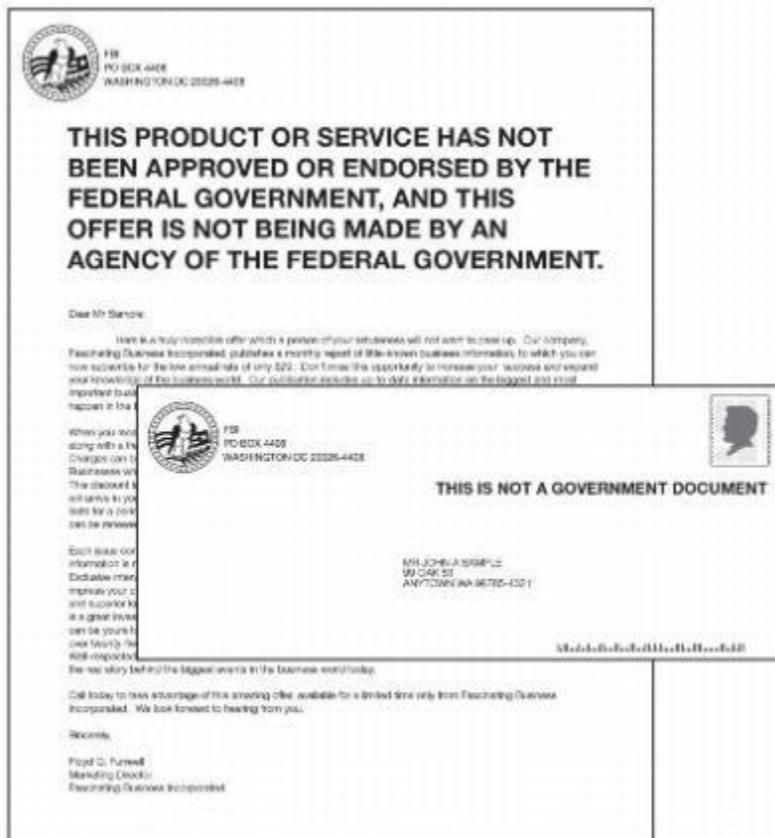


9.2.3 Permitted Solicitations

A solicitation described in [9.2.2a](#) may be mailable if it meets at least one of these conditions (see [Exhibit 9.2.3b](#)):

- a. The solicitation is by a nongovernmental entity that actually has the federal government connection, approval, or endorsement implied by the solicitation's terms or symbols.
- b. The solicitation appears in a publication for which the addressee has paid or promised to pay a consideration or which the addressee has otherwise indicated he or she wants to receive, and the solicitation is not on behalf of the publisher of the publication.

Exhibit 9.2.3b Disclaimers for Solicitations Implying Federal Connection



- c. The solicitation displays the notice required by [9.2.3c1](#) on the envelope or outside cover or wrapper in which the solicitation is mailed, and one of the two notices required by [9.2.3c2](#) on the contents. These notices must be printed in boldface capital letters of a color prominently contrasting with the background against which they appear. "Color prominently contrasting" excludes any color or intensity that ordinary photocopying cannot reproduce legibly. The color, which can include black, must be at least as vivid as any other color on the face of the solicitation and its envelope or outside cover or wrapper. The required wording, type size and style, and placement for the notices are as follows:
 1. On the Envelope, Cover, or Wrapper. The face of the envelope or outside cover or wrapper must bear the notice: "THIS IS NOT A GOVERNMENT DOCUMENT." The letters for printing this notice must be as large, bold, and conspicuous as any other letters on the face of such envelope, cover, or wrapper, but never smaller than 12-

point type. The notice must appear in the upper right quadrant, below the postage stamp or other postage indicia and above the address, and it must be surrounded by a clear space not less than 1/4 inch wide.

2. On the Contents. The solicitation mailed within the envelope, cover, or wrapper must bear at the outset on its face one of these two headlines, depending on its purpose as indicated in parentheses: (a) "THIS PRODUCT OR SERVICE HAS NOT BEEN APPROVED OR ENDORSED BY THE FEDERAL GOVERNMENT, AND THIS OFFER IS NOT BEING MADE BY AN AGENCY OF THE FEDERAL GOVERNMENT" (for the purchase of or payment for a product or service); (b) "THIS ORGANIZATION HAS NOT BEEN APPROVED OR ENDORSED BY THE FEDERAL GOVERNMENT, AND THIS OFFER IS NOT BEING MADE BY AN AGENCY OF THE FEDERAL GOVERNMENT" (for information or the contribution of funds or membership fees). The letters for printing these notices must be as large, bold, and conspicuous as any other letters on the face of the solicitation, but never smaller than 30-point type. The notice must be surrounded by a clear space at least 1/2 inch wide. The notice must not be preceded, followed, or surrounded by words, symbols, or other matter that reduces its conspicuousness or introduces, modifies, qualifies, or explains the required text, such as "Notice Required by Law." The notice must not, by folding or any other device, be made unintelligible or less prominent than any other information on the face of the solicitation.

9.6 Sweepstakes Matter (39 USC § 3001(K)(3)(A))

9.6.1 Definition

The term sweepstakes means a game of chance for which no consideration is required to enter.

9.6.2 Mailable Matter

Sweepstakes matter is mailable only if it discloses all of the following:

- a. In the body, in the rules, and on the order or entry form that no purchase is necessary.
- b. In the body, in the rules, and on the order or entry form that a purchase will not increase the odds of winning.
- c. All terms and conditions, including rules and entry procedures of the sweepstakes.
- d. The sponsor or mailer, with the principal place of business or address at which the sponsor or mailer may be contacted.
- e. Sweepstakes rules, including the odds of winning, quantity, value, and nature of the prize and the schedule of any payments over time.

9.6.3 Nonmailable Matter

Sweepstakes matter is nonmailable if it does any of the following:

- a. Represents that individuals not making a purchase may be disqualified from receiving future solicitations.
- b. Requires that the entry be accompanied by an order or payment for a product or service previously ordered.
- c. Represents that the recipient has won a prize unless that individual has won such prize.
- d. Otherwise contradicts or is inconsistent with any disclosure required by [9.6.2](#), or [9.6.3](#).

9.7 Skill Contests (39 USC 3001(K)(3)(B))

9.7.1 Definition

The term skill contest means a puzzle, game, competition, or other contest in which a prize is awarded, the outcome depends upon the skill of the contestant, and for which a payment, purchase, or donation is required to enter.

9.7.2 Mailable Matter

Skill contests are mailable only if they include all of the following:

- a. Disclose the terms and conditions of the contest, including the rules and entry procedures.
- b. Disclose the sponsor or mailer, with the principal place of business or address at which the sponsor or mailer may be contacted.
- c. Contain rules that state all of the following:
 1. Number of rounds or levels and the cost to enter each round.
 2. If subsequent rounds will be more difficult.
 3. Maximum cost to enter all rounds.
 4. Number of entrants or percentage expected to correctly solve the contest.
 5. Identity or qualifications of the judges, if judged by other than the sponsor.
 6. Method of judging.
 7. Dates the winners will be determined and the prizes awarded.
 8. Quantity, value, and nature of the prize.
 9. Schedule of any payments over time.
- d. **9.10 Removal of Names from Mailing Lists (39 USC § 3001(L))**
 - e. **9.10.1 Lists**
 - f. In general, any person who uses the mails for any mailing falling under [9.2](#), [9.6](#), [9.7](#), and [9.8](#) shall adopt reasonable practices or procedures to prevent the mailing of such matter to any person who, personally or through their legal representative, submits a written request that no such matter shall be mailed to that person. Such request may be made either to the mailer, or the Attorney General, or their representative, of the appropriate state. Such requests shall be honored for a period of five years from the date of the request. The mailer shall maintain a record of all such written requests.
 - g. **9.10.2 Special Requirements for Sweepstakes and Skill Contests**
 - h. Any promoter of sweepstakes or skill contests must make a clear and conspicuous disclosure of the address or toll-free telephone number by which an individual, or their duly authorized representative, may notify a promoter to have that individual's name and address removed from all lists of names and addresses used by that promoter to mail any skill contest or sweepstakes. Promoters have 60 days from the date of receipt of the removal request to effect the removal of the name and address from all mailing lists used by that promoter for any skill contest or sweepstakes.