



# ETHICS COMPLIANCE REPORT

Reporting Period:

- July-December 2022
- 2022 Overview

Questions? Contact: [ethics@ana.net](mailto:ethics@ana.net)

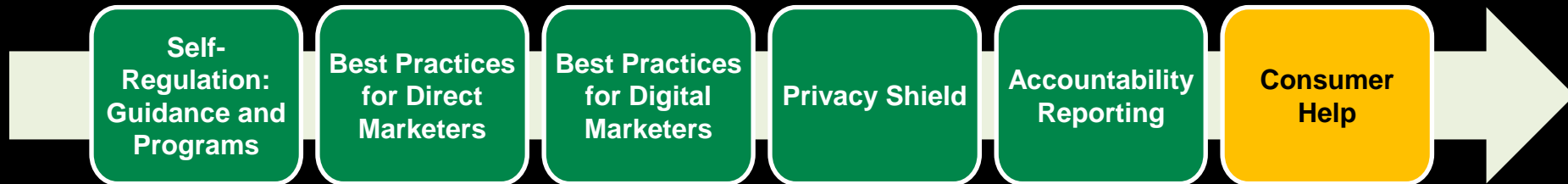
# ANA Center for Ethical Marketing

## Best Practices & Compliance Resources Background

As a leader in self-regulation, the ANA, through the Center for Ethical Marketing, seeks to educate, elevate, and advance accountability for the industry and mediate consumer complaints.

ANA is pleased to offer a robust data accountability tool kit to assist businesses and consumers in building trust in the marketing process.

- **Industry Standard Guidelines and Principles** 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 participate, knowledge-share and learn;
- **Compliance Resources** for all modes of marketing: direct mail, online advertising, email, text, voice; and
- **Consumer-Facing Choice Tools** to honor consumers' marketing preferences.



# ANA Center for Ethical Marketing

## Key Compliance Findings

### 9,692 consumer inquiries processed by ANA Accountability staff in 2022:

- January - June: processed 5,442 inquiries                      July - December: processed 4,250 inquiries

### More consumer inquiries involving direct mail

- 7,905 general marketing inquiries (mail removal, source information, issues with copy or terms/conditions), and
- 1,787 online/interest-based ad inquiries (consumers seeking guidance on how to better manage online display ads).

### Digital advertising inquiries continue to decrease:

- 1,787 (2022)                      2,120 (2021)                      6,799 (2020)

### Direct marketing inquiries (mainly involving promotional mail) continue to drop:

- 5,800 inquiries: July-December 2021      4,500 inquiries: January-June 2022                      3,400 inquiries: July-December 2022

### Top consumer concerns: honoring consumers' marketing preferences in direct mail and online advertising:

- Consumers continue to seek more control in the amount and types of promotional mail and online display ads they receive.

### Email continues to be preferred method for consumers to contact ANA (drop in calls due to new phone tree implemented in fall of 2022):

- Emails: 2,414 (Jan-June 2022) and 2,803 (July-Dec 2022)
- Calls: 3,028 (Jan-June 2022) and 1,264 (July-Dec 2022)



# Ethics & Doing the Right Thing

## Businesses:

Privacy protection is expected and must be reviewed frequently by companies for compliance and consumer help

Review your privacy policy at least annually to update your terms and conditions and include legal review

Provide clear, honest terms and conditions for your marketing and advertising offerings

Provide choice for the types of marketing messages consumers receive and honor those choices

Provide a clear point of contact for consumers to choose their marketing preferences and communicate concerns

Keep up-to-date with state, federal and global regulations and laws which may have specific notice requirements



# 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

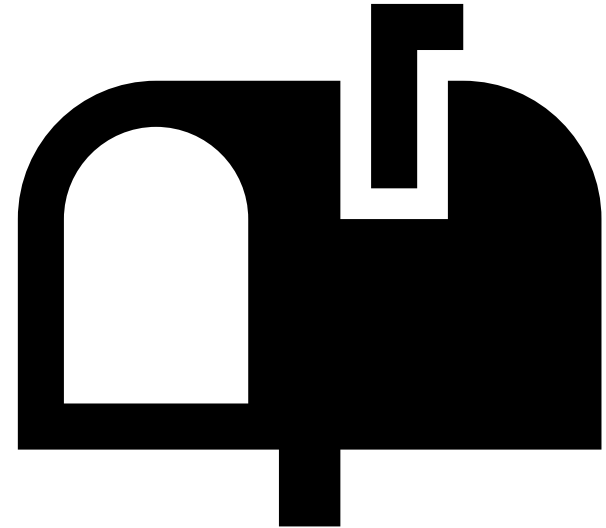
Email Opt-  
Out Service



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

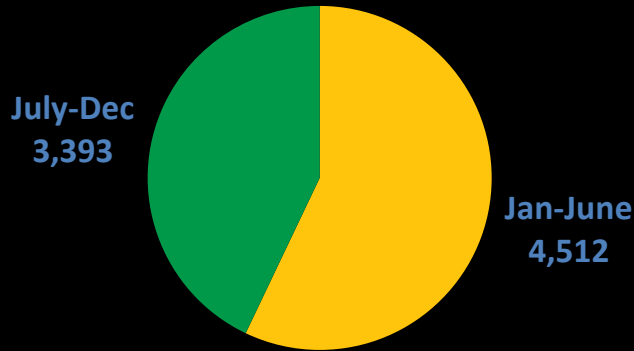
ANA Consumer Preference Service



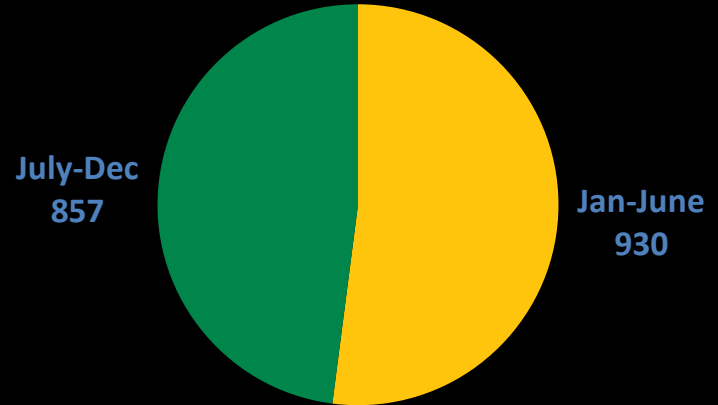
# Nearly 10,000 Consumer Inquiries

## Processed by ANA Center for Ethical Marketing in 2022

### GENERAL MARKETING ETHICS ISSUES



### DIGITAL AD INQUIRIES

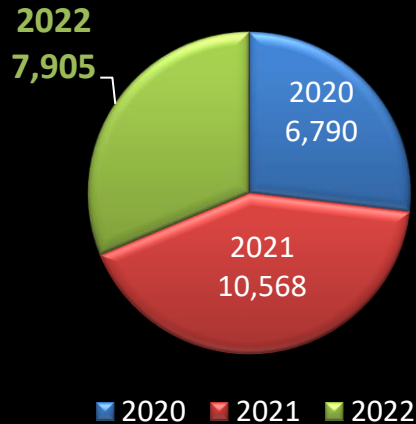


- Processed 9,692 inquires in 2022.
- January - June: processed 5,442 inquiries.
- July - December: processed 4,250 inquiries.
- Implemented new phone tree system to address common consumer inquiries Oct. 2022.

# Consumer Inquiries Processed

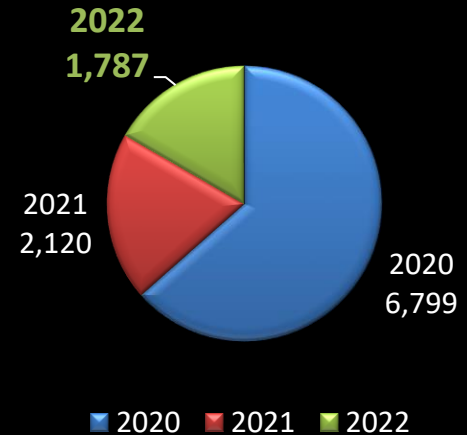
2020 | 2021 | 2022

## GENERAL MARKETING ISSUES



General marketing ethics inquiries –2022 stats fall between 2020 and 2021 stats.

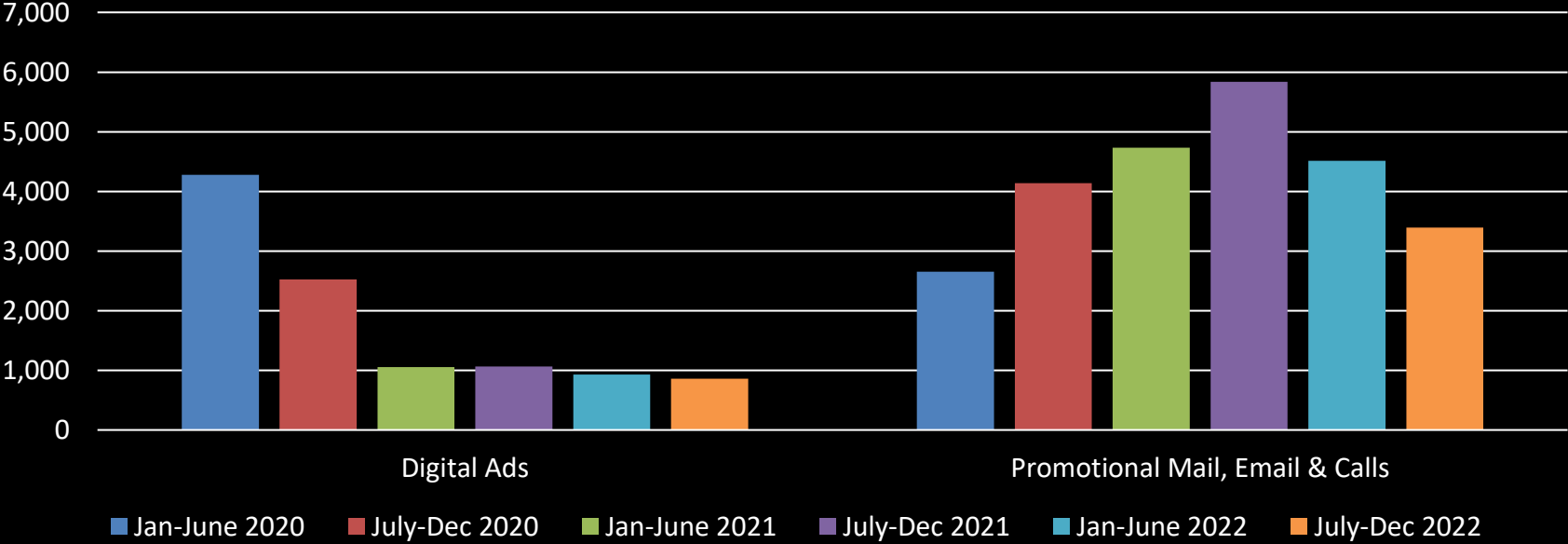
## DIGITAL ADVERTISING ISSUES



Digital advertising inquiries continue to drop in 2022 – dropped from approximately 6,800 in 2020 to approx. 1,800 in 2022.

# Consumer Marketing Inquiries

2020-2022





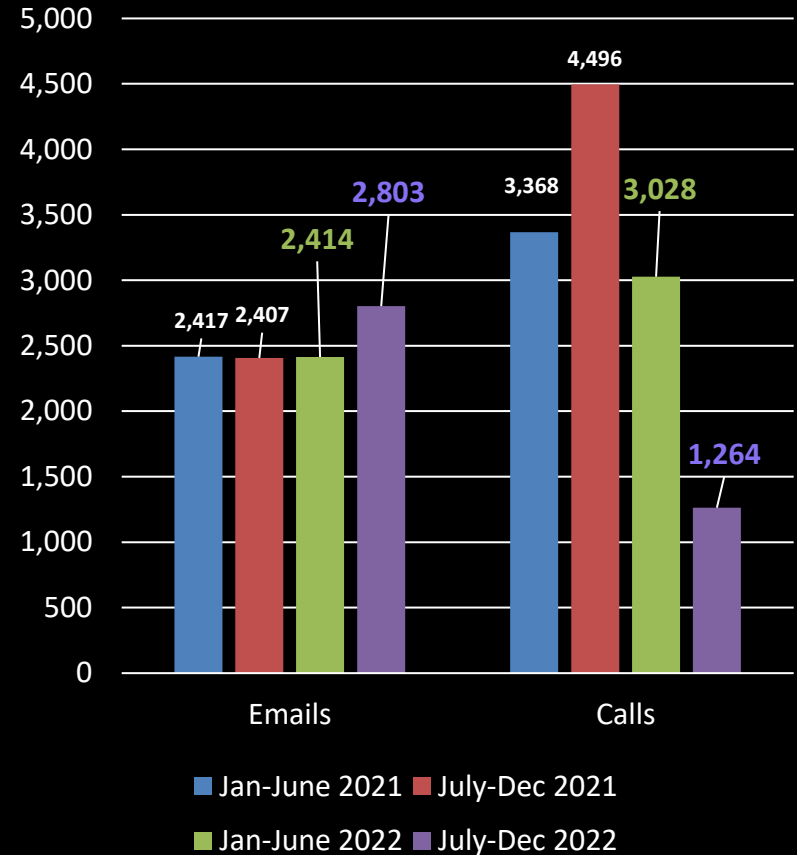
# Consumer Inquiries: Direct Marketing & Ethics

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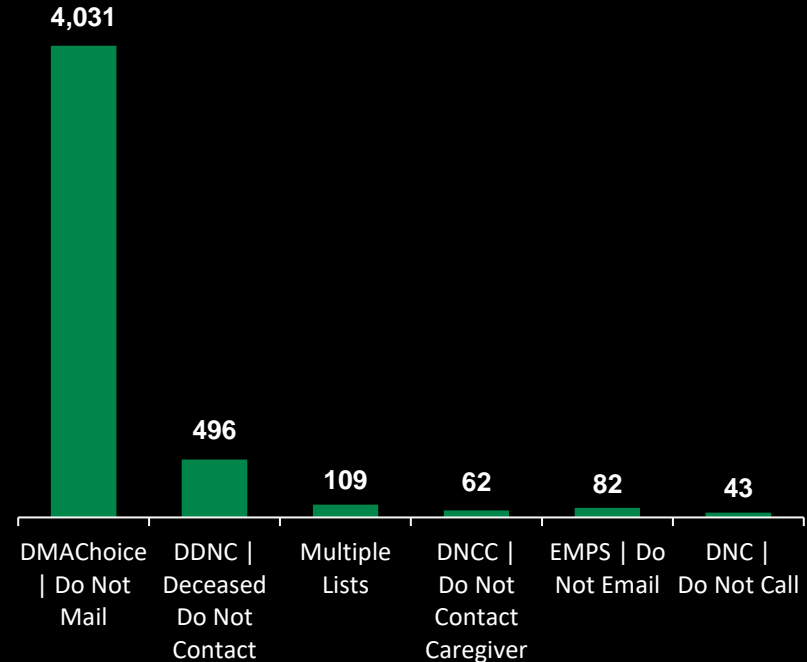
# How are Consumers Contacting the ANA?

- Reduced complaints arising from consumer calls but uptick in emailed inquiries.
- Streamlined DMAchoice phone tree system is improving call volumes and assisting consumers.
- **Tips:**
  - Companies should provide consumers with an easy and accessible way for removal from company-specific mailings.
  - DMAchoice should not be used in place of a company's own in-house suppression file.



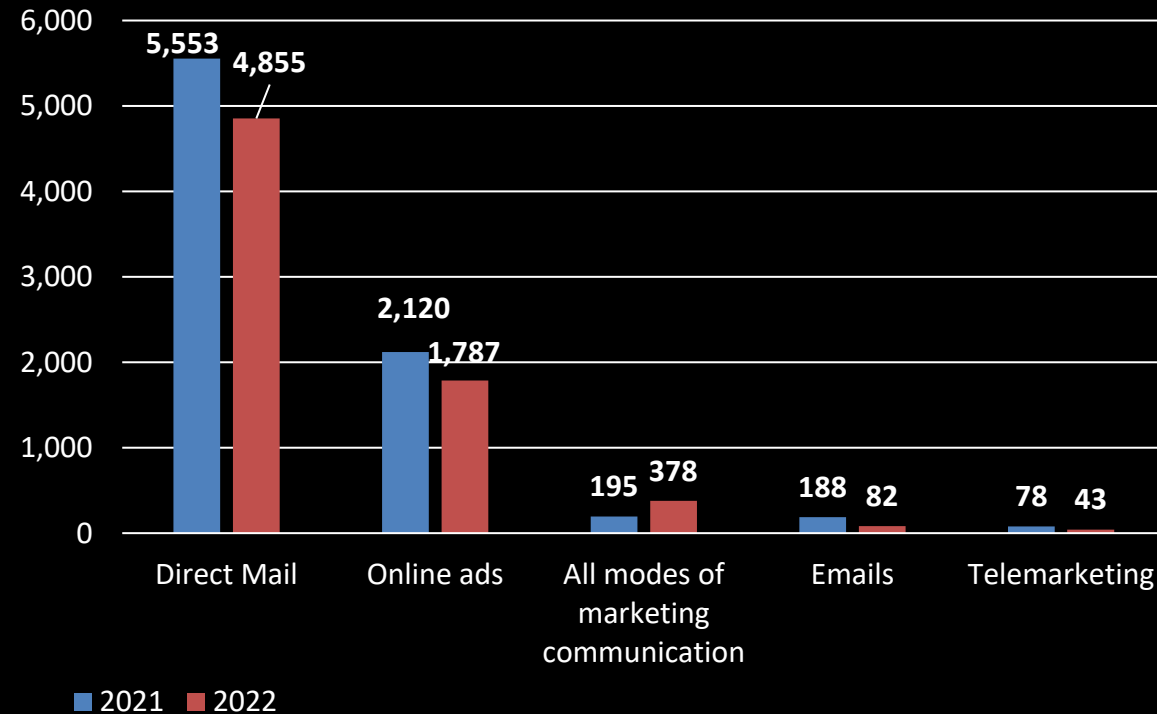
# Consumer Marketing Choices

- Consumers are most interested in tools to better manage the **promotional mail** offers they receive.
- ANA offers preference services to assist consumers in managing mail, email and calls.
  - DMACHoice is the most requested tool – provides consumers more control over the promotional prospect mail offers they receive.
- Additional tools offered for name removal:
  - Caretakers
  - Family members of the deceased
  - Email opt-out service



# Consumer Inquiries

## By Marketing Channel



Direct mail is what consumers are most focused on involving the following issues:

- Name/address removal from general mailing lists (DMAchoice)
- Company-specific mailings
- Deceased removals
- Caretakers seeking removal from those in their care
- Resident mailers
- Prescreened offers
- Misdirected mail
- Deceptive offers
- Sweepstake mailings

# Digital Advertising:

## Interest-Based Advertising and Other Digital Consumer Concerns



# Best Practices and Industry Consumer Choice Tools for Digital Marketers

[The Digital Advertising Alliance](#) has created an industry-supported program and tools to guide companies on the appropriate notice and choice they should be providing to consumers to help them better manage their online interest-based ad experience. ANA serves as a founding member and as one of the DAA compliance partners. As the compliance arm to the DAA opt-out tool, we address consumer inquiries in this space. The following pages outline the types of issues consumers are concerned about — such as online ads displayed on their smartphones due to limited display area and interference with their enjoyment online.

## Interest-Based Online Advertising

- [Guidelines for Ethical Business Practice: Digital Marketing](#)
- [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

- [Guidelines for Ethical Business Practice: Mobile Marketing](#)
- [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](#)

# Evergreen Issues During this Reporting Period



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Educating consumers on how to opt out

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Data Security

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Item never received

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No ads, especially on cell phones

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Ads blocking content

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Interfering with games, content, news & movies

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Offended by content of ads

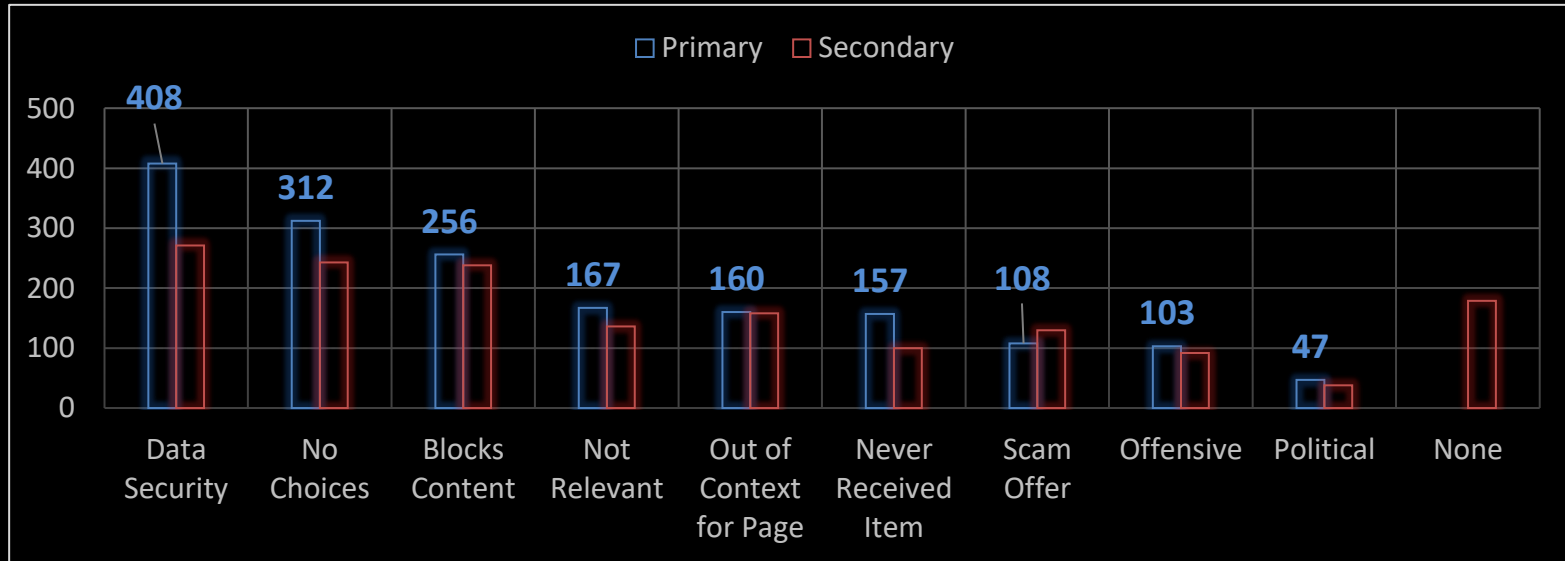
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Out of context -- didn't match site it was on

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Scam offer

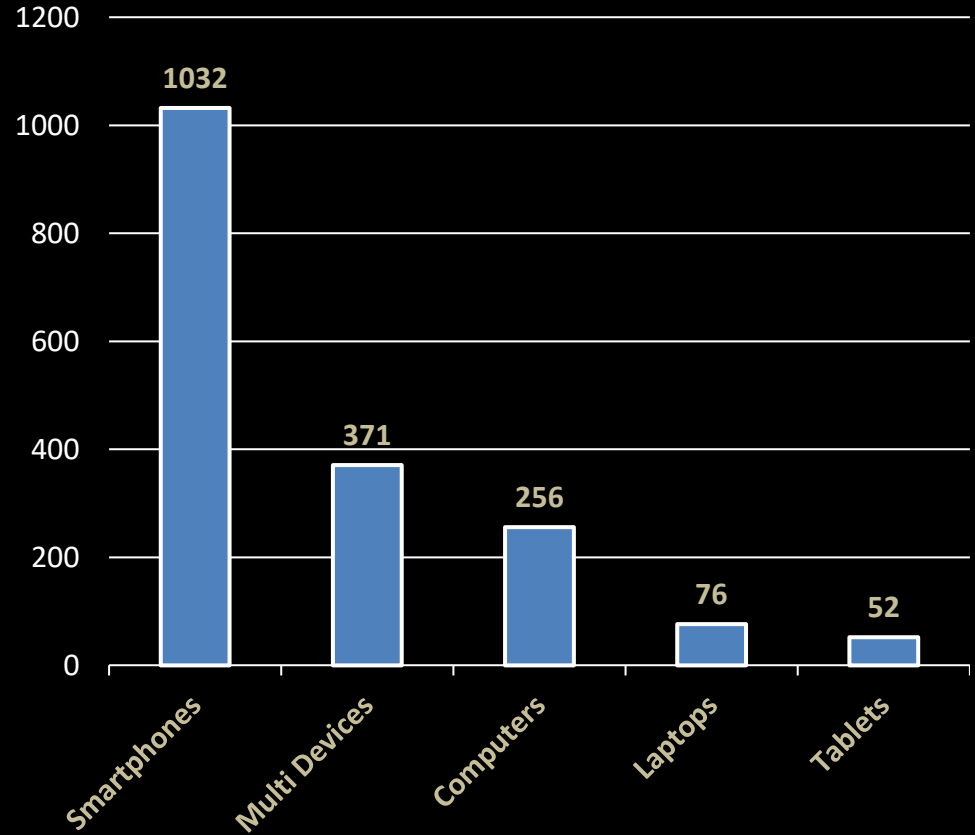
# Primary & Secondary Categories of Online Ad Concerns 2022



# Top Inquiries from Smartphone Users

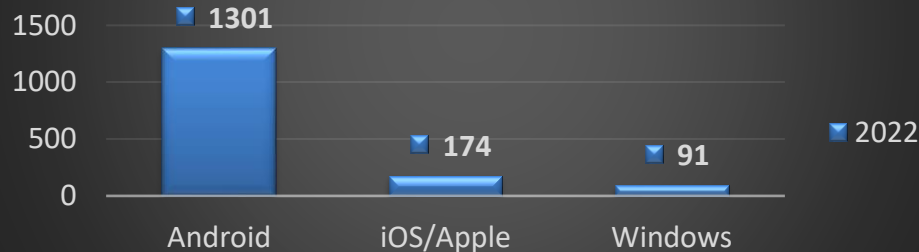


2022



*Operating System:  
Self-Reported via Complaint Forms & Worldwide Stats*

## Top Inquiries from Android Users

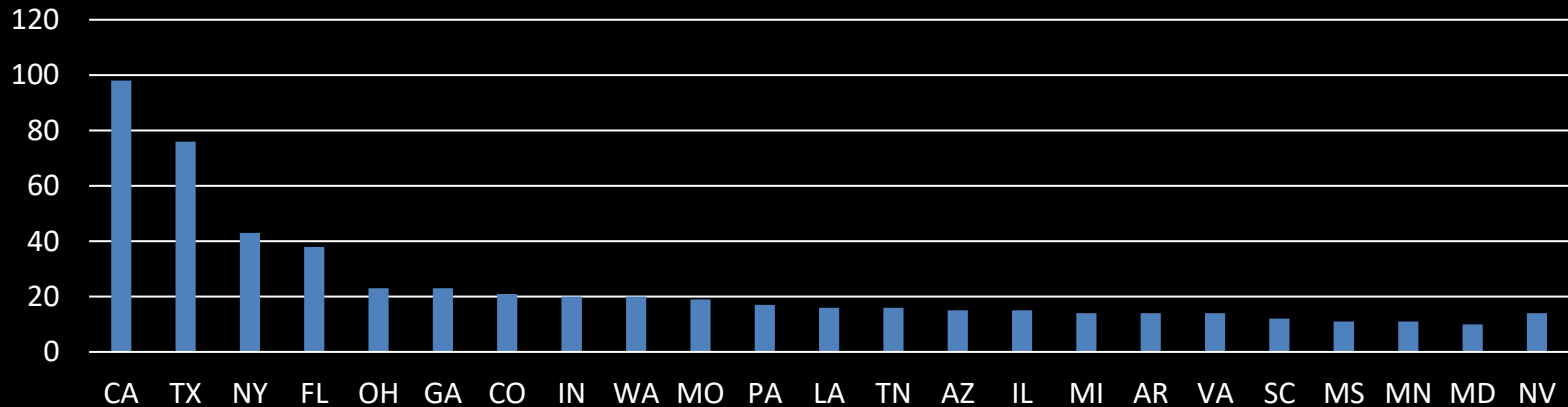


## Market Share Worldwide (StatCounter):

- Android is most popular OS worldwide across all devices: 42%
- Windows: 30%
- Apple iOS: 18%
- Android represents 74% of global mobile OS market

# Stats in the States for 2022

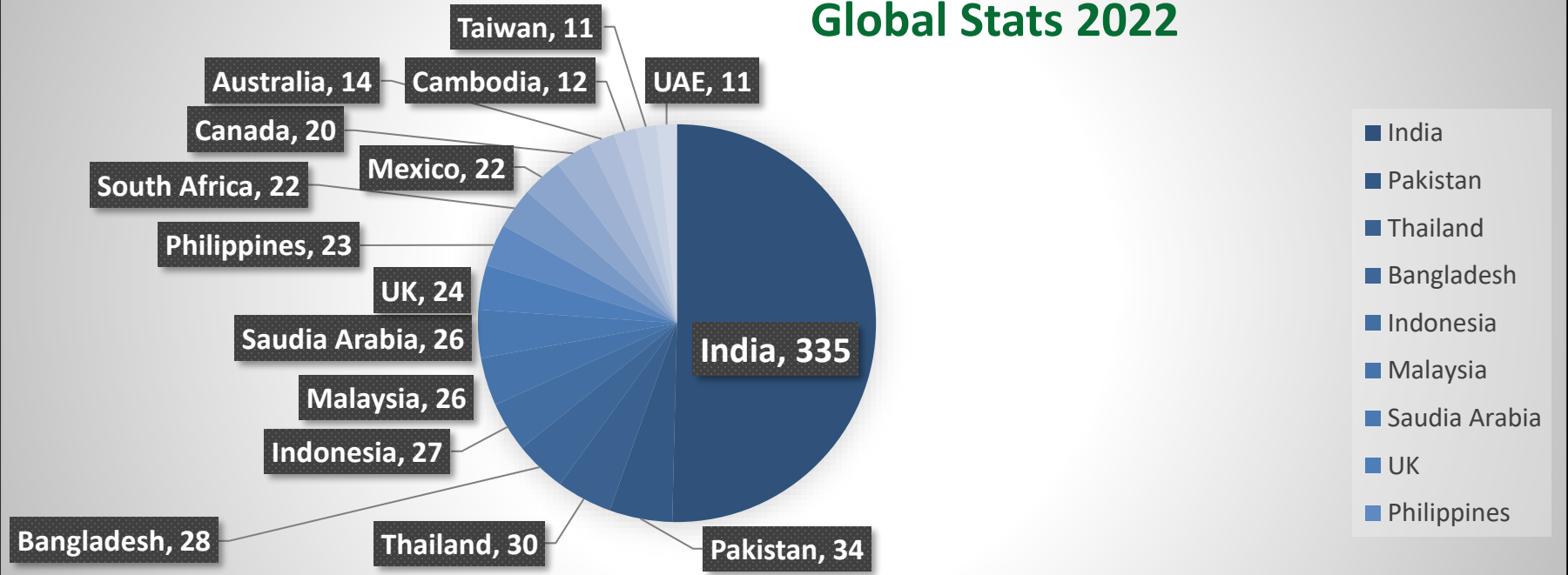
## Top U.S. Consumer Inquiries



Digital Advertising Inquiries from Consumers Across U.S.  
– highest inquiries from California, Texas, New York and Florida

# Global Stats 2022

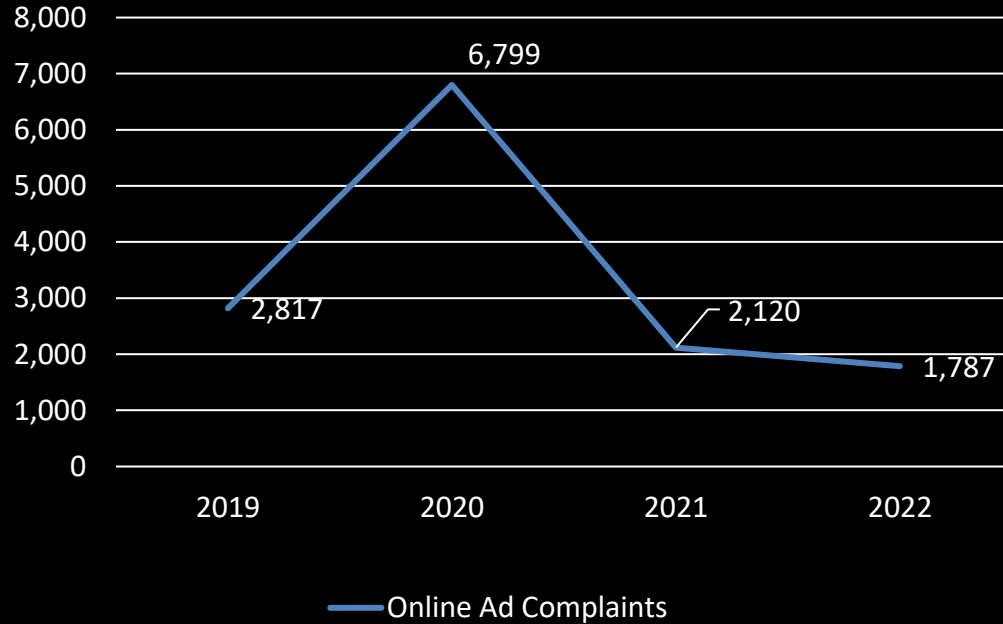
## Global Stats 2022



Digital Advertising Inquiries from Consumers Globally  
– highest inquiries from India, Pakistan, Thailand, Bangladesh...

# Online Ad Consumer Inquiries

## 2019 – 2020 – 2021- 2022



# ANA Ethics Webinars



## Download

- [FUNdamentals of Ethical Marketing: Join our Interactive Game - Is It Ethical?](#)

## Download

- [FUNdamentals of Ethical Marketing: Your Compliance Toolkit Awaits](#)

**Digital  
Advertising  
Casework:  
  
Publicized and  
Referred to FTC**

Company	Issue
Oil and Energy Investor (Money Map Press)	Deceptive copy of online ad
Healthline.com	Offensive content (nudity/young) of online ad
Delighted Slim Tea	Fake Sally Field “died” ad to sell skin cream
Netgear	IBA compliance issue with first party responsibilities – lack of enhanced notice
Banyan Hills Publishing	No process for handling IBA opt-out requests – referred to ANA for removal
SEC-Diet Supplements	Deceptive copy of online ad
Femme London	Promoted discount clothing line using high-end fashion clothes designer photos in-place of its own, displayed incorrect company phone number, address, and didn't ship item.
Lomi by Pela	Unclear payment/shipment policy/terms + conditions.

# ANA Ethics Review Committee Casework Reporting



## Reporting Period Covered:

- January – December 2022

# ANA Ethics Review Committee: 2022



## 12 cases resolved

- name removals (mail, email)
- misdirecting calls to ANA for company-specific removal
- privacy policy created/updated
- sweepstakes issue
- browse abandonment email practice (retargeting)
- email opt-out issue

## 8 pending + 1 tabled

- name removals
- false sense of urgency and potential deceptive copy
- requiring users to opt-in to marketing calls when submitting an online complaint form

## 6 cases closed and referred: out of compliance

- copyright infringement
- false sense of urgency and potential deceptive copy
- terms and conditions and honesty and clarity of the offer
- privacy policy directs consumers seeking opting out of marketing offers to online complaint form which requires users to opt-in to marketing calls

# Online Ad Case:

## Out of Compliance, Closed and Referred to FTC

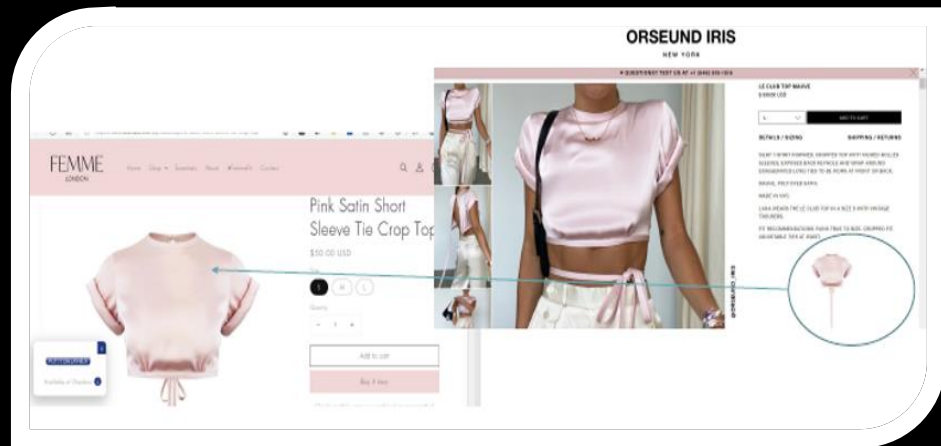
**Issue:** Femme London promoted its discount clothing line using high-end fashion clothes designer photos in-place of its own and displayed an incorrect company phone number and address. Additionally, complainant never received item purchased.

### Guideline Violations:

- Be an ethical and accountable marketer (*Member Principles*).
- Clearly, honestly and accurately represent your products, terms and conditions
- Photographs should be accurate portrayals and current reproductions of the products you represent.

### Legal Violations:

- **Copyright infringement:** possible use of photos without the proper consent.
- **Fair Credit Billing Act:** charges for goods that are not received by the consumer.



# Terms of the Offer Case:

## Closed and Out of Compliance and Referred to FTC



### Issue:

Lomi by Pela offers customers the ability to submit a down payment upon ordering a product and paying the full balance upon delivery.

Complainant was charged full price upon ordering because item was “shipped” to interim location for assembly.

### Guideline violations pertaining:

- Honesty and Clarity of the Offer
- Accuracy and Consistency
- Conditions
- Product Availability and Shipment

# Deceptive Copy:

Direct Marketing Complaint: Closed, Out of Compliance and Referred to FTC

TIME  
SENSITIVE

IMMEDIATE RESPONSE TO THIS  
NOTICE REQUESTED

PLEASE RESPOND BY: 2/10/2022

THIRD NOTICE

EXTREMELY URGENT & TIME SENSITIVE - IMMEDIATE RESPONSE REQUESTED

## Tips:

Make sure copy and offer is clear, accurate and complete.

The overall impression of an offer should not be contradicted by individual statements, representations, or disclaimers.

Offers that are likely to be mistaken for bills or invoices should not be used for promotional efforts.

**Issue:** Copy infers an invoice, not a promotion; gives false sense of urgency with copy, tone and choice of paper color – “pink slip”. Appears to be from mortgage lender when it is a third party – H.W.C. – sending the marketing offer.

**Referral:** Federal Trade Commission, Florida Attorney General, U.S. Postal Inspection Service

Similar cases found to be out of compliance: Automotive Protection Services and HHS Warranty Services.

**Referral:** Federal Trade Commission

## Privacy Practices & Respecting Consumers Marketing Preferences:

Closed, Out of Compliance and Referred to FTC



**Issue:** Metro Mile's privacy policy directs consumers who would like to be removed from company's promotional mailings to their online complaint form which defaults to opting them into receiving marketing calls.

**Tips:** Review your methods for how consumers can contact you to express their marketing preferences. Does it make sense? Is it readily available, accurate, legal and complete?

Do you subscribe to any data hygiene tools like [DMAchoice](#), to clean your lists of unresponsive consumers, deceased and mentally impaired individuals.

**Committee Resolution:** No company response to Committee's concerns – referred to Federal Trade Commission and listed for being out of compliance.

### Guideline violations pertaining:

- Provide and honor consumers' marketing preferences
- Offer point of company contact for data use in marketing communications
- Accessibility
- Review state laws for compliance

# Privacy Policy Case:

Closed and in compliance

## Issue: Outdated privacy policy

### Tips:

- Review your privacy policy at least annually to ensure it is up-to-date with federal and state laws and regulations.
- Involve representatives from different departments to ensure that it is accurate and complete.
- [Review ANA's Tips to Create a Privacy Policy](#)

### Company Resolution:

- Updated its privacy policy.

“We support and adhere to the self-regulatory guidelines and principles of the [ANA](#) and the [Digital Advertising Alliance](#) Self-Regulatory Principles for Interest-based Advertising. In doing so, we agree to comply with a customer's requests to not share their information with other companies or to contact them for marketing purposes by postal mail, telephone, email or through interest-based advertising. See “Your Information Sharing Choices” section.

If at any time, as a customer, you have questions about our Privacy Policy or practices, please contact us directly. If your issue has not been satisfactorily resolved, you may contact the ANA at <https://www.ana.net/content/show/id/accountability-complaint-handling> for its review and handling.”

# Email Case:

Closed and In Compliance

**Issue:** Unable to be removed from company's promotional emails

## Tips:

- Have a working unsubscribe link/function in every promotional email you send.
- Honor unsubscribe requests within 10 business days.
- Ensure your offer is clear, accurate and complete.
- [Review FTC's CAN-SPAM Act: A Compliance Guide for Businesses](#)
- [Review ANA's Consumer Email Tips](#)

## Company Resolution:

- Unsubscribed complainant.



# Sweepstakes Case:

Closed and In Compliance

**Issue:** Sweepstakes entrant was having problems accessing the list of winners.

## Tips:

- There are specific rules to follow when running a sweepstakes! Such as no purchase necessary to win, sensitive information (like Social Security numbers) should not be requested.
- Be sure to disclose all rules (terms and conditions) including making available a list of winners.
- [Review ANA's industry standards](#)
- [ANA offers consumer guidance on sweepstakes](#)

## Company Resolution:

- Upon completion of notifying all winners, the company provided the complainant with the list of winners.

**Sweepstakes  
Winner!**

# Unordered “Free” Merchandise Case:

## Direct Marketing Complaints

**Issue:** Received unwanted “free gift” with invoice for one-year subscription after canceling father’s subscription.

- “Free gift” included an additional \$10 for shipping and handling charges.
- Consumer didn’t know why she received gift and never ordered subscription.

### Tips:

- Make sure copy and offer is clear, accurate and complete.
- If a product or service is offered as “free,” all qualifications and conditions should be clearly and conspicuously disclosed, in close conjunction with the use of the term “free” or other similar phrase.
- Upon request from consumer, suppress from future marketing offers in a timely manner.

### Company Resolution:

- Notified consumer that she may keep “gift” – free of charge.
- Added her to suppression file.



# Outer Envelope Copy Review:

## Direct Marketing Complaint

**Issue:** Mailing label included erroneous and offensive language and outer envelope had outdated “DMA” logos.

- Potential security breach

### Tips:

- Be sure your contract with your mailing house includes provisions regarding security measures/protocols.
- The protection of Personally Identifiable Data is the responsibility of all entities.
- **Sensitive Data**. Entities collecting sensitive data must ensure appropriate data security measures are taken to protect such data. The entity’s privacy policy should include the information practices regarding collection, use, and transfer of consumer data; and
- **Employee Use of Data**. Employees who have access to Personally Identifiable Data should agree in advance to use such data only in an authorized manner.

### Company Resolution:

- Determined that employee did not enter data and removed outdated logos.





# Misdirecting Name Removals to ANA: Direct Marketing Complaint

**Issue:** Companies are incorrectly referring consumers to ANA for company-specific name removals.

**Tips:**

- ANA is not the source of consumer names for marketing purposes.
- ANA cannot remove consumers from company-specific mailings.
- Every organization should have an internal process for removing requested consumers from its promotional offers.
- Front-line customer service representatives should be properly trained on how to add consumers to its Do Not Contact and Do Not Share Lists.
- ANA has a mail suppression service: [DMAchoice](#) – consumers can register to reduce the overall volume of prospect promotional mail. Shouldn't be used in place of an organization's internal suppression process.

# ANA Center for Ethical Marketing

## GUIDELINES

- [Guidelines for Ethical Best Practice](#)
- [Public Report of Non-Compliance](#)

## INDUSTRY COMPLIANCE RESOURCES

- [Self-Regulation: Guidance and Programs](#)
- [ANA Privacy Shield Dispute Resolution Services](#)

## CONSUMER COMPLIANCE RESOURCES

- [Consumer Help](#)
- [Choice – Consumer Mail Management Service](#)
- [ANA Privacy Shield Dispute Resolution Services for Consumers](#)
- [Consumer Email Tips](#)
- [Guidance for Consumers on Sweepstakes & Prize Promotions](#)

**TO FILE A COMPLAINT:** direct mail, email, calls, or online ads

## CONTACT US:

ANA Accountability  
2020 K Street NW, Suite 660  
Washington, DC 20006  
[ethics@ana.net](mailto:ethics@ana.net)



# Additional Resources

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[DMAchoice: Mail Opt-Out Service](#)

[Digital Advertising Alliance \(DAA\): Online Interest-Based Ad Choice Tool](#)

[National Do-Not-Call-Registry](#)

[Opt-Out Prescreen](#)

[Identity Theft](#)

[Resident Mailings](#)

[Federal Trade Commission: Consumer Information](#)

[Federal Communications Commission: Consumer Help Center](#)

