

Sweepstakes Postal Rules

Some publishers use sweepstakes as part of their subscription renewals or other offers. There are very specific postal regulations regarding sweepstakes that publishers need to be aware of. Failure to meet these requirements may actually render your publication or promotional piece unmailable.

It is important to insure that the sweepstakes material is not actually lottery material, which for the most part may not be legally mailed. There are some exceptions, which are listed in the Domestic Mail Manual section C031.3. Lottery is defined as a scheme or promotion which offers, for payment of some sort of consideration, a prize dependent on chance.

Sweepstakes, on the other hand, is defined as a game of chance for which no consideration is required to enter. It is important for sweepstakes material to include disclosure statements in three locations (in the body of the text, in the rules, and on the order or entry form). The disclosure statements must include the following information:

- No purchase is necessary.
- A purchase will not increase the odds of winning.
- All terms and conditions of the sweepstakes, including the rules and entry procedures.

- The sponsor or mailer, including the address of the principal place of business or where the sponsor/mailer may be contacted.

- Sweepstakes rules, including the odds of winning, quantity, value and nature of the prizes, and the schedule of any payments over time.

You must be careful that the sweepstakes does not do any of the following:

- Represent that individuals not making a purchase may be disqualified from receiving future solicitations.

- Requires that the entry be accompanied by an order or payment for a product or service previously ordered.

- Represents that the recipient has won a prize unless that individual has actually won such a prize.

- Contradicts or is inconsistent with any of the items in the disclosure statement.

If you are planning a mailed sweepstakes offer in the future, it is strongly suggested that you have all related materials reviewed for postal compliance prior to production. Even though you may have mailed these types of materials in the past, they may not have been compliant and should be reviewed for future mailings.

Periodicals Tidbits

As mentioned in an article in the April 2004 issue, the regulations for Periodicals mail can be quite complex. Many of the regulations have to do with content. Here are some “tidbits” you may not be aware of:

- The publisher’s address in the ID statement inside the publication must be a physical address, it cannot be a post office box unless there is no city delivery for that address. The notice for the changes of address may be a post office box, but not the publisher’s known office of publication.

- General, or paid, publications cannot exceed 75% advertising in over half the issues per year.

This is based on a 12 month period which starts over each issue. So, for a monthly publication, you would have to exceed 75% advertising for 7 issues in a row before it would be considered a violation.

- For the purposes of defining what is a “printed sheet,” a complete press signature counts as one printed sheet, but only as long as the publication is saddle stitched. If the publication is perfect bound, then each page within the press signature is a separate sheet.

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Banta Publications Group Distribution Contacts

As a customer, you are encouraged to direct all of your communications to your plant Customer Service Representative. However, there may be occasions when you may need to contact someone in the distribution areas directly. To facilitate this, the following is a list of contacts:

Entire Publications Group

Director, Mailing & Distribution Services

Monica Lundquist
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Bobbie Hill
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816-792-6480 Fax
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Greenfield, OH plant

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Don Anglin
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Mailing with Specific In-Home Dates

Most catalogers have a specific in-homewindow of dates within which they want to target the mail to be delivered to the final recipient. This in-home window is usually a span of three consecutive dates and there may be a number of reasons why the client needs the in-home dates to be met:

- They have a dated sale, either in the catalog or at retail outlets.
- They have a limited time offer in the catalog or special event at retail outlets, such as free shipping until a certain date, etc.
- They have specifically scheduled retail or catalog events throughout the year and need to maintain specific intervals between the various events.
- They man their call centers based the in-home dates. Early mail may result in calls going unanswered, late mail may result in manning the center longer than anticipated with additional costs.
- They manage their inventories of products based on in-home dates.
- Other

Even if a cataloger does not have a specific in-home window, they usually still have expectations of when the mail will be delivered to the recipients.

It is important to note that it can be equally as problematic (perhaps even more so) to have the mail delivered early as it is for the mail to be delivered late. It is best to target the desired in-home window as closely as possible.

Publications, on the other hand, do not usually have these same specific delivery expectations unless the titles are bi-weekly or more frequent, they have dated materials in the magazine, such as trade shows, contests, etc. or they are producing promotional materials for these types of events. For publishers, usually the date on the mailing statement is more important so they can prove for audit purposes that the magazine was mailed in a specific month. For catalogers, the mail date on the mailing statement is usually not as important; the dates of final recipient delivery are more important.

Postal delivery is very difficult to predict because there are so many variables that affect it and because it is so inconsistent. Generally speaking, however, mail should be delivered to the final recipient within 3-6 days after it arrives at the destination Bulk Mail Center (BMC) or within 1-3 days after it arrives at the destination SCF or ADC.

The following is a good estimate for calculating mail dates needed in order to hit desired in-home dates:

- Assume 1 day of shipping to the drop ship consolidator or local BMC for plant entered mail.
- Assume 1-2 days processing at the drop ship consolidator or local BMC for plant entered mail.
- Assume 1-7 days for transit time, depending on the distance of the destination entry from the consolidation center or local BMC for plant entered mail (e.g. East and West coast destinations will take 5-7 days transit time).
- Assume an additional 1-3 delivery days if drop shipped to an SCF or ADC, assume an additional 3-6 delivery days if drop shipped to a BMC or entered at the plant.

There are no guarantees with any of these estimates, however. It is not uncommon to experience mail delivery of 20 or more days.

To help in meeting our clients expectations of in-home delivery windows, the following is recommended:

- Always specify an in-home window or a delivery expectation if you have one. That way we know what your expectations are.
- Make sure the in-home window is communicated in advance to all affected departments, particularly client services, scheduling and distribution.
- Include the in-home dates on all instructions to the plant.
- It is a good idea to print the desired in-home date right on the mail piece itself. This can be done with ink jet if there is enough room in the knock-out area.

Banta has any number of internal processes and procedures to help insure that your delivery expectations are met; continuous communication is the key.

Supplying Copies to the USPS

The USPS is cracking down on publisher compliance with submitting copies of each issue of the magazine. This is a requirement for Periodicals rate publications (does not affect magazines mailing at Standard or Package Services rates). Publishers are required to supply a copy of each issue of the magazine to their original entry post office. Publishers are also required to supply a copy of the magazine marked for advertising and editorial content. The publisher has two options for providing these marked copies:

1) They may submit the marked copy to the printing plant post office. This is most often done by sending the marked copy to the plant CSR, who in turn sends it to the plant distribution department.

2) They may submit the marked copy to their origin post office (the post office where their offices are located).

Publishers may choose either option, but it should be consistent from issue to issue.

Even if the publisher sends the marked copy to the printing plant, they still need to provide a copy (does not have to be marked) to the origin post office, and for that reason many publishers elect to send both the marked and unmarked copies to the origin post office.

The marked copies do not need to be submitted at the time of mailing, but should be submitted within a reasonable time after the mailing (no more than 72 hours). If publishers do not submit these copies on a timely basis, the mailing of subsequent issues of the magazine may be held up.

If publishers have not been complying with this requirement, and receive an inquiry from the USPS on this matter, they should try to provide the marked copies for any back issues they may have missed. If this is not possible, then they should just start complying immediately.

Banta does not mark copies for publishers due to legal reasons (see specific DMM language below from section P200-emphasis added).

Each Issue

1.1

The publisher must file a copy of each issue with the postmaster of the original entry office.

Marked Copy

1.2

The publisher must file a copy of each edition of each issue **marked by the publisher** so the advertising content may be verified when necessary. **This marked copy must be filed either with the postmaster of the original entry office or the postmaster of the additional entry office where the publication is produced or prepared for mailing.** On the first page of each marked copy, the publisher must show the total units and percentage of space devoted to advertising and nonadvertising in the copy. Advertising matter printed on envelopes, wrappers, and the back of detached address cards must be included in the measurement of the advertising space. The computed percentage of advertising must be rounded off to two decimal places, if necessary, as shown in P013. Mailers are not required to submit marked copies if they are certified by the USPS to use the Periodicals Accuracy, Grading, and Evaluation (PAGE) Program.

The PAGE program that is referenced in the last sentence is a USPS program that certifies page composition software (either commercial or internally written) for accuracy in automatically calculating the advertising percentage when the magazine pages are digitally composed. This is really the only alternative to supplying marked copies. Spreadsheets or other forms listing the pages and the content are not admissible for meeting this requirement unless they are PAGE certified.

More information regarding the PAGE program is available by logging on to <http://ribbs.usps.gov> and select PAGE from the resource links. There is available a 24 page technical guide in pdf format, along with a 3 page FAQ report, also in pdf format. Also, list of certified vendors and certified users.

It is recommend that clients go to the FAQ's portion of this link first before going to the technical guide.

If clients are using magazine layout software that is not PAGE certified, they should encourage their software vendors to go through the certification process or provide a reason why they can't/won't.

Banta PubNet Design

The Banta Mailbox is gearing up for some changes! This issue marks the start of Banta PubNet taking over the creation and art direction of the Banta Mailbox. Future issues of the Banta Mailbox will arrive with a redesigned layout to better serve you.

For additional copies of the Banta Mailbox, log on to www.bds.banta.com or contact Jennifer Fitzpatrick, Marketing Communications Manager at 630-789-5652 or at jfitzpatrick@banta.com

Banta Mailbox is a monthly publication produced by the Banta Publications Group. Any comments or questions are welcome. Please contact Monica Lundquist of the Banta Publications Group by phone at 816-792-6370, by e-mail at mlundquist@banta.com, or write to Banta Publications Group, Mailing & Distribution Services, 3401 Heartland Drive, Liberty, MO 64068-3378.

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■ Public service announcements in publications do not count as advertising, but be wary of any advertiser logos. You may acknowledge sponsors, as long as there are no logos printed in the public service announcement. For example, the announcement could include “This announcement brought to you by ABC Company” as long as there is no logo for ABC Company.

■ You cannot use blank pages to meet the 24 page minimum requirement for requester publications, or to meet the 25% non-advertising minimum for supplements.

■ Supplements may be used to qualify to meet the 24 page minimum requirement for requester publications. For example, you could publish a 16-page magazine and mail it with a qualifying 8 page supplement, and still meet the 24 page minimum requirement.

■ Rule of thumb for measuring advertising: use pages if the amount of advertising is small, use square inches if the amount of advertising is more, and use column inches for newspapers and newsletters. This is just a recommendation, you can use any of these units of measure for any publication, as long as all the pages are measured using the same method and it is consistent from issue to issue.

■ When making changes to the title of a magazine, the publisher is required to complete and submit a Form 3510 to register the title change with the USPS. You may do this prior to the actual printing of the issue with the new title as long as you submit a mock-up of the cover with the new title, and follow up with an actual printed copy containing the new title. The USPS number will not change when the magazine title changes, but the ISSN number will, so make sure you update that information in your ID statement if it is included.

**Online
Information**

More information on Banta Corporation is available through the company's World Wide Web site at

www.banta.com

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