Act Now Direct Marketers! We Can Block Costly USPS Ban

By Lori Beam “Neither snow nor rain nor heat nor gloom of night” will stop implementation of this U.S. Postal Service ban. Only action by you will halt “the swift completion of the appointed” rule. Why this dramatic industry call to arms? In a big change, the USPS proposes to **ban all merchandise or goods from letter and flat-shaped Marketing Mail** regardless of the value of the goods. If made final, this rule change will apply to both nonprofit and commercial Marketing Mail and could have far-reaching negative effects. Marketing Mail is often the best choice for mass mailing because postage prices are very low for commercial advertisers and even lower for nonprofits. If merchandise and goods are excluded from Marketing Mail, **many nonprofit organizations and commercial advertisers will be forced to pay much higher postage costs when sending merchandise of any type**. For instance:

- Many nonprofit organizations and fundraising firms encourage donations by including front-end or back-end premiums such as paper goods (e.g., calendars, address labels, greeting cards, notepads) or small goods (e.g., religious statues, pens or coins).
- Many commercial advertisers encourage purchase or other action by including sample credit cards, magnets, stickers or other free premiums.

These premiums often increase the effectiveness of the communication in a way not available through alternative distribution channels, such as email. They make more of an impression because they provide a tactile experience, offering useful items that create a positive association and remind the recipient of the sender for months. Given that Priority Mail®, Parcel Select® and First-Class rates of postage can be more than double the Marketing Mail rate, increased postage costs could be dramatic. And for nonprofits that rely on these solicitations for financial support, it could mean reduced charitable services or forced closure. So, don’t go postal, but do **act now!** The USPS is accepting comments on the proposal until **Oct. 22, 2018**. Ask your government to withdraw the proposed ban, and tell them how the rule would harm your nonprofit organization or business by going to 83 Fed.Reg. 42624 (2018). Lori Beam chairs the firm’s Advertising, Marketing and Promotions practice group. Contact her at lbeam@sb-kc.com or 816-421-4460. *This article is general in nature and does not constitute legal advice. Readers with legal questions should consult with an attorney prior to making any legal decisions.