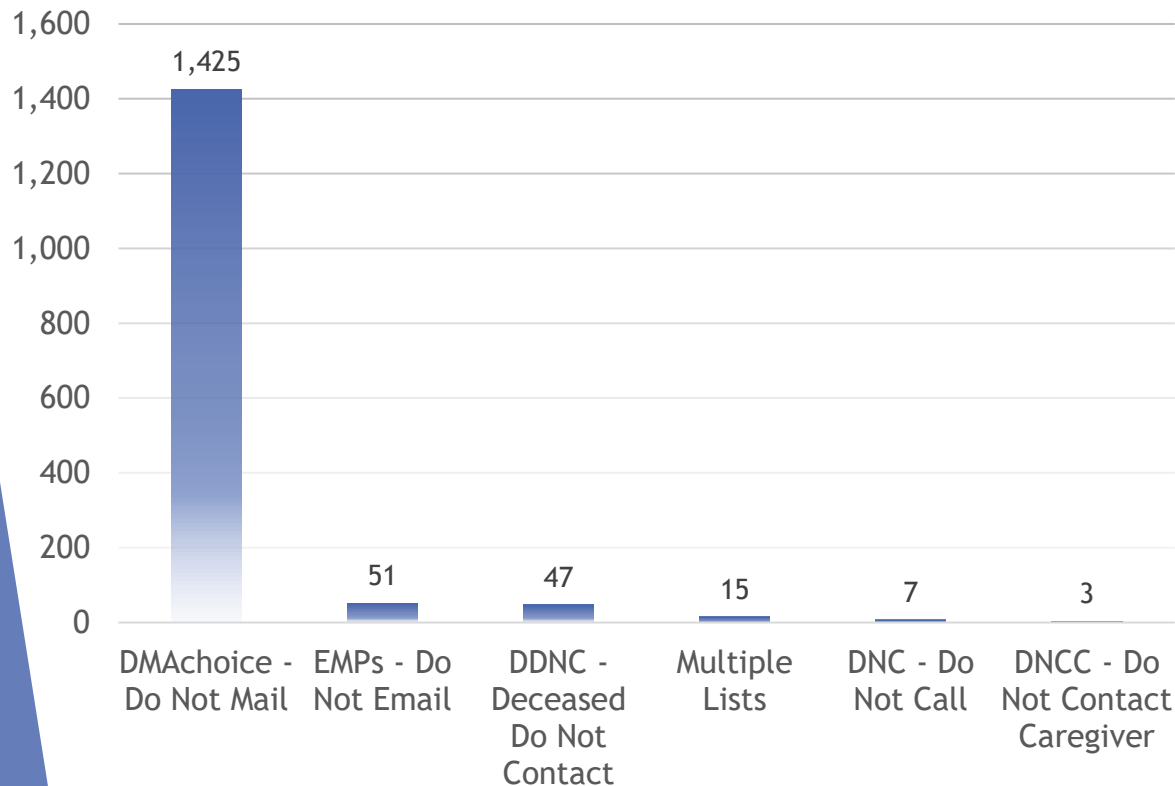


## Consumer Inquiries: Direct Marketing & Ethics



# Consumer Inquiries

## Preference Services

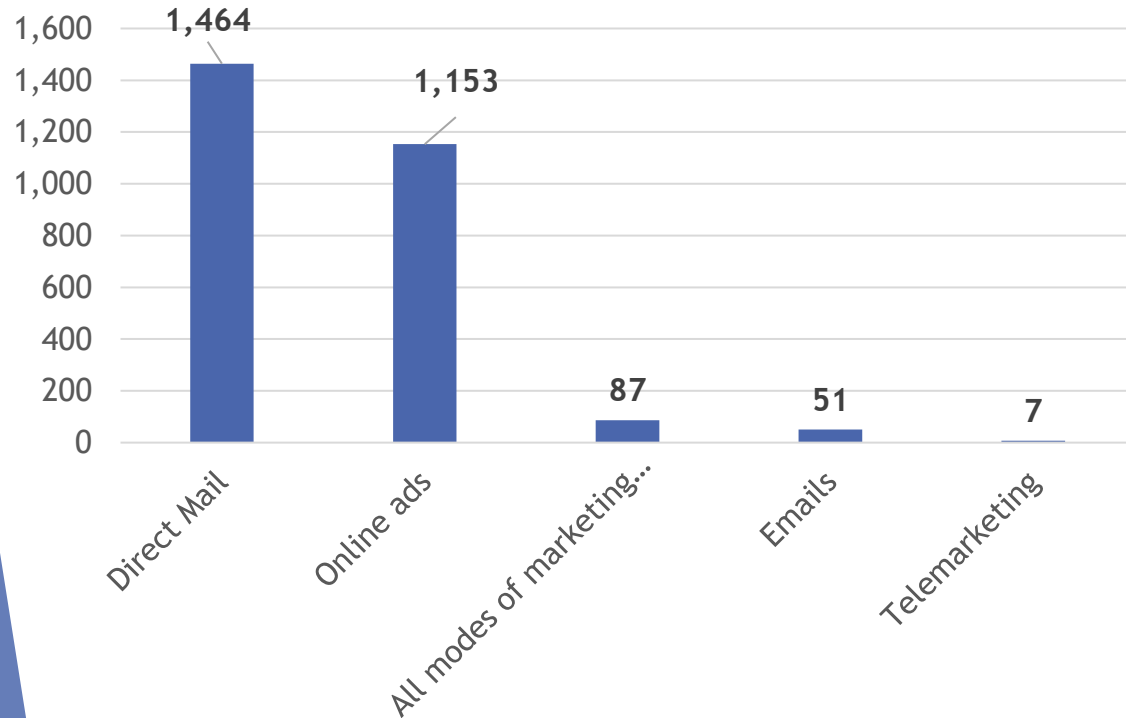


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- Consumers are most interested in tools to better manage the **promotional mail** offers they receive.
- ANA offers tools to assist consumers in managing marketing mail, email, and calls.
  - [DMAchoice](#) is the most requested tool to help reduce unwanted promotional mail.
  - Additional tools:
    - ✓ Family members and others who are taking care of those who need extra assistance with mailed offers
    - ✓ Family members of the deceased
    - ✓ Email opt-out service
    - ✓ Wyoming and Pennsylvania Do Not Call Lists (state-specific)



# Consumer Inquiries By Marketing Channel



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## Marketing Mail Removals Include:

- General mailing lists (DMAchoice)
- Removal from specific company and charity mailings
- Deceased person mail removal
- Caretakers requesting removal for individuals under their care
- Residence-targeted mailers (EDDM)
- Prescreened offers
- Incorrectly addressed mail
- Removal from business-to-business lists
- Exclusion from mailings perceived as deceptive (such as those related to extended warranties for cars, appliances, homes, and lenders)
- Sweepstakes mail



# Digital Advertising:

## Interest-Based Advertising and Other Digital Consumer Concerns



# Best Practices, Industry and Consumer Choice Tools for Digital Marketing

**The Digital Advertising Alliance (DAA)** has created an industry-supported program and tools to guide companies on the appropriate notice and choice they should be providing to consumers, enabling them to manage their online interest-based ad experience. As a founding member and a compliance partner of the DAA, the ANA assists consumers in better managing their online interest-based ad experience through education and enforcement of the DAA opt-out tool.

## Interest-Based Online Advertising

- [Digital Advertising Alliance's \(DAA\) Self-Regulatory Program for Interest-Based Advertising](#)
- [IBA Data Compliance Checklist](#)
- [Tips to Create a Privacy Policy](#)

## Email and Mobile Marketing Compliance





- [A Digital Marketer's Guide to Canada's Anti-Spam Law "CASL"](#)
- [CAN-SPAM Act](#)
- [Email Opt-Out Service](#)
- [Wireless Ported Numbers File](#)
- [Wireless Block Identifier](#)







# Digital Advertising Issues: Accountability Statistics

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	TOPIC	ISSUES	STATUS
	IBA	<ul style="list-style-type: none"><li>• Mediating consumers' concerns.</li><li>• Educating ANA membership and ANA Ethics Committees on DAA Work.</li></ul>	<b>Total inquiries received: 1,146</b> <b>June inquiries: 141</b>
	IBA FOR DESKTOPS	Leading IBA concerns: <ul style="list-style-type: none"><li>• Data Security</li><li>• Ad Opt-Out Choices</li><li>• Blocks Content</li></ul>	<b>Desktop computers: 202 inquiries</b> <b>Laptops: 47 inquiries</b>
	IBA FOR MOBILE DEVICES	Educating companies and consumers.	<b>Smartphones: 628 inquiries</b> <b>Tablets: 33 inquiries</b> <b>Android users: 557 inquiries</b>
<b>Political Ad</b> 	POLITICAL	Political transparency: not a primary area of concern, anticipate more during election season.	Cited as primary concern: <b>15 inquiries</b>

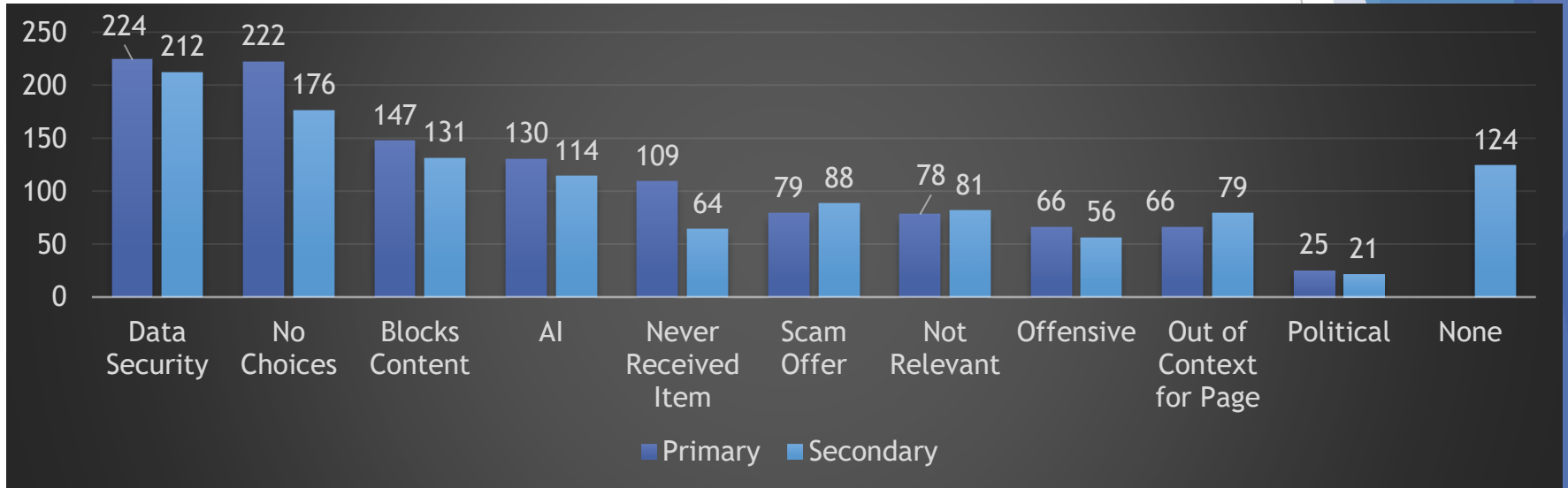
	TOPIC	ISSUES	STATUS
<b>Policy Framework for Addressable Media Identifiers</b>	AMIs	N/A	N/A
	Across Devices	<ul style="list-style-type: none"> <li>• <b>Data security:</b> 69 inquiries</li> <li>• <b>AI:</b> 39 inquiries</li> <li>• <b>Choices/how to opt-out:</b> 30 inquiries</li> <li>• <b>Never received item:</b> 35 inquiries</li> <li>• <b>Blocking content:</b> 23 inquiries</li> <li>• <b>Scam:</b> 15 inquiries</li> <li>• <b>Not relevant:</b> 13 inquiries</li> <li>• <b>Offensive:</b> 11 inquiries</li> <li>• <b>Out of context for page:</b> 9 inquiries</li> <li>• <b>Political:</b> 3 inquiries</li> </ul>	<b>Received 247 consumer inquiries</b> involving multiple devices.
<b>Self-Regulatory Principles for Multi-Site Data</b>	Multi-Site Data	No issues reported.	N/A
	Connected Devices (IoT)	No issues reported.	



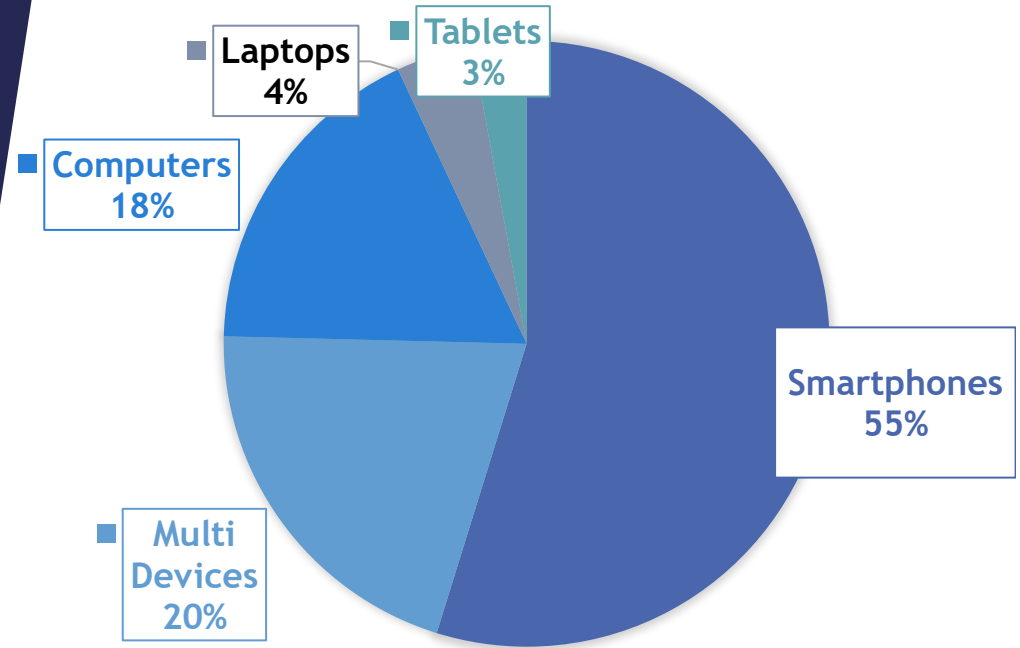
# Primary & Secondary Online Ad Concerns YTD

## Top areas of concern:

- Data Security
- Advertising Opt-Out Choices for Consumers
- Advertising Blocks Content



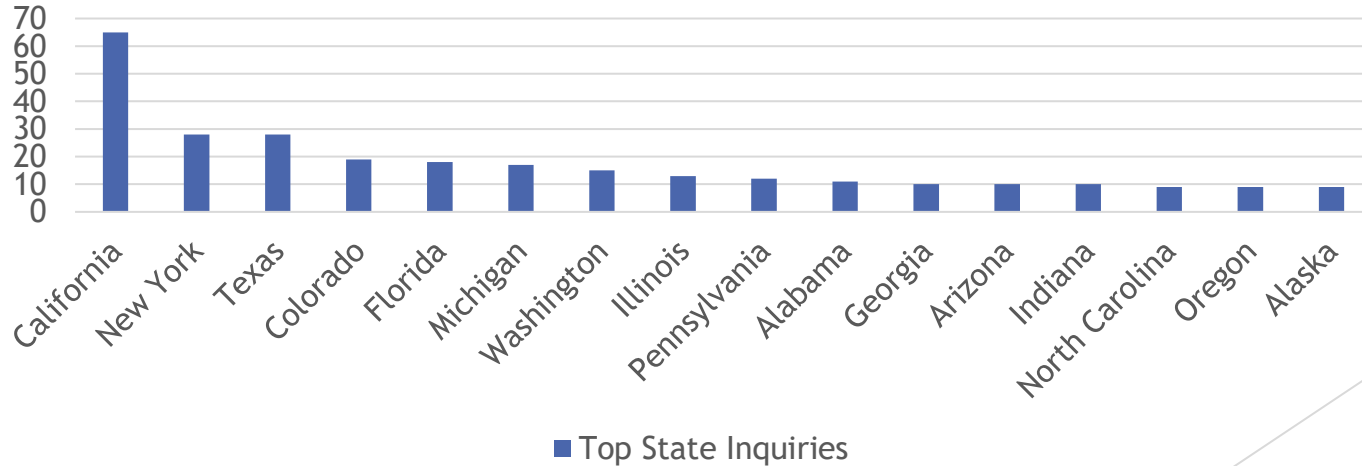
# Devices Online Ads Were Served On:





# Origination of Complaints

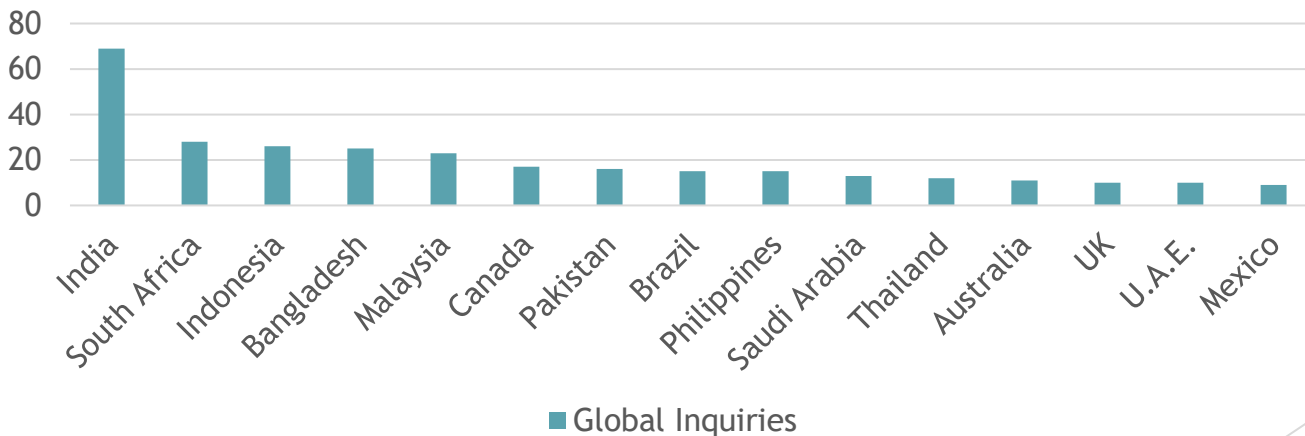
Top U.S. State Inquiries:  
712





# Origination of Complaints

Top Global Inquiries:  
434





## Sampling of Consumer Issues with Online Ads:



Needing guidance on how to opt out of interest-based ads

Data Security

Item never received

No ads, especially on cell phones

Ads blocking content

Interfering with games, content, news & movies

Offended by content of ads

Out of context - didn't match site it was on

Scam offer

Not relevant

AI concerns

Objecting to being served political ads



## ANA Ethics Review Committee

### Casework Reporting

Review complete list of out of  
compliant companies: [Public Report  
of Non-Compliant Companies | ANA](#)

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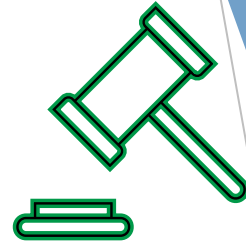
## Pending Cases: 5



Issue	Areas needing to be addressed
Sweepstakes	incomplete terms and conditions and requiring purchase to enter
Deceptive copy	“check enclosed” for real estate promotion
Data sharing practices	notice and choice
Digital advertising	lacking enhanced transparent notice and statement of adherence to the Digital Advertising Alliance’s Interest-based advertising Principles
Marketing removal process	insufficient and cumbersome process



## Cases Resolved: 5



Issue	Resolution
Marketing removals: (mail, email, and text)	Companies added complainants to their suppression lists and reviewed and updated the complaint handling processes as needed.
Digital ads: objecting to content (sexually explicit and displaying worms/disease) and inability to opt-out of certain online ads	Company reviewed ads and relationship with vendors. Terminated relationship with vendor for being out of compliance with advertising guidelines.
Privacy policy: incomplete data information practices	Companies reviewed and updated as needed.
Customer service issues	Companies reviewed and updated as needed.

# Cases Closed - Out of Compliance (6)

Referred to FTC, State Attorney Generals, and/or Postal Inspection Service



Company	Issue	Action
Brady CDJR Car Dealership	Potential deceptive sweepstakes marketing practices involving a misleading scratch-off game piece and possible copyright infringement	Closed and Referred to AL AG
Business Certificate Services	Potential deceptive marketing practices that resemble an invoice from a federal/state agency, with misleading copy and a false sense of urgency	Closed and Referred to FL AG
Clerks Property Office	Potential deceptive marketing practices - gives an appearance of an invoice and coming from a federal/state agency, false sense of urgency, and problems being removed from marketing mailings	Closed and Referred to FL & TN AGs
Infiniti White Plains Car Dealership	Potential deceptive marketing practices involving a “check” in the promotional offer and problems being removed from marketing mailings	Closed and Referred to NY AG & FTC
Moon Pod	Potential deceptive permanent “sales” price offering, suppression of negative reviews, over-inflation of positive reviews, and poor customer service	Closed and Referred to FTC
Pristine Water Softeners	Potential deceptive marketing practices resembling a U.S. Postal parcel delivery receipt, with misleading copy and a false sense of urgency	Closed and Referred to USPIS (Postal Inspection Service)



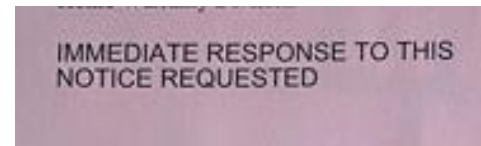
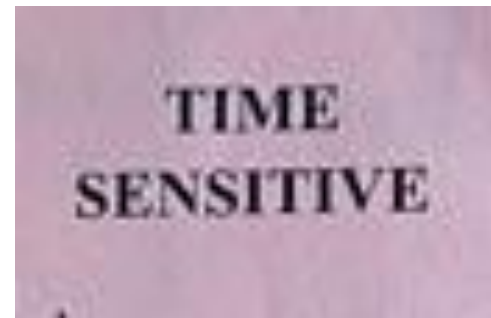
## Common Issues with Unwanted and Deceptive Mailings

- ▶ **Car Dealership Communications:** Many consumers struggle to opt out of marketing emails, texts, or mail from car dealerships, which often lack clear privacy policies or accessible opt-out options.
- ▶ **Extended Warranty Offers:** Offers related to vehicles, appliances, or housing lenders frequently use misleading language, create false urgency, and do not provide an easy way for consumers to unsubscribe.
- ▶ **Deceptive Marketing Tactics:** Some mailings mimic official government documents, obscure the sender's identity, appear as invoices instead of promotions, or include items like "checks" or "parcel pickup receipts."

# Examples: Avoid Using Deceptive Design and Copy Practices

## *Dark Patterns*

- Don't engage in deceptive advertising, such as claiming to be:
  - Parcel notice when it's a promotional offer
  - Invoice for a warranty when it's a promotional offer
  - Issued "check" when it's a sweepstakes promo
  - Coming from a government agency
  - Time imperative and including copy suggesting a false sense of urgency





## Additional Concerns in Marketing Communications

- ▶ **Sweepstakes:** Pay-for-play schemes, insufficient disclosure of rules, terms and conditions
- ▶ **Text Messaging and Permissions:** Failure to provide clear advance notice or secure explicit consumer consent
- ▶ **Honoring Consumer Marketing Preferences:** Insufficient notice and choice for consumers to manage their preferences
- ▶ **Testimonials and Endorsements:** Overinflating positive reviews, under-reporting negative reviews, and failure to properly disclose relationships
- ▶ **AI-Washing:** Over-stating AI capabilities, usage, and claims



# Sweepstakes

- ▶ **No-Purchase Option:** should clearly state that no purchase (or payment) is required to win sweepstakes prizes.
- ▶ **Chances of Winning:** should not represent that a recipient/entrant stands a greater chance of winning a prize when that is not the case.
- ▶ **Prizes:** all prizes should be awarded and delivered without cost to the participant.
- ▶ **Disclosures:** should be easy to read, find, understand and complete!





# Texting

- ▶ There are specific legal rules to follow when engaging in promotional texting under the Telephone Consumer Protection Act (TCPA). Some examples:
  - ▶ Obtain prior express written consent from the consumer.
  - ▶ Provide a clear and conspicuous disclosure that the entity will be sending texts.
  - ▶ Provide entity's (sender's) identity and opt-out instructions in every text that is sent.
  - ▶ Provide a way for consumers to reply directly to the text message to opt-out.
  - ▶ Should honor opt-out requests within 10 business days.





# Provide Channel Appropriate Notice and Choice



Provide a clear point of contact or method for consumers to express their marketing choices/ consent in any marketing channel used.



Font size, colors, and copy should be easy for the ordinary person to recognize, read and understand.



Steps for opting out should be as easy as signing up for the marketing offers.



The opt-out method provided should be accessible and valid. (Don't hide or overcomplicate the process.)



The number of data points requested should be minimized to effectuate the opt-out process.



## Provide Ability to Opt-Out Objectionable/Offensive Online Ad Content

- ▶ **Case Issue:** Consumers objected to seeing disturbing ads showing parasites and inability to remove them.
- ▶ **Result:** Ad provider reviewed matter:
  - ▶ Audited the account and creatives
  - ▶ Found them to be out of compliance with their stated advertising guidelines
  - ▶ Terminated relationship with them





# Testimonials & Endorsements

- **Reviews:**
  - Don't suppress negative reviews!
  - Don't overinflate positive reviews!
- **Testimonials and endorsements should:**
  - Be authorized by the person quoted.
  - Be accurate, genuine and related to the experience of the person giving them.
  - Not be taken out of context to distort the endorser's opinion or experience with the product or service.
  - Clearly and conspicuously disclose any material connections between the endorser and marketer, which the consumer would not expect.

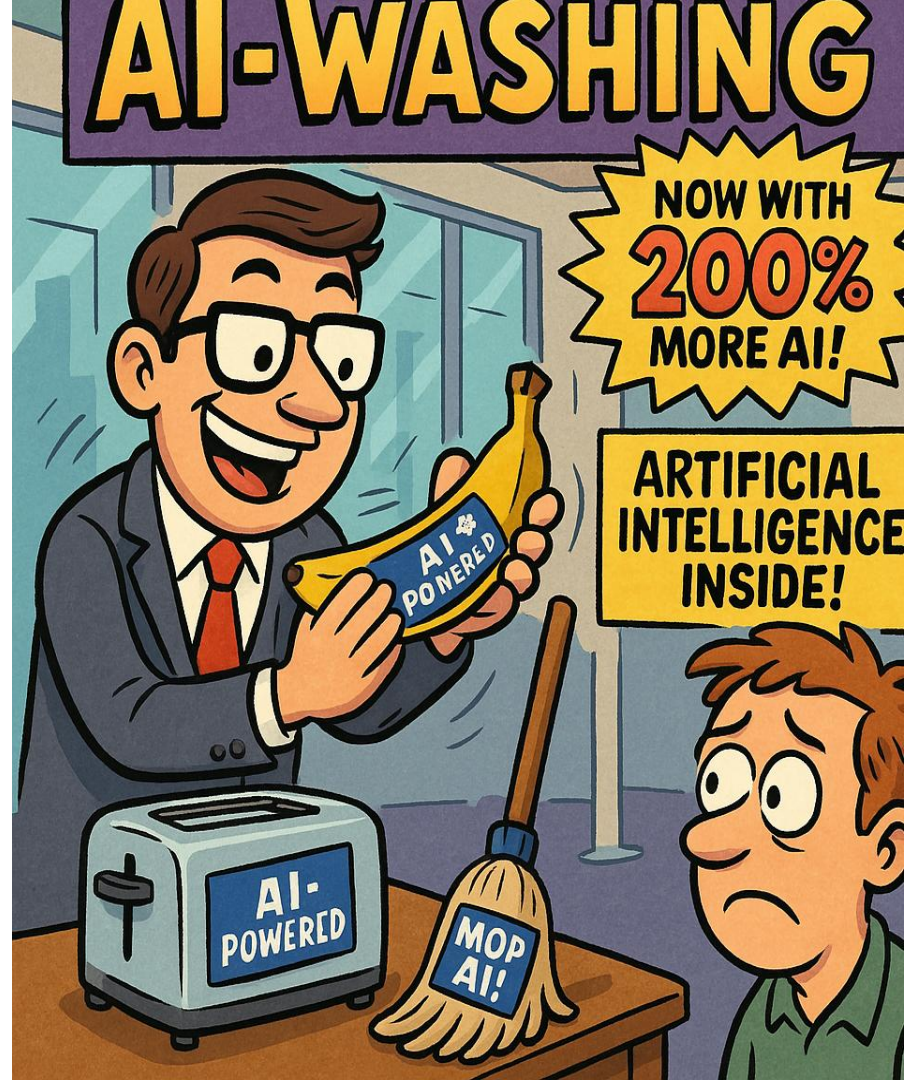




# AI-Washing:

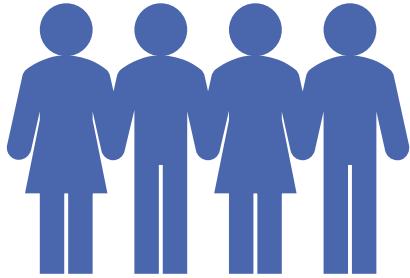
## Companies Shouldn't Overstate AI Capabilities, Usage or Claims

- ▶ Examples of AI-Washing may include:
  - ▶ **Basic Automation Labeled as AI:** Chatbot “powered by AI” but doesn't use ML or natural language processing
  - ▶ **Overstating AI Capabilities:** AI being used when it's not or is a minor feature
  - ▶ **Rebranding Old Tech as AI:** Legacy technology being rebranded with “AI” without having any new AI features
  - ▶ **Downplaying Human Input**





# Center for Ethical Marketing Updates and Resources



Consumers

Industry





# Center for Ethical Marketing Updates

## [ANA Consumer Trust Center](#) is launched!

- Resources, tools and ethical marketing complaint forms for consumers

## Ethics Code Steering Committee:

- Reviewing and updating the [Ethics Code of Marketing Best Practices](#)

## Ethics Alerts Issued:

- [Privacy Policy Review: Quick Tips for Brands and Organizations](#)
- [Promoting Sustainability with Integrity & Avoiding Greenwashing](#)
- [Building Trust Through Ethics](#)

## Ethical Marketing Fundamentals Webinars:

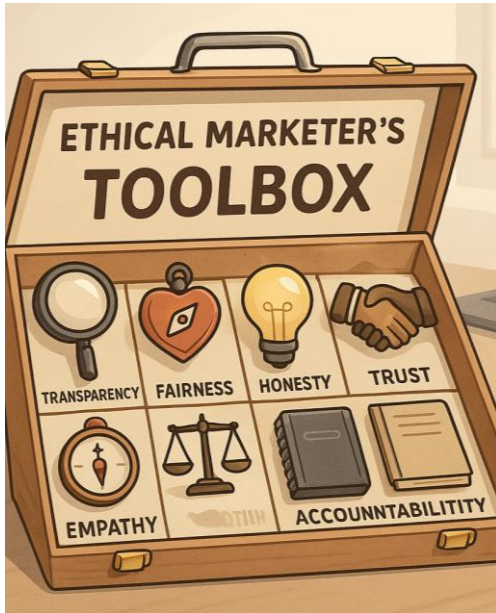
- [Turning Marketing Blunders into Brilliance with the ANA Ethics Code](#)
- [Three-part Ethics Code Training Sessions](#)



# Industry Resources

ANA Center for Ethical Marketing

Industry Tools, Resources and Learning Opportunities for ANA Members



- ▶ ANA Ethics Marketing Code of Best Practices
- ▶ Ethics Code Steering Committee
- ▶ Ethics Policy Committee
- ▶ Ethics Review Committee
- ▶ Ethics Compliance Reporting
- ▶ Ethics Webinars
- ▶ Weekly Ethics Spotlight in Emailed Advisor
- ▶ Bi-weekly Call on Legislative, Ethical and Government Affairs



# Consumer Resources

- ▶ [ANA Consumer Trust Center](#)
- ▶ [DMAchoice: Mail Opt-Out Service](#)
- ▶ [Digital Advertising Alliance \(DAA\): Online Interest-Based Ad Choice Tool](#)
- ▶ [Opt-Out Prescreen](#)
- ▶ [Resident Mailings](#)
- ▶ [Federal Trade Commission: Consumer Information](#)
  - ▶ [Identity Theft](#)
  - ▶ [National Do-Not-Call-Registry](#)
  - ▶ [Report Fraud](#)
- ▶ [Federal Communications Commission: Consumer Help Center](#)
- ▶ [Internet Crime Complaint Center \(IC3\)](#): report cyber-enabled crime - run by the FBI
- ▶ [U.S. Postal Inspection Service](#): contact for issues about mailed offers
- ▶ [State Consumer Protection Agency](#): file complaints about local businesses
- ▶ [United Way 211](#): comprehensive source of information about local resources and services



# Self-Regulation Works! See Something, Say Something - Report to ANA



- ▶ [Visit the ANA Consumer Trust Center](#)
  - ▶ [Complaint/Case Handling Process](#)
  - ▶ [How to File a Marketing or Fundraising Complaint](#)
    - ▶ [General Marketing & Ethics Complaint](#)
    - ▶ [File an Interest-Based Online Advertising Complaint](#)
    - ▶ [File an Online Political Ad Transparency Complaint](#)
  - ▶ [Review Out-of-Compliance Companies](#)



# Get Social!

## Companies:

- ▶ [ANA Ethics LinkedIn Group](#)
- ▶ [ANA Ethics Company Page](#)
- ▶ [@anamarketingethics on Threads](#)

## Consumers:

- ▶ [Instagram](#)
- ▶ [Threads](#)
- ▶ [Facebook](#)
- ▶ [YouTube](#)
- ▶ [TikTok](#)





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