



ETHICS COMPLIANCE REPORT

Reporting Period:
July-December 2023
2023 Overview

Questions? Contact: ethics@ana.net

ANA Center for Ethical Marketing

Best Practices & Compliance Resources Background

As a leader in self-regulation, ANA offers a series of programs and a robust data accountability toolkit designed to advance responsible marketing and advertising and 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, digital advertising, email, text, voice; and
- ▶ **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

ANA

Key Compliance Findings

4309 consumer inquiries processed by ANA Accountability staff in 2023:

General ethical marketing: 2,676 inquiries
Online/Interest-based ads: 1,633 inquiries.

New phone tree system - reduced call volumes significantly

Streamlined DMAchoice phone tree system is providing direct assistance to consumers: 268 calls directed to staff.

Slight reduction in digital advertising inquiries:

2023: 1,633 inquiries
2022: 1,787 inquiries

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.

Majority of consumers contact ANA by:

Emailing and submitting online complaint forms:
4,053 emails received.



Ethics & Doing the Right Thing

Key Issues For Organizations:

Strong privacy protection is ideal and data privacy processes should be reviewed frequently by companies.

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

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

Provide choices 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 their concerns.

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



DMACHoice

ANA Consumer Preference Service

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



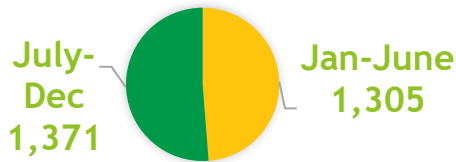
Have a question on a marketing or fundraising offer or need more information on how to better manage your marketing experience: [file an inquiry with the ANA.](#)

Consumer Choice Tools

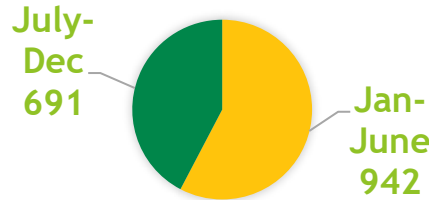


Over 4,000 Consumer Inquiries Processed by ANA Center for Ethical Marketing in 2023

GENERAL MARKETING ETHICS ISSUES



DIGITAL AD INQUIRIES



In 2023: processed 4,309 inquires

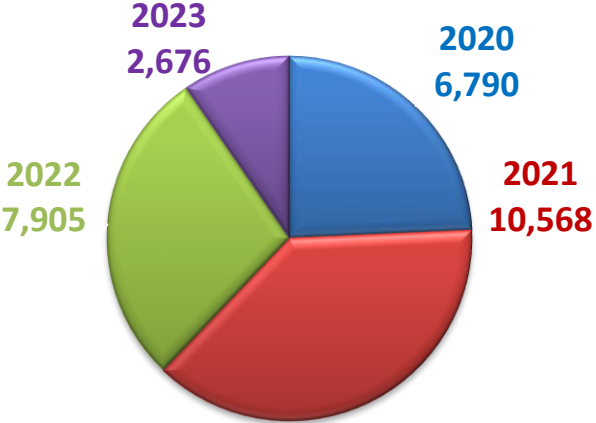
January - June: processed 2,247 inquiries.

July - December: processed 2,062 inquiries.

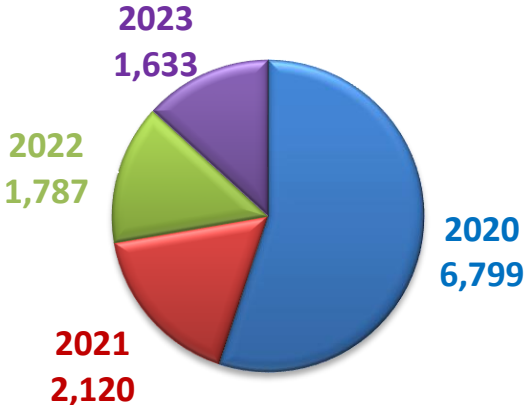
Implemented new phone tree system to address common consumer inquiries October 2022.

Consumer Inquiries Processed 2020 | 2021 | 2022 | 2023

GENERAL MARKETING ISSUES



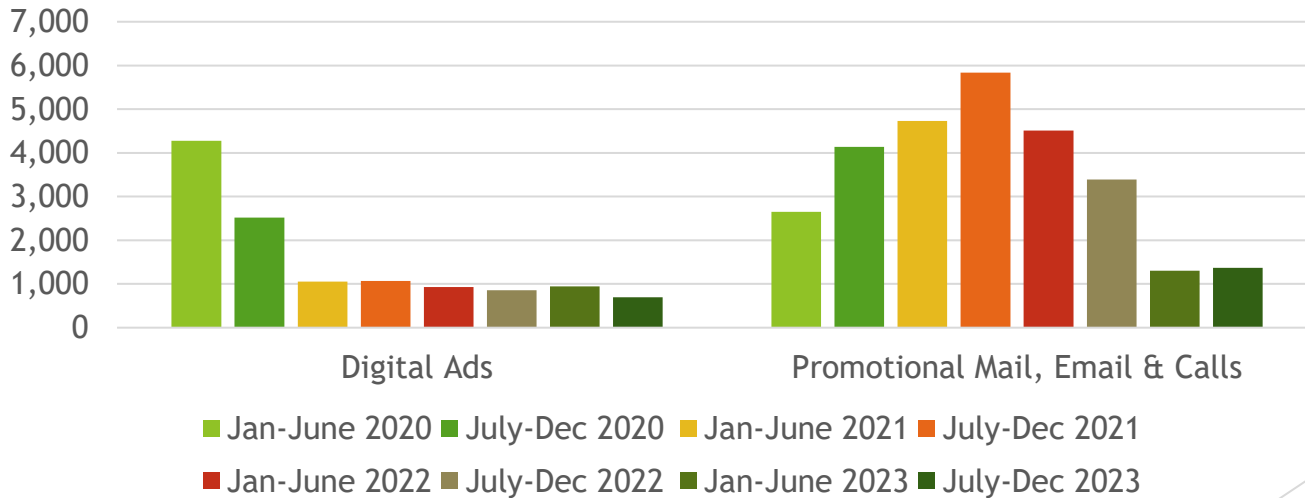
DIGITAL ADVERTISING ISSUES



Consumer Marketing Inquiries

Those requesting additional clarity/information for received marketing promotions.

2020-2023



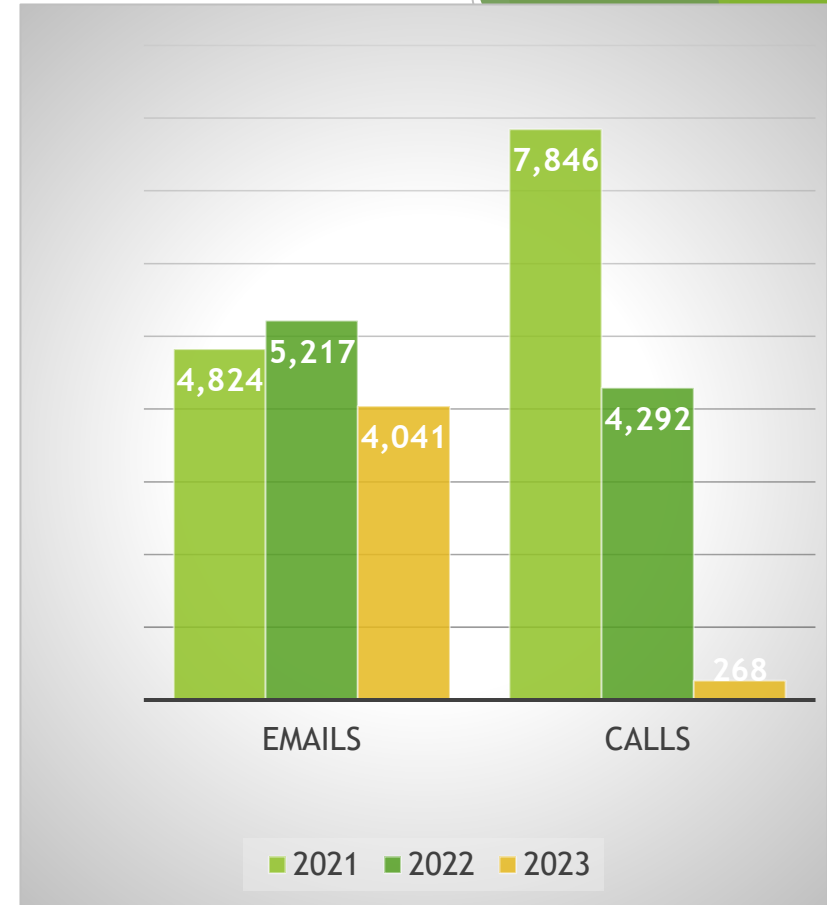


Consumer Inquiries: Direct Marketing & Ethics



How Are Consumers Contacting the ANA?

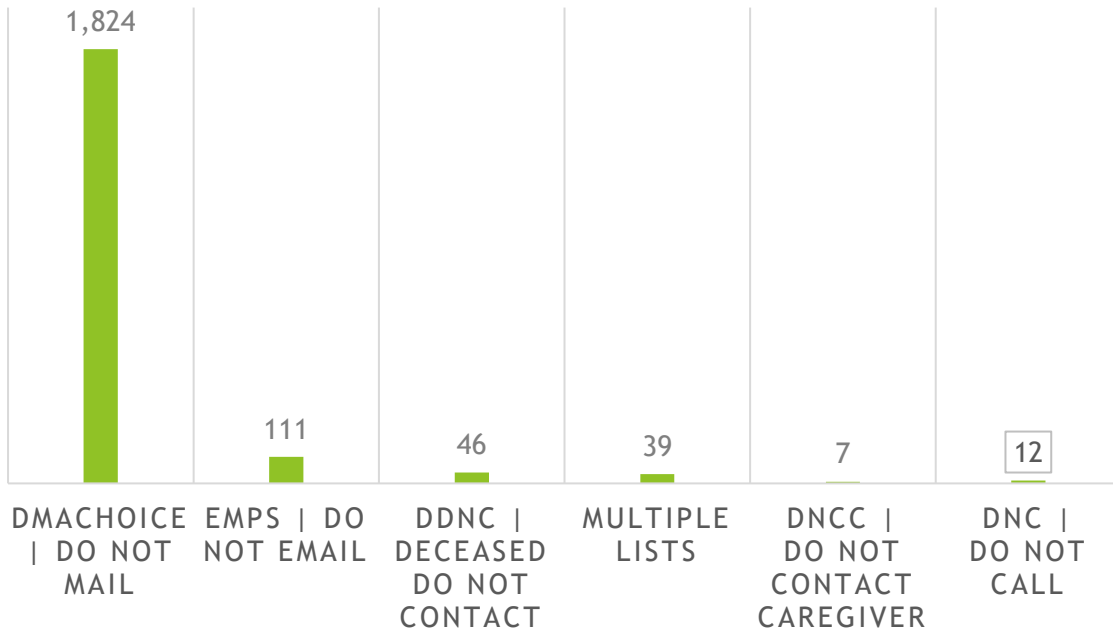
- Reduced complaints arising from consumer calls and emailed inquiries compared to prior years.
 - Streamlined DMAchoice phone tree system is providing consumers with the requested services and tools.
 - The favored method for consumers to reach the ANA is by email and complaint forms.
- **Tips:**
 - Companies should provide consumers with an easy and accessible way for removal from unwanted company-specific mailings.
 - DMAchoice should be used to supplement the company's in-house suppression file for reduction of unwanted mail.





Consumer Inquiries

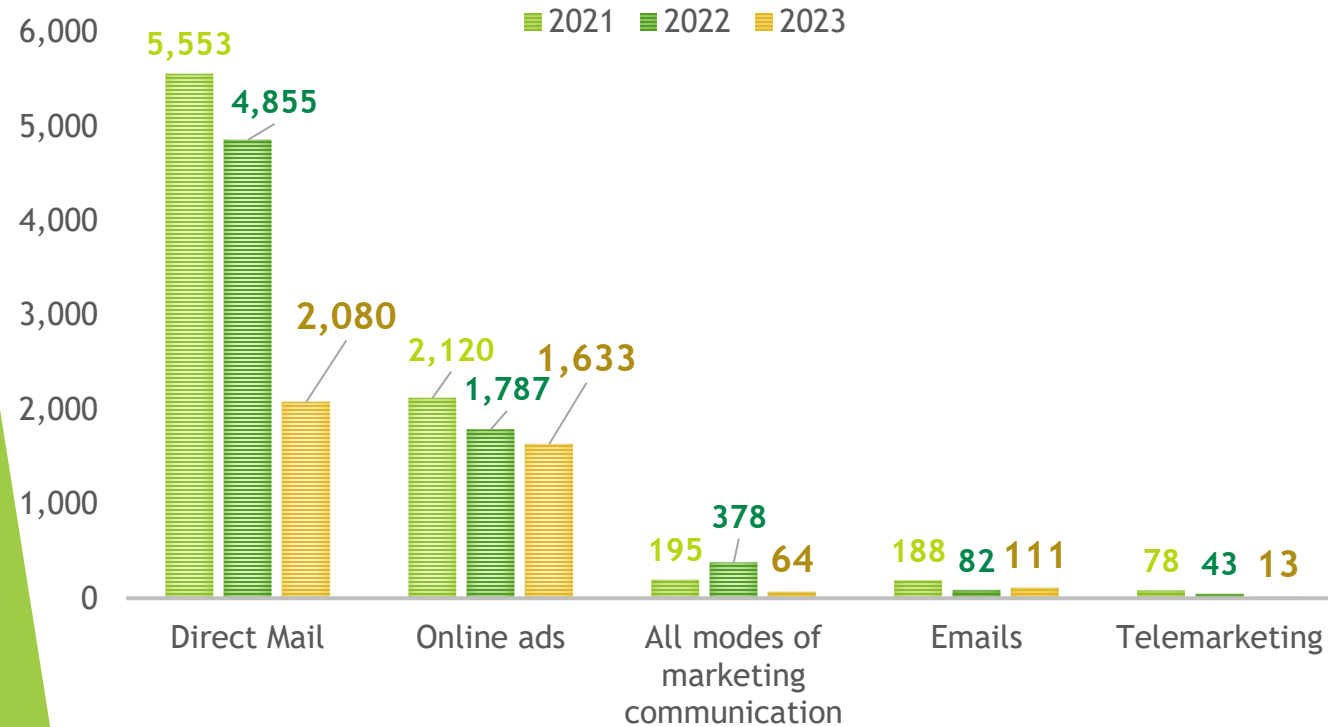
Preference Services 2023 Reporting



- 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:
 - ✓ Family members and others who are taking care of those who need extra assistance including mailed offers.
 - ✓ Family members or caretakers of the deceased.
 - ✓ Email opt-out service.

Consumer Inquiries

By Marketing Channel



For Direct Mail
main areas of consumer concern:

Marketing Mail Removals:

- General mailing lists (DMAchoice)
- Company and nonprofit-specific mailing removals
- Every Door DM (USPS resident mailings)
- Deceased removals
- Caretakers seeking removal from those in their care
- Minor removals
- Resident mailers
- Prescreened offers
- Misdirected mail

Deceptive offers

- Extended warranties for cars or appliances, home/mortgage lenders
- Sweepstakes

According to the United States Postal Service, in 2023, Marketing Mail revenue decreased \$920 million, or 5.8 percent, on a volume decline of 7.7 billion pieces, or 11.4 percent, compared to the same period last year.

Digital Advertising:

Interest-Based Advertising and Other Digital Consumer Concerns



Industry Consumer Choice Tools

Best Practices 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

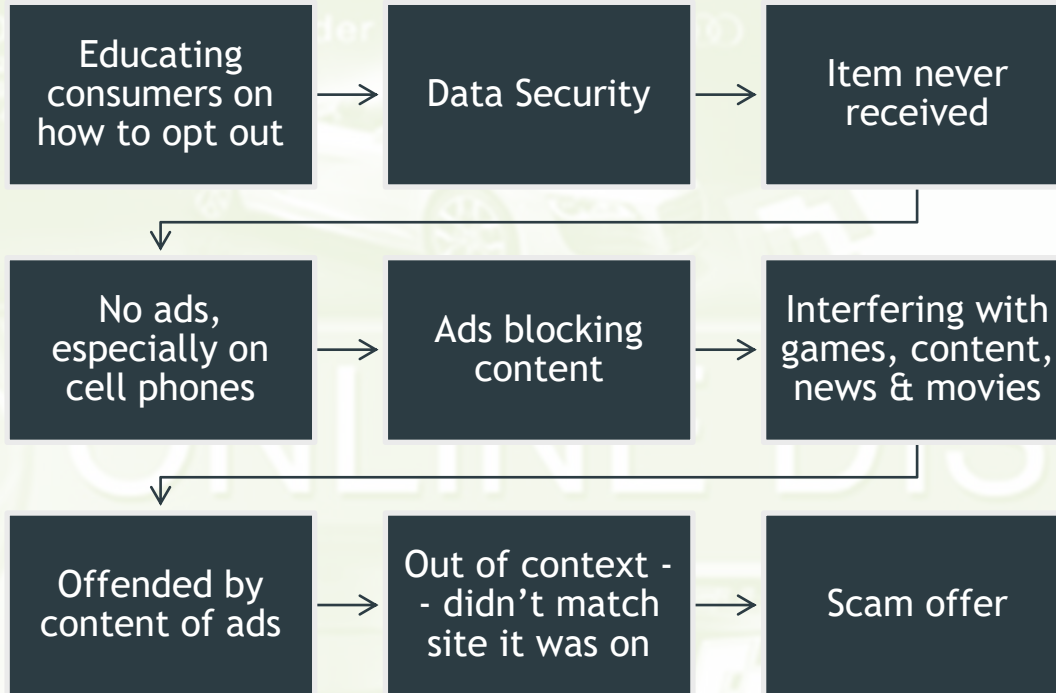
- [Guidelines for Ethical Business Practice: Digital Marketing](#)
- [Digital Advertising Alliance’s \(DAA\) Self-Regulatory Program for Interest-Based Advertising](#)
- [IBA Data Compliance Checklist](#)
- [Tips to Create a Privacy Policy](#)



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](#)

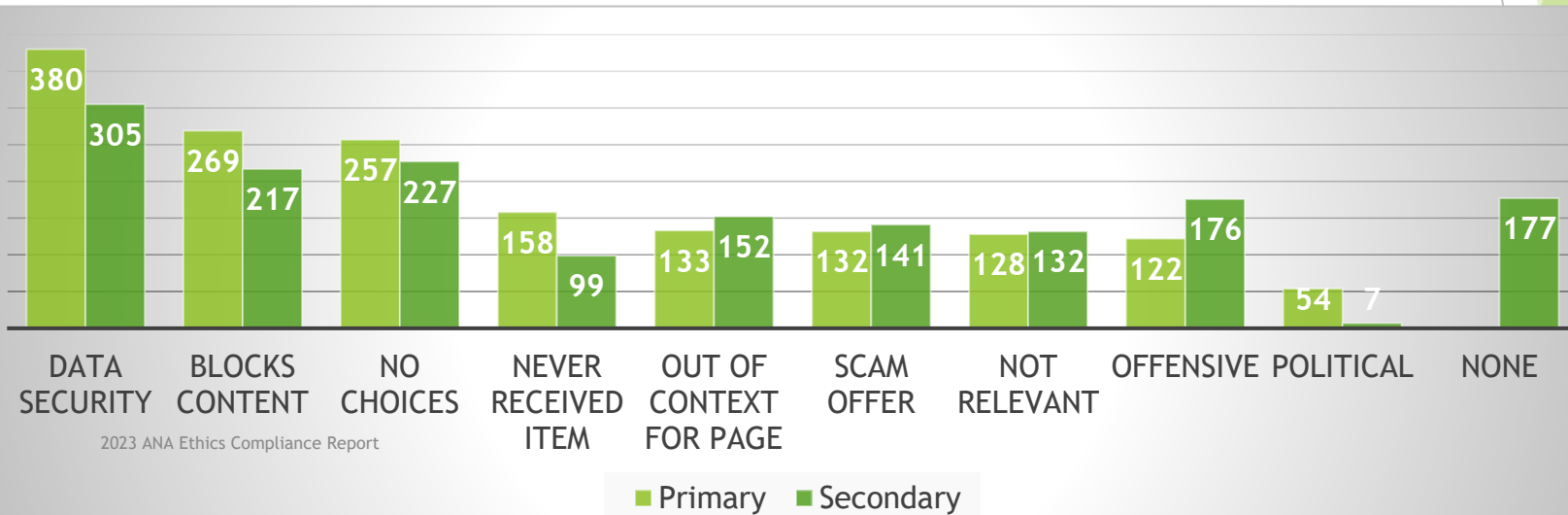
Evergreen Issues Reported in 2023



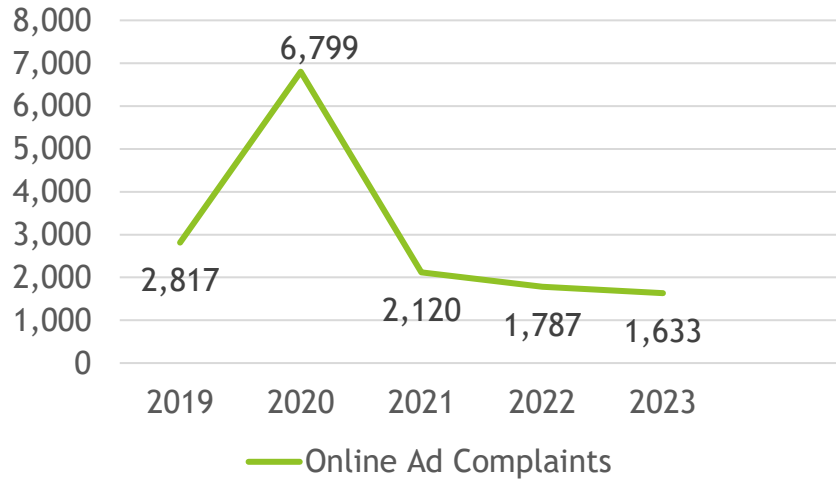
Primary and Secondary Online Ad Concerns 2023

Top areas of concern:

- Data Security
- Ad Blocks Content
- No Choices for Consumer

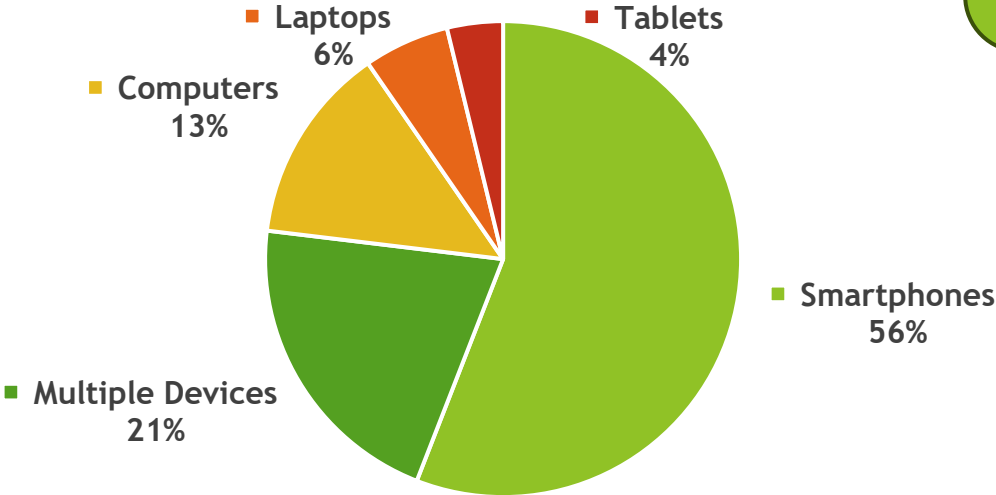


Consumer Online Ad Inquiries 2019 - 2023

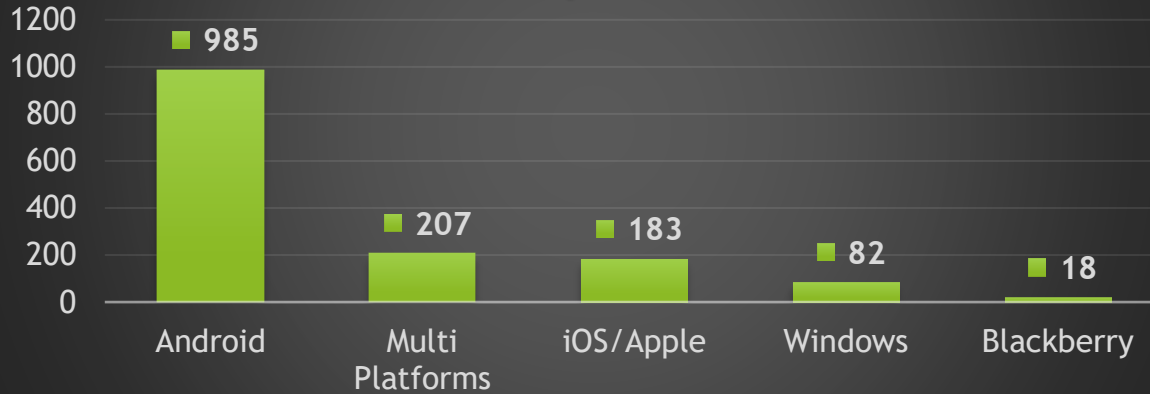


Ad Inquiry by Device: 2023

Over half of the inquiries (913) are regarding digital ads displayed on smartphones (*limited display area*)



Android Users Trending as the Top Inquiries

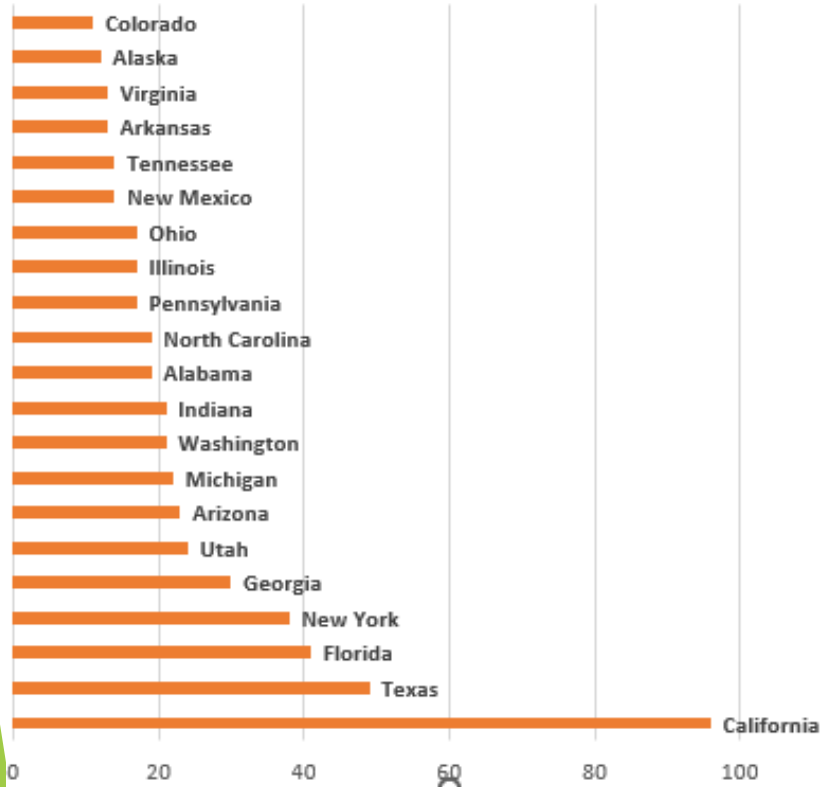


Operating System:

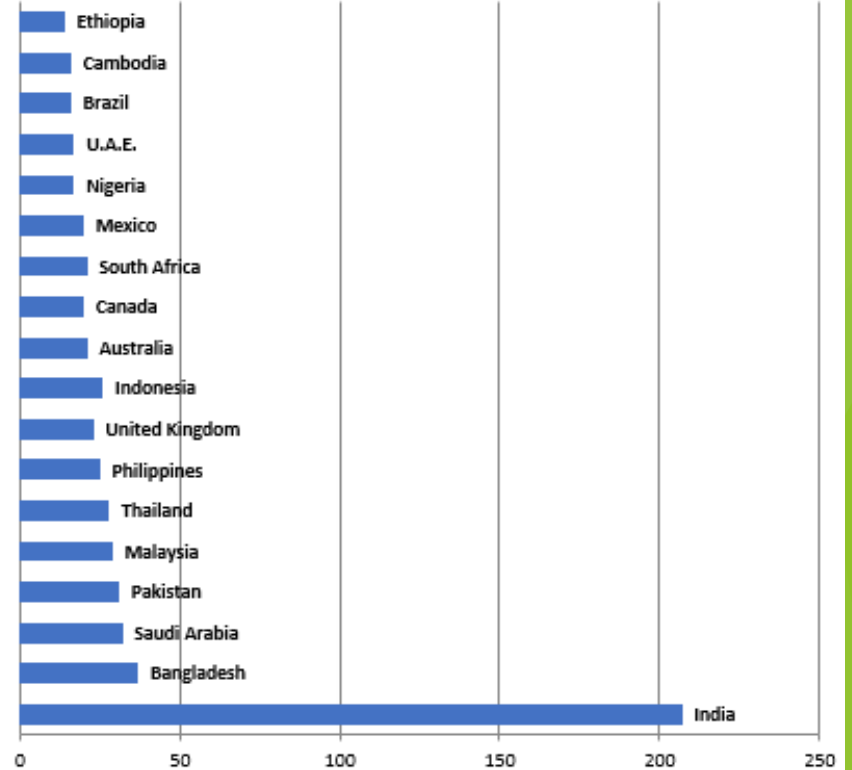
Self-reported including domestic and global consumers. Android holds more than 70% of the global market share.

Origination of Complaints

United States: 849 inquiries



Top Global Inquiries: 764 inquiries



ANA Ethics Review Committee Casework Reporting



Reporting Period Covered:

- January – December 2023

ANA Ethics Review Committee:

2023 Casework: Closed and Referred

14 Cases Resolved

Name removals (mail, email, data base)

Misdirecting calls to ANA for company-specific removal

Privacy policy issues - including needing to post or update

Data minimization

Incorrect targeting of offers - 36-year-old problems opting out of Medicare mailings

Customer service issues

6 Cases Referred to Federal Trade Commission (FTC) and appropriate State Attorney Generals Offices.

False sense of urgency and potential deceptive copy

No posted privacy policy or physical address posted

Issues with product delivery/refund

No method for marketing opt-outs

ANA Ethics Review Committee:

2023 Casework: Pending and Tabled

6 Pending Cases Involving:

Notice, choice and transparency involving online ad

Name removals (mail, email, texts)

Deceptive copy

Lack of a privacy policy

Issued a bank card without permission

Regulated product - marketing removal

5 Tabled Cases Involving:

(will reopen if additional complaints arise)

B2B email marketing

Item shown as in stock online but is not available for shipment/delivery

Sweepstakes rules

99-year-old being billed for unwanted health magazine subscription

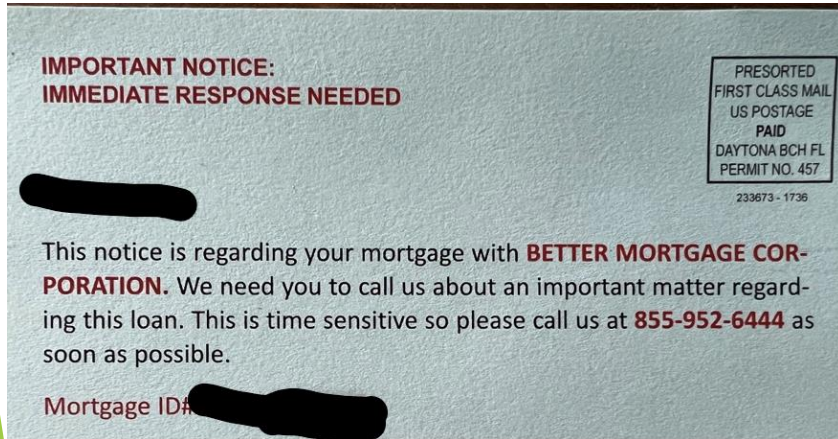
The logo consists of the letters 'ANA' in a bold, green, sans-serif font. The letters are slightly offset from each other, with the 'A' on the left, the 'N' in the middle, and the 'A' on the right, creating a sense of depth and movement.

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Case Examples

Deceptive Copy:

Direct Marketing Complaints Extended Warranty/Lender Offers: Closed and Out of Compliance



TIME
SENSITIVE



IMMEDIATE RESPONSE TO THIS
NOTICE REQUESTED

Failure to call and prevent a potential lapse of coverage could result in you being liable for all costs associated with any home repairs.

Issues: Samples from Lead Pros, Aegis Home Insurance, and Home Warranty Division

- Copy infers an invoice, not a promotion.
- Gives a false sense of urgency with copy and tone.
- Appears to be from mortgage lender, or home warranty provider when it is a third party sending the marketing offer.

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.

Privacy Policy Case: Closed and Out of Compliance

Issues: Senior Resource Group provides no means for opting out of mail; no online privacy policy; and no physical address listed on mailing or website.

Tips:

- ▶ Provide proper and applicable notice and choice to prospective and current customers.
- ▶ Involve representatives from different departments of your organization to ensure privacy policy is accurate and complete.
- ▶ [Review ANA's Tips to Create a Privacy Policy](#)



Product Availability and Shipment Case: Closed and Out of Compliance



2023 ANA Ethics Compliance Report

Issues: Item is listed on The Gaming Goat's website for being in-stock. Consumer paid for item, but it was never delivered, and no refund was issued.

Guideline violations:

- ▶ Honesty and Clarity of the Offer
- ▶ Conditions
- ▶ Product Availability and Shipment
- ▶ Poor customer service



Closed and In-Compliance

Issue: Customer service representative informed consumer they will only honor opt-out requests from customers not prospects.

Tips:

- Front-line customer service representatives should be properly trained on how to add consumers to its Do Not Contact and Do Not Share Lists - should include prospects and customers.
- ANA has a mail suppression service: [DMAchoice](#) - consumers can register to reduce the overall volume of prospect promotional mail. Should be used to supplement an organization's internal suppression process.

Company Resolution:

- Terminated relationship with third-party who was not fulfilling commitment to handle opt-out requests. Placed complainant on its Do Not Contact and Do Not Share Lists.

Email Cases:

Closed and In Compliance

Issue: Unable to be removed from companies' 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 complainants.



Text Case:

Under Ethics Review

Issues: Did not sign-up to receive text promotional offers from car dealership, provides no clear opt-out method, and no posted privacy policy.

Tips:

- ▶ There are specific rules to follow when engaging in promotional texting under the Telephone Consumer Protection Act (TCPA).
- ▶ 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.



Sweepstakes Case:

Tabled

Issue: Organization offered a sweepstakes that increased the number of sweepstakes entries provided – the higher the membership level purchased. This would increase the odds of winning for the higher purchased membership plans.

Tips:

- ▶ There are specific rules to follow when running a sweepstakes: no purchase necessary to win and a purchase does not increase your odds of winning.
- ▶ [Review ANA's industry standards](#)
- ▶ [ANA offers consumer guidance on sweepstakes](#)
- ▶ [Fake Prize, Sweepstakes, and Lottery Scams | Consumer Advice \(ftc.gov\)](#)

Company Resolution:

- ▶ Will not offer this type of sweepstakes promotion in the future.
- ▶ Committee will re-open if it does offer this sweepstakes again and/or if additional complaints are received.



**Sweepstakes
Winner!**

ANA

Trends...

Uptick in cases involving:

- ▶ **Car dealerships** -- consumers seeking assistance in being removed from promotional mail, email and texts. Some dealerships do not post privacy policies or provide a clear and accessible method for consumers to opt out of receiving offers.
- ▶ **Extended warranty offers** on cars and appliances and from housing lenders - involving potentially deceptive and misleading copy involving false sense of urgency and no clear and accessible method for consumers to opt out of receiving offers.
- ▶ **Improper/unwanted targeting:**
 - ▶ 36-year-old receiving Medicare offers.
 - ▶ 99-year-old receiving unwanted health magazine subscription.
 - ▶ Divorced husband receiving contest promotional offer from divorce attorney.



The logo consists of the letters 'ANA' in a bold, green, sans-serif font. The letters are slightly offset from each other, with the second 'A' appearing to be behind the first one, creating a layered effect.

ANA

A thin, vertical green line that acts as a separator between the logo and the title.

Historical Cases

Online Ad Case:

Out of Compliance, Closed and Referred to FTC

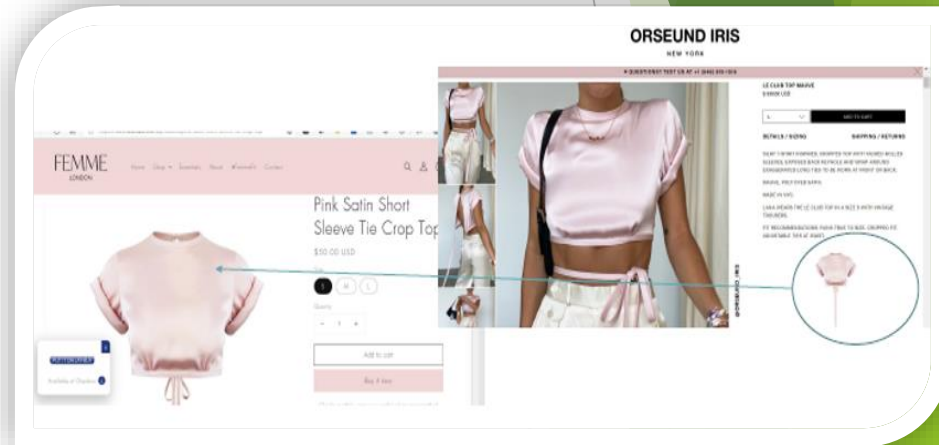
Issue: Femme London promoted its discount clothing line using high-end fashion clothes designer photos in-place of its own and displayed an incorrect company phone number and address. Additionally, complainant never received item purchased.

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.



Unordered “Free” Merchandise Case:

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.



ANA Ethics Guidance Tips



[Using Testimonials, Endorsements, and Consumer Reviews in Marketing](#)

[Spring into Your Marketing Campaigns with Green Tips for Earth Day and Every Day](#)

[Artificial Intelligence \(AI\) and Marketing Ethics](#)

[Consumer Fraud — In Your Name or on Your Platform — Is at a Crisis Level: An Opportunity for Brands](#)

[To Be or Not to Be — Is it Truly Anonymized Data?](#)

[Fake Warranties and Marketing Offers Cloaked as Unpaid Invoices](#)

[Consumers Seek Greater Control Over How Marketing Offers are Communicated](#)

[Privacy: It's About the Data!](#)

[Marketing and Protecting Children](#)

[Protecting Older Consumers](#)

[Dark Patterns and Ethical Marketing Practices](#)

[Role of Self-Regulation in the Digital Ad Space](#)

[Role of Self-Regulation in the Direct Mail Space](#)

Additional Resources

[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](#)

ANA Ethics Resources

GUIDELINES

- Guidelines for Ethical Best Practices
 - Stay tuned – **New Ethics Code** coming 2024...
- Public Report of Non-Compliance

INDUSTRY COMPLIANCE RESOURCES

- ANA Center for Ethical Marketing
- Self-Regulation: Guidance and Programs
- ANA DPF Dispute Resolution Services

CONSUMER COMPLIANCE RESOURCES

- Consumer Help
- Choice – consumer mail management service
- Digital Advertising Alliance (DAA) online interest-based ad choice tool
- ANA DPF Dispute Resolution Services for Consumers

TO FILE A COMPLAINT:

Direct mail, email, calls, or online ads

CONTACT US:

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