

**Code of Conduct  
for  
Direct  
Marketing by  
mail**

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*This document was last updated in August 2012.*

## **1. OBJECTIVES AND APPLICABILITY**

SWEDMA has established the following Code of Conduct as an expression of good practice in the production and distribution of personally addressed direct advertising (ADA). Members and associated members of SWEDMA are required to follow these rules. The Code of Conduct applies to the production and distribution of ADA in Sweden. Other rules may apply when producing and distributing ADA to recipients in other countries.

## **2. DEFINITION OF ADDRESSED DIRECT MARKETING**

ADA denotes personally addressed commercial communications, which have not been requested by the recipients, sent by the normal paid postal services.

## **3. IDENTIFYING ADVERTISING MATERIAL**

Any communication sent as ADA must identify that the content is advertising. It must be marked to ensure that recipients will understand at a glance and without examining the contents that the communication contains advertising. If the material is enclosed in an envelope or other means of closure, the outside must show that the message contains advertising.

## **4. INFORMATION ABOUT SENDER**

Any communication sent as ADA must contain information about the name of the company whose products are being marketed and how the recipients may contact that company.

## **5. SOURCE OF RECIPIENT'S ADDRESS**

Source of address identifies the company or register from which the marketer has obtained the recipient's address. ADA sent to consumers must contain information of the source of their addresses. This information must include the address and telephone number of the source to enable the recipient to contact the source. Such information need not, however, be provided if the marketer has reason to believe that the recipient will understand the where the address has been sourced, e.g. a customer relationship, membership, request for information or similar.

It is good practice although not mandatory when sending ADA to companies to provide information about the source of the address.

## **6. RESPECT FOR RECIPIENTS' PREFERENCES**

All marketers producing or distributing ADA must always endeavour to ensure that the recipients' preferences are observed. This includes respecting the mail preference service list (see item 7). Marketers should have their own lists of persons who have declared they do not wish to receive ADA from the company in question.

## **7. MAIL PREFERENCE SERVICE LIST**

Before sending ADA to consumers marketers must examine whether the addressee's name is registered in the mail preference service list. ADA may not be sent to any addressee whose name is registered. If the addressee's name is not registered in the mail preference service list ADA may be sent to this addressee for three months from the date of examining the list. Before continuing to send ADA to an addressee a new inspection must be made after three months.

Even if the addressee's name is registered in the mail preference service list ADA may be sent in the following cases:

- The consumer has explicitly consented to having ADA sent to them
- There is an established customer relationship (a concluded contract) between the marketer and the consumer. This exception may only be invoked if the offer is for the same type of goods or services. A customer relationship will be deemed to exist even for some time after the contractual obligations have been fulfilled, although not more than three years, unless special circumstances apply.
- The consumer directly provided personal information to the marketer, and on that occasion was informed both of the contact methods (post, telephone etc.) the marketer may use, and was given the opportunity to refuse marketing through one or several given means of contact.

## **8. OTHER STANDARDS**

Companies that produce ADA must safeguard and be responsible for the contents being in accordance with the ICC's basic rules for direct marketing and other applicable ICC codes of conduct, as well as the law on marketing and other applicable Swedish legislation.

## **9. FAILURE TO OBSERVE THIS CODE**

Breaches of these rules may be reported to the Ethical Council for Direct Marketing (the DM Council).

Please contact SWEDMA, the trade organisation for direct marketing,  
if you have any queries or observations about this Code of Conduct  
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