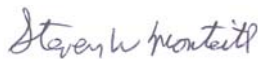


## Nonprofit USPS Marketing Mail Eligibility: Nonprofit and Other Qualified Organizations

Publication 417

January 2017  
Transmittal Letter

- A. Purpose.** Publication 417, *Nonprofit USPS Marketing Mail Eligibility: Nonprofit and Other Qualified Organizations*, discusses eligibility, authorization, and the rules for mailing at the Nonprofit USPS Marketing Mail (nonprofit) prices. Many customers find it helpful to reference this publication to gain authorization and determine the eligibility of their mailpiece. Customers may also consult their local postmaster or business mail entry manager for additional information about Nonprofit USPS Marketing Mail.
- B. Availability.** Copies are available online as follows.
- Public: The public can access Publication 417 in PDF and HTML formats on Postal Explorer at [pe.usps.gov/](http://pe.usps.gov/).
  - Postal Service: USPS employees can access Publication 417 in PDF and HTML formats on the USPS Web site.
- C. How to Use This Book.** An introduction is located at the beginning of the book. It explains how information is organized and how each chapter is numbered. Also included are four appendices that contain case studies, questions and answers, Customer Support Rulings, and information on application forms.
- D. Comments.** Contact your local Post Office, business mail entry office, or the Pricing and Classification Service Center (PCSC) with comments or questions about our mailing standards - see *Mailing Standards of the United States Postal Service, Domestic Mail Manual (DMM) 608.8.4.2* for addresses and telephone numbers of business mail entry offices and the PCSC:
- E. Effective Date.** This publication is effective January 2017. All previous issues of Publication 417 are obsolete



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# 1 Introduction

## 1-1 Background

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Reduced prices for USPS Marketing Mail postage are available for eligible organizations that the United States Postal Service (USPS) has authorized and whose individual mailings meet the specific eligibility rules that apply to Nonprofit USPS Marketing Mail.

The U.S. Congress authorized these reduced prices in 1951 and determined the categories of organizations eligible for these prices (see [2-2](#)). Subsequent legislation extended the privileges to other categories and added restrictions on what material may be mailed at the Nonprofit USPS Marketing Mail (nonprofit) prices.

## 1-2 Publication 417

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Publication 417 provides information about eligibility, authorization, and rules for Nonprofit USPS Marketing Mail, as follows:

- a. [Chapter 2](#) explains the categories of organizations eligible to mail at the Nonprofit USPS Marketing Mail prices and types of organizations that generally are not eligible.
- b. [Chapter 3](#) explains how to apply for Nonprofit USPS Marketing Mail authorization at the Post Office or Post Office(s) where the organization plans to deposit mail.
- c. [Chapter 4](#) explains how to determine if an individual mailing meets the general requirements for mailing at the nonprofit prices.
- d. [Chapter 5](#) explains the cooperative mail rule and what constitutes an ineligible cooperative mailing.
- e. [Chapter 6](#) explains how to apply the specific content-based restrictions to Nonprofit USPS Marketing Mail.
- f. [Appendix A](#) provides case studies showing how to apply the content-based rules.
- g. [Appendix B](#) contains questions and answers regarding content-based restrictions.
- h. [Appendix C](#) contains the Customer Support Rulings (CSRS) that apply to Nonprofit USPS Marketing Mail.
- i. [Appendix D](#) contains information for obtaining the two application forms for authorization to mail at nonprofit prices.

## 1-3 Mailing Standards

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*Mailing Standards of the United States Postal Service*, Domestic Mail Manual (DMM) provides the official mailing standards and prices for all domestic mail services.

The DMM is available for customers and employees on Postal Explorer at *pe.usps.com*. The online version includes easy-to-use interactive menus, clickable links, and a powerful search feature.

Customer Support Rulings (CSRs) provide examples of DMM standards and how they are applied to actual mailing situations. CSRs are available at *pe.usps.com* and are easy to search or sort (by class of mail, DMM reference, etc.).

## 1-4 Other Publications

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Other useful publications, such as the following, are available online at *usps.com* and Postal Explorer, as well as in print at many Post Offices and business mail entry units:

- a. Publication 28, *Postal Addressing Standards*, provides guidance on the most efficient means to address a mailpiece.
- b. Publication 95, *Quick Service Guide (QSG)*, provides two-page overviews of mail preparation and pricing for each class and shape of mail, plus special topics like permit imprints and nonprofit eligibility.

## 1-5 Postal Explorer

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Postal Explorer (*pe.usps.com*) is an easy-to-use Web site that provides a comprehensive collection of business mailing tools, many used by nonprofit organizations, including Publication 417. On Postal Explorer, you can do the following:

- a. Get the most up-to-date mailing information.
- b. Access the QSG.
- c. Read the DMM Advisory message board.
- d. Access nonprofit postage statements and forms.
- e. Calculate nonprofit postage prices.
- f. Use the USPS Marketing Mail eligibility decision tree.



# 2 Eligible and Ineligible Organizations

## 2-1 Evaluation of Eligibility

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In reviewing an application for authorization to mail at the Nonprofit USPS Marketing Mail (nonprofit) prices for one of the eight types of organizations listed in [2-2.1](#), the Postal Service examines an organization's supporting documentation to verify the following:

- a. The organization's primary purpose. The organization must be both organized and operated for a qualifying primary purpose. An organization that incidentally engages in qualifying activities is ineligible for nonprofit prices.
- b. The organization's nonprofit status. An eligible organization may receive authorization to mail at nonprofit prices if it meets the following two financial conditions:
  - (1) The organization is not organized for profit.
  - (2) None of the organization's net income is intended to benefit any individual or private stockholder.

## 2-2 Eligible Organizations

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### 2-2.1 Categories of Organizations

Nonprofit organizations that are organized and operated for the following primary purposes may apply for authorization to mail at the Nonprofit USPS Marketing Mail (nonprofit) prices. Certain political committees (see [2-2.2](#)) and voting registration officials (see [2-2.3](#)) also may apply for authorization to mail at nonprofit prices.

The eight categories of eligible nonprofit organizations are as follows:

- a. Religious.
- b. Educational.
- c. Scientific.
- d. Philanthropic (Charitable).
- e. Agricultural.
- f. Labor.
- g. Veterans.
- h. Fraternal.

**2-2.1.1 Religious**

A *religious organization* is a nonprofit organization whose primary purpose is one of the following:

- a. Conduct religious worship (e.g., churches, synagogues, temples, mosques).
- b. Support the religious activities of nonprofit organizations whose primary purpose is to conduct religious worship.
- c. Further the teaching of particular religious faiths or tenets, including religious instruction and the dissemination of religious information.

**2-2.1.2 Educational**

An *educational organization* is a nonprofit organization whose primary purpose is the instruction or training of individuals, or the instruction of the public.

An organization may be educational even though it advocates a particular position or point of view, as long as the organization presents a sufficiently full and fair exposition of the pertinent facts to permit the formation of an independent opinion or conclusion. Conversely, an organization is not considered educational if its principal function is merely to present unsupported opinion.

Examples of educational organizations include the following:

- a. Organizations (e.g., a primary or secondary school, a college, or a professional or trade school) that have a regularly scheduled curriculum, a regular faculty, and a regularly enrolled body of students in attendance at a place where educational activities are regularly conducted.
- b. Organizations whose activities consist of presenting public discussion groups, forums, panels, lectures, or similar programs, including broadcasts of such activities on radio or television.
- c. Organizations that present a course of instruction by correspondence, television, or radio.
- d. Museums.
- e. Planetariums.
- f. Symphony orchestras.
- g. Zoos.

**2-2.1.3 Scientific**

A *scientific organization* is a nonprofit organization whose primary purpose is one of the following:

- a. To conduct research in the applied, pure, or natural sciences.
- b. To disseminate technical information dealing with the applied, pure, or natural sciences.

#### 2-2.1.4 **Philanthropic (Charitable)**

A *philanthropic (charitable) organization* is a nonprofit organization that is primarily organized and operated to benefit the public. Examples are those that are organized and operated for the following:

- a. Relief of the poor, distressed, or underprivileged.
- b. Advancement of religion, education, or science.
- c. Erection or maintenance of public buildings, monuments, or works.
- d. Lessening the burdens of government.
- e. Promotion of social welfare for any of the above purposes or to lessen neighborhood tensions, eliminate prejudice and discrimination, defend human and civil rights secured by law, or combat community deterioration and juvenile delinquency.

If an organization that is organized and operated to relieve indigent persons receives voluntary contributions from those persons, it does not necessarily make it ineligible for nonprofit prices as a philanthropic organization.

If an organization, in carrying out its primary purpose, advocates social or civic changes or presents ideas on controversial issues to influence public opinion and sentiment to accept its views, it does not necessarily make it ineligible for nonprofit prices as a philanthropic organization.

#### 2-2.1.5 **Agricultural**

An *agricultural organization* is a nonprofit organization whose primary purpose is to better the conditions of those engaged in agricultural pursuits, to improve the grade of their products, to develop a high degree of efficiency in agriculture, or to collect and disseminate information or materials about agriculture.

An agricultural organization may further and advance such agricultural interests in the following ways:

- a. Sponsoring educational activities.
- b. Holding agricultural fairs.
- c. Collecting and disseminating information about the cultivation of the soil and its fruits or the harvesting of marine resources.
- d. Rearing, feeding, and managing livestock, poultry, bees, etc.
- e. Promoting other activities related to agricultural interests.

#### 2-2.1.6 **Labor**

A *labor organization* is a nonprofit organization whose primary purpose is to better the conditions of workers. Labor organizations include, but are not limited to, organizations (e.g., labor unions and employee associations) in which employees or workers participate, whose primary purpose is to deal with employers on such issues as grievances, labor disputes, wages, hours of employment, and working conditions.

**2-2.1.7 Veterans**

A *veterans' organization* is a nonprofit organization of veterans of the armed services of the United States, or an auxiliary unit or society of, or a trust or foundation for, any such post or organization.

**2-2.1.8 Fraternal**

A *fraternal organization* is a nonprofit organization whose primary purpose is to foster fellowship and mutual benefits among its members.

A fraternal organization must also be organized under a lodge or chapter system with a representative form of government; must follow a ritualistic format; and must be composed of members elected to membership by vote of the members. Such organizations may have members of one sex or both sexes.

Examples of qualifying fraternal organizations include the following:

- a. Masons.
- b. Knights of Columbus.
- c. Elks.
- d. College fraternities or sororities.

Fraternal organizations do not encompass such organizations as business leagues, professional associations, civic associations, or social clubs.

**2-2.2 Qualified Political Committees**

The following political committees may be authorized to mail at nonprofit prices without regard to their nonprofit status:

- a. National committee of a political party (the organization responsible for the party's day-to-day operation at the national level).
- b. State committee of a political party (the organization responsible for the party's day-to-day operation at the state level).
- c. The Democratic Congressional Campaign Committee.
- d. The Democratic Senatorial Campaign Committee.
- e. The National Republican Congressional Committee.
- f. The National Republican Senatorial Committee.

**2-2.3 Voting Registration Officials**

Voting registration officials in a state or the District of Columbia are authorized to mail certain USPS Marketing Mail materials at the Nonprofit USPS Marketing Mail prices under the National Voter Registration Act of 1993 (see [4-2](#)).

## 2-3 Ineligible Organizations

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### 2-3.1 **Governmental Organizations**

Regulations provide that state, county, and municipal governmental organizations are generally not eligible for the Nonprofit USPS Marketing Mail prices. However, a separate and distinct state, county, or municipal governmental organization that meets the criteria for any one of the categories in [2-2.1](#) may be eligible, notwithstanding its governmental status. Examples include school districts, public libraries, and soil and water conservation districts. Nevertheless, governmental organizations are normally not eligible under the philanthropic category since their income is not generally derived from voluntary contributions or donations.

### 2-3.2 **Other Typical Ineligible Organizations**

Even if organized on a nonprofit basis, the following organizations and similar ones are ineligible for the nonprofit prices:

- a. Associations of rural electric cooperatives.
- b. Automobile clubs.
- c. Business leagues.
- d. Chambers of commerce.
- e. Citizens and civic improvement associations.
- f. Individuals.
- g. Mutual insurance associations.
- h. Political organizations (other than those specified in [2-2.2](#)).
- i. Service clubs — e.g., Civitan, Kiwanis, Lions, Optimist, and Rotary.
- j. Social and hobby clubs.
- k. Trade associations.

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# 3 Application for Authorization

## 3-1 Original Mailing Office

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### 3-1.1 General

A responsible official of the organization must apply for an authorization to mail at the Nonprofit USPS Marketing Mail (nonprofit) prices at each Post Office where the organization plans to enter mailings. The initial application for nonprofit authorization and any subsequent applications to mail at other Post Offices require specific forms and documentation, as we will discuss in this chapter.

Required documentation includes proof of the organization's nonprofit status and evidence that the organization meets one of the qualifying categories.

Qualified political committees and voting registration officials are exempt from the requirement to document nonprofit status (see [3-1.5](#)).

### 3-1.2 Completing PS Form 3624

To begin the process, complete PS Form 3624, *Application to Mail at Nonprofit USPS Marketing Mail Prices*. This application is available on Postal Explorer at [pe.usps.com](http://pe.usps.com), as well as in print at any Post Office or business mail entry unit. The postmaster or the district business mail entry manager can answer questions about completing the form.

### 3-1.3 General Documentation Requirements

Organizations other than qualified political committees and voting registration officials must attach copies of the following documents to the PS Form 3624 to support the organization's eligibility for nonprofit prices:

- a. Formative papers. Formative papers describe the organization's primary purpose. These papers include articles of incorporation, constitution, trust indenture, charter endorsed by appropriate civil authorities enabling legislation, or other organizing instrument.
- b. Evidence of nonprofit status. Evidence of the organization's nonprofit status may be a copy of the tax exemption letter from the Internal Revenue Service. This letter shows the organization's exemption from the payment of federal income tax and cites the section of the Internal Revenue Code under which the organization is exempt — e.g., 26 U.S.C. 501(c)(3).

Alternatively, provide a complete financial statement from an independent auditor — such as a certified public accountant — substantiating that the

organization is a nonprofit organization. Statements from officers of the applicant organization, internal financial statements, or other internal documents are not sufficient.

### 3-1.4 **Additional Documents Concerning Operation**

Also, provide as many of the following documents as possible:

- a. List of activities. This list shows the activities that the organization engaged in during the past 12 months.
- b. Financial statement for the purpose of substantiating operational activities, e.g., expenditures on “qualifying activities.” This statement details the organization’s receipts and expenditures for the past fiscal year and includes a copy of the organization’s budget for the current year.
- c. Other documents of operation. These documents include the organization’s bulletins, minutes of meetings, brochures, membership solicitation materials, annual report(s), and similar papers that show how the organization operates.

### 3-1.5 **Qualified Political Committees and Voting Registration Officials**

Qualified political committees and voting registration officials also must complete PS Form 3624 and provide appropriate documents with their applications as follows:

- a. Qualified political committees must submit organizational or other documents substantiating that the committee is the state or national committee of the political party.
- b. Voting registration officials must submit a copy of the statute, ordinance, or other authority establishing responsibility for voter registration.

### 3-1.6 **Submitting Application**

#### 3-1.6.1 **Where to File**

Take the completed PS Form 3624 and supporting documents to the Post Office where the organization intends to mail. Request a copy of the application that has been date-stamped by Postal Service personnel.

#### 3-1.6.2 **Review Process**

The Post Office will review the application and documentation for completeness, and then forward the application file to the Pricing and Classification Service Center (PCSC) in New York. The PCSC may request additional information before approving or denying the application. (Be sure to provide any requested information within the specified timeframe.) The PCSC manager will notify the organization directly of its decision on the application.



If the documentation is complete, the review process normally takes two weeks. If additional information is needed to substantiate eligibility, the process can take longer.

### 3-1.6.3 **Refund for Mailings While Application Pending**

While the application for authorization to mail at nonprofit prices is pending, the organization must pay postage at the applicable prices for First-Class Mail or regular USPS Marketing Mail (regular prices).

Refunds are not available for mailings entered as First-Class Mail. To qualify for any refund of postage for mailings entered at the regular USPS Marketing Mail prices, make arrangements with the postmaster to mail under a deposit system while the application is pending.

If the PCSC approves the application, the organization is eligible for a refund of the difference in postage between the regular prices deposited and the applicable nonprofit prices for mailings entered on and after the effective date of the application.

The effective date is the date when the organization filed the application or the date when the organization first met the eligibility requirements for the nonprofit prices, whichever is later.

## 3-1.7 **Appealing Denied Application**

### 3-1.7.1 **Notification**

The PCSC will provide the organization with written notification if the organization is found ineligible for the nonprofit prices. The organization may file a written appeal of the denial within 15 days. Submit the appeal to the postmaster at the Post Office where the application was filed. The postmaster then will forward the appeal with the supporting documentation to the PCSC.

### 3-1.7.2 **Appeal Letter**

The appeal letter should include, or have attached, any new evidence or arguments on which the organization is basing the appeal. You may, for example, include further proof of the organization's nonprofit status or a more comprehensive description of the organization's activities during the past 12 months, if these were factors in the PCSC's decision to deny the application.

### 3-1.7.3 **Final Decision**

After reviewing any additional information, the PCSC may reverse its decision and approve the application. If not, the appeal and supporting documentation will be sent to the manager of Mailing Standards at USPS Headquarters in Washington, DC, who will issue the final agency decision.

## 3-2 Additional Mailing Offices

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### 3-2.1 General

Once an organization is authorized, it may mail at Nonprofit USPS Marketing Mail prices at any Post Office location that accepts presorted mailings within the United States. The Postal Service will issue a national Nonprofit USPS Marketing Mail authorization number to each organization authorized to mail at the Nonprofit USPS Marketing Mail prices. Authorized organizations must display this number in the appropriate space on each postage statement that accompanies a mailing at Nonprofit USPS Marketing Mail prices.

### 3-2.2 Confirmation of Authorization

#### 3-2.2.1 PS Form 3623

An authorized organization, or organization pending authorization, wishing to mail at a non-*PostalOne!* Post Office location must file PS Form 3623, *Request for Confirmation of Authorization (or Pending Authorization) to Mail at Nonprofit USPS Marketing Mail Prices*, with the postmaster before entering mailings at Nonprofit USPS Marketing Mail prices.

#### 3-2.2.2 Organization Name

If the organization name on PS Form 3623 differs from the one on USPS records, the applicant must revise the organization's original application to reflect a name change by providing evidence that the organization name was officially changed (e.g., an official amendment to the organization's Articles of Incorporation stating the former name and the new name and a letter issued by the Internal Revenue Service recognizing the name change).

#### 3-2.2.3 Mailing While Application Pending

While the application to mail at nonprofit prices at the additional office is pending, the organization must pay postage at the applicable prices for First-Class Mail or Priority Mail service, or at regular USPS Marketing Mail prices. Refunds are not available for mailings entered as First-Class Mail or Priority Mail. To qualify for any refund of postage for mailings entered at the regular USPS Marketing Mail prices, make arrangements with the postmaster to mail under an advance deposit account while the application is pending.

## 3-3 Mailing After Authorization

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### 3-3.1 Mailing Frequency and Revocation for Nonuse

The organization must make at least one mailing at the Nonprofit USPS Marketing Mail prices during a 2-year period or the authorization to mail at the nonprofit prices will be automatically revoked for nonuse. A primary authorization (the authorization obtained by filing PS Form 3624) will not be revoked for nonuse if one or more nonprofit mailings have been made during the 2-year period at the primary authorization Post Office or at an additional

mailing office where authorization is based upon the primary authorization. An additional mailing office authorization, if no mailings at the Nonprofit USPS Marketing Mail prices have been made under that authorization during a 2-year period, will be revoked for nonuse. The PCSC notifies the organization of the revocation for nonuse whether the entry is a primary or an additional office authorization.

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# 4 Qualified Mailings

## 4-1 Legal Responsibilities

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Authorization to mail at the Nonprofit USPS Marketing Mail (nonprofit) prices is a privilege granted by law only to authorized organizations. Civil and criminal penalties apply to false, fictitious, or fraudulent statements made in connection with a Nonprofit USPS Marketing Mail mailing. Under USPS standards, an authorized organization must do the following:

- a. Ensure that only its own matter is mailed under its Nonprofit USPS Marketing Mail authorization.
- b. Never use the nonprofit prices to send matter on behalf of, or produced for, an unauthorized organization or individual.
- c. Never delegate, lend, or “rent” its Nonprofit USPS Marketing Mail authorization to any other person or organization.
- d. Ensure that a properly completed postage statement is presented with each mailing.

**Note:** The mailer’s signature on the postage statement certifies that the mailpiece is eligible for the nonprofit prices.

## 4-2 Voter Registration Materials

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Authorized voting registration officials may mail USPS Marketing Mail material at the Nonprofit USPS Marketing Mail prices only if the material is required or authorized to be mailed at those prices by the National Voter Registration Act of 1993 (39 U.S.C. 3629). (See CSR PS-310.)

## 4-3 Individual Mailings

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### 4-3.1 General Standards

An authorized organization may enter an individual mailing at the Nonprofit USPS Marketing Mail (nonprofit) prices if all of the following standards are met:

- a. The mailing is made up of USPS Marketing Mail matter only.
- b. The mailing meets the standards for Presorted USPS Marketing Mail — i.e., it contains at least 200 addressed pieces or 50 pounds of addressed pieces.

- c. The mailing is prepared according to standards in the DMM.
- d. The mailing is the organization's own mail (see chapter [5](#)).
- e. The mailing does not contain products or advertising ineligible for mailing at the nonprofit prices (see chapter [6](#)).
- f. The mailing is accompanied by the appropriate postage statement.

## 4-3.2 Identification of Mailpieces

### 4-3.2.1 Organization Name

All matter mailed at the nonprofit prices must identify the authorized organization. The authorized organization's name and return address must appear in at least one of two places:

- a. On the outside of the mailpiece — e.g., in the return address.
- b. In a prominent place on the material mailed — e.g., on the letterhead or elsewhere on the material inside the mailing envelope or wrapper.

**Note:** If a return address is included on the mailpiece, it must be a complete return address of the authorized nonprofit organization. (See CSR PS-140.)

### 4-3.2.2 D.B.A. or A.K.A. Names

Organizations may mail using a d.b.a. (doing business as) or a.k.a. (also known as) name if the name is shown on the authorization to mail at the nonprofit prices.

If an organization that is currently authorized to mail at nonprofit prices requests to have the name on the authorization changed to a d.b.a. or a.k.a. name, the Postal Service requires a copy of the certificate from the state that recognizes the use of the d.b.a. or a.k.a. name and a letter from the organization requesting a name change to the d.b.a. or a.k.a. name.

Alternately, the organization may maintain its authorization in its incorporated name and obtain a separate authorization to mail at nonprofit prices in its d.b.a. or a.k.a. name. An organization that is not currently authorized to mail at nonprofit prices may request authorization under a d.b.a. or a.k.a. name. To do so, the organization must file a PS Form 3624 in the d.b.a. or a.k.a. name. The application must include the following:

- a. The information listed in [3-1](#).
- b. A copy of the certificate from the state that recognizes the use of the d.b.a. or a.k.a. name.
- c. A letter from the organization requesting to use the d.b.a. or a.k.a. name. (See CSR PS-124.)

### 4-3.2.3 Return Address Required

A return address is required on the outside of the mailpiece when postage is paid by precanceled adhesive stamps or a company permit imprint.

## 4-4 Postage Liability

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If the Postal Service determines that a mailing was ineligible for the Nonprofit USPS Marketing Mail (nonprofit) prices claimed at the time of mailing, it may assess the organization or any party that entered the ineligible material the difference between the nonprofit prices paid and the applicable regular prices.

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# 5 Cooperative Mailings

## 5-1 Overview

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The cooperative mail rule applies to all mail entered as Nonprofit USPS Marketing Mail, with the exception of certain fundraising mailings. The scope of this exception is discussed in [5-2](#).

A cooperative mailing is a mailing produced by an authorized organization that “cooperates” with one or more organizations to share the cost, risk, or benefit of the mailing. Cooperative mailings may not be entered at the Nonprofit USPS Marketing Mail (nonprofit) prices unless all cooperating organizations are authorized to mail at these prices at the Post Office of mailing.

Furthermore, the cooperative mail rule prevents authorized organizations from sharing their authorizations with others who are not authorized. The rule restricts Nonprofit USPS Marketing Mail mailings to the authorized organization’s own mail.

## 5-2 Eligible Mailings

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### 5-2.1 **Scope of Cooperative Mail Rule**

The cooperative mail rule generally applies to all mail entered as Nonprofit USPS Marketing Mail. However, effective November 13, 2003, the Postal Service adopted a limited exception to this policy for certain fundraising mail in order to assist nonprofit organizations obtain the monetary funding needed to support their programs. Mailings within the exception are not subject to the cooperative mail rule and are not denied entry at nonprofit prices under that provision, but remain subject to all other eligibility standards for Nonprofit USPS Marketing Mail.

Nonprofit USPS Marketing Mail is not subject to the cooperative mail rule if it meets each of the following criteria:

- a. It solicits monetary donations for the authorized nonprofit mailer.
- b. It does not promote or otherwise facilitate the sale or lease of any goods or service.
- c. The authorized nonprofit mailer is given a list of each donor, contact information (e.g., address, telephone number) for each, and the amount of the donation, or waives in writing the receipt of this list.

### 5-2.2 Eligibility Factors

In order to determine whether a mailing is eligible for nonprofit prices, the Postal Service evaluates the answers to the following questions (see CSR PS-209):

- a. Who devised, designed, and paid for the mailpiece?
- b. Who paid the postage on the mailing, either directly or indirectly?
- c. How are the profits and revenues divided from the mailing or an enterprise it supports?
- d. What risks are entailed with the mailing or with an enterprise it supports and who bears these risks?
- e. Who makes managerial decisions about the content of the mailing or the enterprise it supports?
- f. What are the participant's intentions and interests?

### 5-2.3 Commercial Mailing Agent

A commercial mailing agent (or other unauthorized entity) may enter mail at nonprofit prices for an authorized organization, if the organization can show that the relationship is a legitimate principal-agent relationship.

If a question arises whether a mailing is eligible for nonprofit prices, the authorized organization must provide, on request, documentation of the relationship that includes all contracts between the organization and other parties to the mailing and any other information requested by the Postal Service.

#### **Examples: Acceptable Principal-Agent Relationships**

- Authorized organization O hires commercial mailing agent C at a fixed fee to print and mail organization O's newsletter at nonprofit prices. Organization O's name and return address appear on the envelope containing the newsletter. The envelope shows agent C's permit imprint number (identified with "Nonprofit Organization," "U.S. Postage Paid," etc.). This arrangement is considered an acceptable principal-agent relationship.
- Authorized university U enters into an agreement with agent A (a for-profit company) to handle university U's conference. Agent A's sole function is to plan and manage the conference. For this function, agent A receives \$2,500 (a fixed payment that is consistent with the amount agents typically receive for such services in that city). According to the agreement, agent A enters conference-related mailings for university U at nonprofit prices. This arrangement is considered an acceptable principal-agent relationship.

## 5-3 Ineligible Mailings

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Mail matter associated with joint enterprises between an authorized organization and a commercial enterprise (or other unauthorized mailer) is ineligible for the Nonprofit USPS Marketing Mail prices. Typically, ineligible cooperative mailings are arranged as follows:

- a. Both parties contribute something to the mailing, such as the following:
  - (1) A list of names and use of the Nonprofit USPS Marketing Mail authorization by the authorized organization.
  - (2) Payment of printing or mailing costs by the commercial enterprise.
- b. Both parties take something out of the mailing (a share of the proceeds or profits).

***Example: Ineligible Cooperative Mailing***

- Authorized organization B and grocery store G agree to prepare mailpieces for distribution to organization B's members. Organization B provides its membership list and uses its Nonprofit USPS Marketing Mail authorization to enter the mailpieces at nonprofit prices. Grocery store G pays the postage and donates to organization B two percent of the sales to organization B's membership during a 1-year period. Because grocery store G pays the cost of the mailing and derives benefits from it, this cooperative mailing is ineligible for nonprofit prices.

## 5-4 Political Committee Mailings

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### 5-4.1 **Applying the Cooperative Mail Rules**

Qualified political committees are subject to the cooperative mailing requirements. However, unlike cases involving cooperative mailings between an authorized nonprofit organization and a commercial organization, there is often an ongoing relationship between the qualified political committee and the committee's candidate.

A political candidate may be connected to the authorized political committee mailer by being a member of and/or financial contributor to the political party represented by the committee. The committee is, of course, interested in promoting, encouraging, and supporting the candidate's election.

Postal laws and regulations do not prohibit the candidate from contributing to the committee or the committee from supporting the candidate. The concern under postal laws and regulations is whether the political candidate's financial contribution to the authorized political committee is in return for the mailing or mailings that support the candidate.

(See CSR PS-055.)

**Example: Proper Use of Contributed Funds**

- Politician A is a member of the qualified political committee. The qualified political committee plans to include information supporting politician A's candidacy for office and has asked the candidate for a biographical sketch. The candidate provides the information and makes a contribution to the qualified political committee. The qualified political committee will retain authority to accept or reject information provided by the candidate, and the contribution by the candidate is not a contribution to pay for the mailing. This is not considered to be a cooperative mailing because the qualified political committee retained discretion over the decision to mail and the contents of the mailing.

5-4.2 **Maintaining Committee Control**

An authorized political committee may mail election-related materials, including but not limited to candidate endorsements and sample ballots, at the nonprofit prices if the materials are exclusively those of the authorized political committee. An authorized political committee may make political mailings in support of its candidates, provided that no monies contributed by the candidate to the qualified committee shall be specifically earmarked for use in making the political mailing or in return for the political mailing.

**Example: Committee Discretion Retained**

- Politician B, a candidate for a statewide political office, mails a check to authorized political committee C, the state committee for his party. Politician B encloses a note with the check that says, "This check is for my pro rata share of a sample ballot." Committee C has mailed a sample ballot to state residents for the past five elections. However, committee C makes the decision on whether to send sample ballots on an election-by-election basis. Committee C has not had any discussions with politician B on this subject, nor has it reached an understanding with politician B that sample ballots will be produced and mailed. Committee C deposits politician B's check into its general fund to be used for committee expenses. Committee C will not return the check even if it decides not to mail sample ballots. Committee C later decides to mail sample ballots for the election in which politician B is a candidate. Notwithstanding politician B's contribution, this is not considered to be a cooperative mailing because committee C retained discretion whether or not to mail the sample ballots.

A candidate may make or solicit contributions to a qualified political committee, provided that the committee retains absolute discretion over how the funds are spent. If the candidate or other nonqualified entity pays the preparation, printing, or postage costs for the mailing in return for the qualified political committee's agreement to make the mailing, that mail matter is not eligible for the nonprofit prices.

A political candidate may provide suggested copy, pictures, biographical information, or similar assistance requested by a qualified political committee that is preparing a mailing in support of the candidate. The qualified political committee may also ask a candidate to review a proposed mailpiece for accuracy. However, the qualified political committee must have final

authority over the decision to mail the political matter and the contents of that matter.

***Example: Improper Candidate Funding***

- Authorized political committee D announces the creation of a “Candidate’s Coordinated Mailing Fund.” Contributions to the fund will be used exclusively for mailings supporting candidates. Candidates E, F, G, and H contribute to the fund, and committee D makes a multi-candidate endorsement for candidates E, F, G, and H. This would be considered a cooperative mailing. It would not be a cooperative mailing if (a) the fund created is not announced as one that will be used exclusively for mailings, and (b) committee D retained absolute discretion as to whether or not to make the mailings at all.

5-4.3 **Endorsements on Mail**

Mailings by qualified political committees often bear endorsements such as “Paid for by [committee] and authorized by [candidate].” These endorsements are often required by federal or state law. The presence of these endorsements alone does not disqualify the mailing from being sent at the nonprofit prices. The presence of factors discussed in the preceding sections of this chapter is required to find the mailing ineligible for the nonprofit prices.

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# 6 Content-Based Restrictions

## 6-1 Overview

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### 6-1.1 **Effective Date**

In the 1990s, legislation was enacted that imposed content-based eligibility restrictions affecting the mailing of certain products and advertisements for products and services at the Nonprofit USPS Marketing Mail (nonprofit) prices.

### 6-1.2 **Summary of Restrictions**

The content-based restrictions concern the following two questions:

- a. Whether a product is eligible for mailing at the nonprofit prices.
- b. Whether an advertisement for a product or service is eligible for mailing at the nonprofit prices.

### 6-1.3 **Legislative History**

#### 6-1.3.1 **Public Law 101-509**

On November 5, 1990, the President signed into law Public Law 101-509, the Treasury, Postal Service and General Government Appropriations Act for 1991, adding new subsection (j) to 39 U.S.C. 3626. This provision prohibits the mailing of material at the nonprofit prices if it contains advertising for credit, debit, or charge cards or similar financial instruments or accounts.

This provision also restricts the mailing of material at the nonprofit prices if it contains advertising for insurance policies and travel arrangements.

#### 6-1.3.2 **Public Law 103-123**

On October 28, 1993, the President signed into law Public Law 103-123, the Treasury, Postal Service and General Government Appropriations Act for 1994. Title V of the Act, the Revenue Forgone Reform Act, amended 39 U.S.C. 3626 by adding provisions to subsection (j) and new subsection (m). The new provisions in subsection (j) add additional advertising restrictions; new subsection (m) restricts the mailing of products at the nonprofit prices.

### 6-1.3.3 **Public Law 103-329**

On September 30, 1994, the President signed into law Public Law 103-329, the Treasury, Postal Service and General Government Appropriations Act for 1995, amending Public Law 103-123, which is a revision to 39 U.S.C. 3626(j). This amendment creates an exemption to the statutory provisions for certain advertisements printed in material that meets the content requirements for a periodical publication as prescribed by the Postal Service.

### 6-1.4 **Different Rules for Products and Advertisements**

When considering eligibility for mailing at the nonprofit prices, the law distinguishes between products and advertisements for products and services. The tests for determining whether a product may be mailed at nonprofit prices are different than those used to determine whether an advertisement for a product or service may be mailed at those prices. When considering whether an advertisement for a product or service may be mailed at the nonprofit prices, it is important to determine the product or service advertised. The law imposes different eligibility tests for advertisements depending on the type of product or service advertised. (For an overview of these rules and our suggested procedure for analyzing eligibility of mailpieces for nonprofit prices, see the six-step process in [6-3](#).)

Since different eligibility standards apply to products and advertisements, it is possible that a product itself can be eligible for mailing at the nonprofit prices, but an advertisement for that same product may not be. The reverse is also true. That is, a product might not be eligible for mailing at the nonprofit prices, while an advertisement for that same product or service might be eligible for mailing at these prices.

#### ***Example: Product Versus Advertising Standards***

- A church buys Bibles at \$20 each. The Bible is ineligible for the nonprofit prices because it does not meet any statutory provision for mailing a product. However, advertisements for the Bible are likely to be considered eligible for the nonprofit prices.

See [6-2](#) and [6-3](#) for the factors used to determine eligibility of such products and advertisements to be mailed at nonprofit prices.



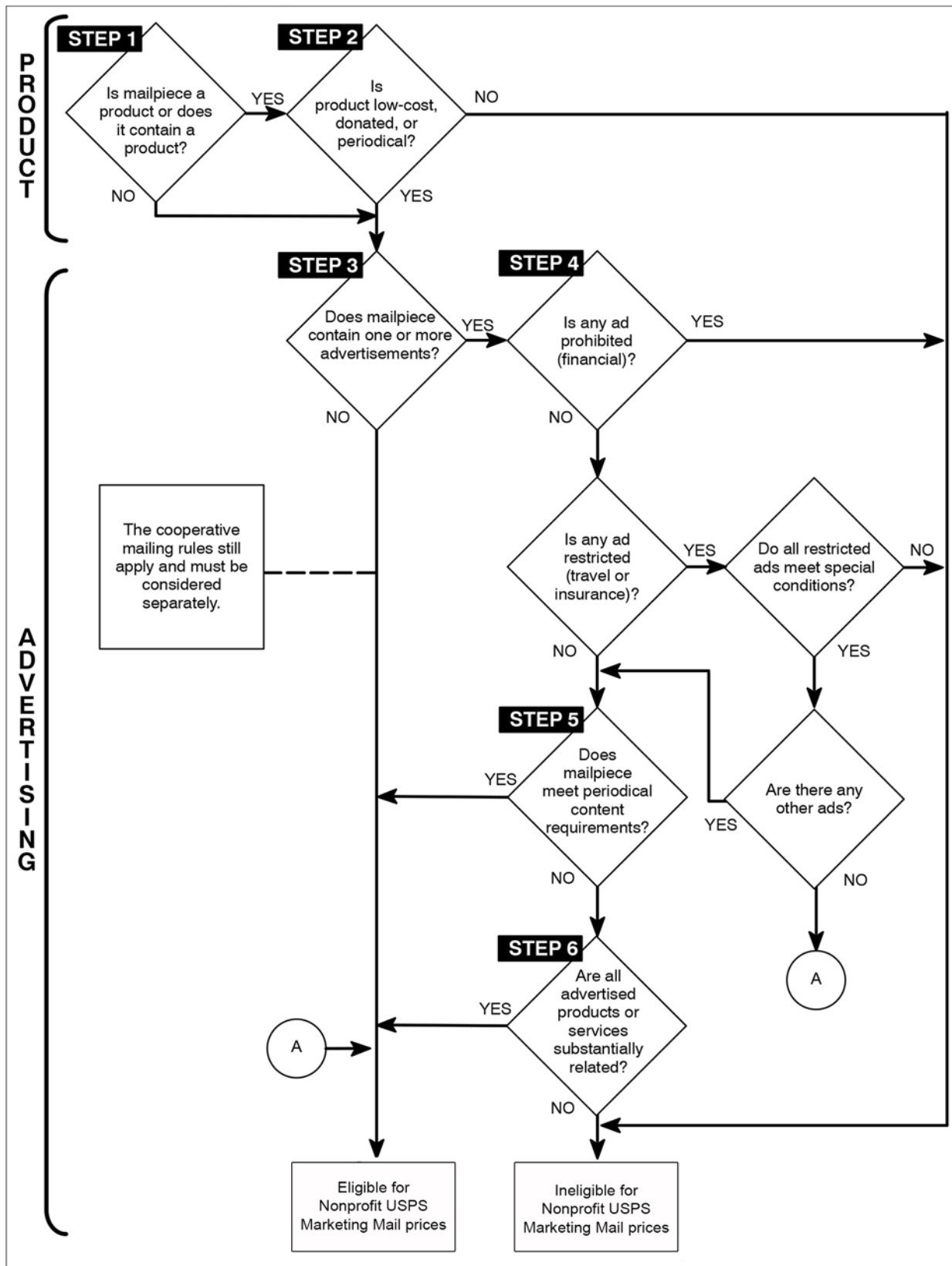
## 6-2 Summary of Process for Determining Eligibility of Mailpiece

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The following six-step process (discussed in detail in [6-3](#)) can help you decide whether your mailpiece is eligible for nonprofit prices under current content-based rules. (Other requirements must also be considered for determining that a mailpiece may be mailed at the nonprofit prices. For example, see the cooperative mail rule and other requirements in [4-3](#).) The flow chart in [Exhibit 6-2](#) summarizes the following steps:

- a. Step 1: Examine the mailpiece for products (see [6-3.1](#)).
- b. Step 2: Determine whether the product to be mailed meets one of the three statutory provisions for mailing at the nonprofit prices — that is, the product is a low-cost item, a donated item, or a periodical publication (see [6-3.2](#)).
- c. Step 3: Examine the mailpiece for advertisements (see [6-3.3](#)).
- d. Step 4: Determine whether the mailpiece contains any prohibited or restricted advertisement (see [6-3.4](#)).
- e. Step 5: Determine whether the mailpiece meets the content requirements for a periodical publication — also referred to as the “space advertisement exception” (see [6-3.5](#)).
- f. Step 6: Determine the substantial relatedness of each advertised product or service (see [6-3.6](#)).

Exhibit 6-2  
**Product and Advertising Steps**



## 6-3 Six-Step Process

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### 6-3.1 **Step 1: Examine Mailpiece for Products**

#### 6-3.1.1 **Process**

Examine the mailpiece to determine if it is a product. Consider the following two conditions and proceed as follows:

- a. If the mailpiece is a product or contains a product, go to step 2.
- b. If the mailpiece is not a product and does not contain a product, the content-based restrictions for products do not apply. You must next determine whether the mailpiece contains any advertising (discussed in steps 3 through 6). Skip step 2 and go to step 3.

#### 6-3.1.2 **Restrictions and Provisions**

Under the law, the restrictions on mailing products at the nonprofit prices have an extremely broad reach. These restrictions can apply to merchandise, publications (such as books), and some periodical publications. For a discussion about the general provisions for mailing a product as well as the specific provision for mailing a periodical publication, see step 2.

#### 6-3.1.3 **Front-End and Back-End Premiums**

A front-end premium is an item that an organization mails with a solicitation requesting a donation. A back-end premium is an item that an organization mails in return for a donation previously made to the organization.

Even though these premiums are usually connected with a donation to the authorized organization, they must be treated like any other product to determine eligibility for mailing at the nonprofit prices.

##### ***Examples: Product Rules Apply***

- For fundraising, authorized organization A sends a front-end premium — a mailpiece containing a box of greeting cards and a letter stating: “These cards are yours to keep. We ask that you consider sending a small donation to our organization.” The greeting cards are considered a product. The product rules (steps 1 and 2) must be applied.
- Organization B sends a letter to members seeking donations and stating: “Those sending \$50 will receive a box of greeting cards.” The greeting cards are called a back-end premium. If the greeting cards are mailed at the nonprofit prices, the product rules must be applied. (For consideration whether the solicitation letter is considered an advertisement, see steps 3 through 6.)

#### 6-3.1.4 **Organization-Produced Material**

The product rules consider material produced by the authorized organization as well as material produced by third parties, including other persons or organizations (whether for-profit or nonprofit organizations).

### 6-3.1.5 Publications

A publication is considered a product if it is sold or has a listed price or represented value. The following examples can help you determine when printed matter is considered a product.

**Example: Product Rules Apply**

- Authorized organization B prints and distributes a quarterly publication. The publication is subsidized by membership dues, sold on newsstands, and printed with a cover price. The publication is considered a product because it is sold and has a cover price. The product rules (steps 1 and 2) must be applied.

**Examples: Product Rules Do Not Apply**

- Every 2 months, authorized organization C mails a four-page newsletter to its members. This newsletter is not sold either on newsstands or by application as part of membership dues, and it does not bear a listed price. The newsletter is not considered a product. The product rules (steps 1 and 2) do not apply.
- For fundraising, authorized organization D mails a catalog offering several items and includes information for ordering these items. The catalog itself is not sold and has no listed price. The catalog is not considered a product. The product rules (steps 1 and 2) do not apply.

## 6-3.2 Step 2: Determine If Products Meet Statutory Provisions

### 6-3.2.1 Process

Determine whether all products to be mailed meet one of the three statutory provisions listed in [6-3.2.2](#). Consider the following two conditions and proceed as follows:

- a. If one or more of the products do not meet any statutory provisions, the mailpiece is ineligible for mailing at the nonprofit prices.
- b. If all products meet at least one statutory provision, go to step 3.

### 6-3.2.2 Three Statutory Product Provisions

For a product to be eligible for mailing at the nonprofit prices, it must meet one of the following three statutory provisions:

- a. A *low-cost item* purchased or produced by the organization.
- b. A *gift or donation* received by the authorized organization.
- c. The *organization's own publication* that meets the basic eligibility criteria for a Periodicals publication.

As explained in [6-1.4](#), the eligibility standards for products are different than those for advertisements for products and services. Unlike advertisements for products and services, it is irrelevant whether the product is substantially related to one or more of the authorized organization's purposes or meets any of the other eligibility standards for advertisements. If the product meets one of these three statutory provisions, the product must still be examined to

determine whether it contains advertising and whether the content-based restrictions for advertisements apply (steps 3 through 6).

### 6-3.2.3 **Low-Cost Item**

The determination of whether an item is considered a low-cost item — whether purchased or made by the organization — is based on the actual cost to the authorized organization or on whose behalf the product is distributed. If the organization subsequently resells the item, the price it seeks is irrelevant to whether it is considered to be “low cost” for purposes of this test.

The term *low-cost item* is defined in 26 U.S.C. 513(h)(2) of the Internal Revenue Code. Effective January 1, 2006, low-cost items were items costing no more than \$8.60. At the beginning of each calendar year, the value of low-cost items is adjusted for changes in the cost of living. This information is published in the Internal Revenue Service’s *Internal Revenue Bulletin* and, subsequently, in the *Postal Bulletin* and the DMM.

#### **Examples: Low-Cost Items**

- Authorized organization A prepares a mailpiece that contains a paperback book bought for \$3. The book is eligible for mailing at the nonprofit prices — if it does not contain ineligible advertisements — because it meets the statutory product provision for low-cost items. It is irrelevant whether the book is related to A’s primary purpose.
- Authorized university U buys books for \$20 each and plans to mail them to alumni. The book is ineligible for mailing at the nonprofit prices because it does not meet the statutory product provision for low-cost items.
- Authorized college C buys for \$3 each canvas tote bags bearing the college logo. College C plans to mail the tote bags to its alumni, each of whom pays the college \$10 for the bag. The tote bag is eligible for the nonprofit prices because it meets the statutory product provision for low-cost items. The amount that an authorized organization pays for an item — not the amount at which the organization sells the item — determines whether an item is a low-cost item.
- Authorized fraternal organization F buys materials to make notebooks. The notebooks cost organization F about \$2 each, including labor, materials, and overhead expenses, making it a low-cost item. (If an authorized organization makes the product itself, the costs incurred by the organization determine whether the product is a low-cost item.) The notebook is eligible for the nonprofit prices because it meets the statutory product provision for low-cost items.
- Authorized organization C sends a front-end premium — that is, a mailpiece that requests a donation and contains a box of greeting cards. The boxes of greeting cards cost the organization \$3 each. The product is eligible for mailing at the nonprofit prices because it meets the statutory product provision for low-cost items.

**6-3.2.4 Gift or Donated Item**

To qualify as a gift or donated item, the item must be obtained by the authorized organization at no cost. The actual cost to the donor is not considered. If the authorized organization, however, directly or indirectly compensates a third party, the item may not be considered a gift or donated item.

**Example: Donated Item**

- Authorized organization C receives a donation of raincoats. The donor paid \$15 for each raincoat. The raincoat is eligible for mailing at the nonprofit prices because it meets the statutory product provision for donated items even though the donor paid more than \$8.60.

**6-3.2.5 Periodical Publication**

Periodical publications may be considered products if they are sold or have a listed price or represented value. By law, a periodical publication of an authorized organization is eligible for mailing at the nonprofit prices, provided that the publication does not contain an advertisement that is ineligible for mailing at these prices. To qualify as a periodical publication, the publication must meet the following criteria:

- a. Have a title.
- b. Be published at regular intervals of at least four times a year.
- c. Be formed of printed sheets.
- d. Have an identification statement.
- e. Have a known office of publication.
- f. Meet the eligibility requirements prescribed for one of the Periodicals categories (e.g., a general publication, a requester publication, or a publication of an institution or society).
- g. Be eligible for mailing as USPS Marketing Mail matter.

A periodical may also qualify for mailing at the nonprofit prices as a product if it is a low-cost item or a donated item. Because most periodicals are likely to be low-cost items, consider that statutory provision first before examining the publication for the periodical publication criteria.

**Example: Low-Cost Publication**

- Authorized organization Q produces a publication twice a year that is available to subscribers at an annual price of \$15. The publication contains no ineligible advertisements. The publication is considered a product because it is sold, but it does not meet the criteria for a periodical publication exemption because the publication is not published at least four times a year (see [6-3.2.5](#) for other requirements). Organization Q's cost of producing the publication, however, is only \$1 a copy. The publication is eligible for mailing at the nonprofit prices because it meets the statutory product provision for low-cost items.

### 6-3.3 **Step 3: Examine Mailpiece for Advertisements**

#### 6-3.3.1 **Process**

Examine the mailpiece (including any product) to determine whether it contains any printed or other matter that can be considered advertising for a product or service. Consider the following two conditions and proceed as follows:

- a. If the mailpiece contains no advertising, the content-based restrictions for advertisements do not apply and the mailpiece may be eligible for mailing at the nonprofit prices.
- b. If the mailpiece contains advertising for a product or service, apply the appropriate test to determine whether the mailpiece qualifies for the nonprofit prices. (A conclusion that a mailpiece contains advertising does not disqualify it from being mailed at the nonprofit prices.) Go to step 4.

#### 6-3.3.2 **Definition of Advertising**

As used in this publication, the terms *advertising* and *advertisement* mean anything that “advertises, promotes, offers, or, for a fee or consideration, recommends, describes, or announces the availability of any product or service,” as defined in 39 U.S.C. 3626(j).

#### 6-3.3.3 **Advertising Matter**

Under the law, the advertising restrictions have an extremely broad reach. The content-based restrictions for advertisements apply to written and other material that promotes any product or service. These restrictions include the authorized organization’s advertising of its own products and services as well as third-party advertising (for example, advertising for products or services of other persons, companies, or organizations).

Postal standards provide the following guidance on what is considered to be advertising:

- a. All material for the publication of which a valuable consideration is paid, accepted, or promised that calls attention to something to get people to buy it, sell it, seek it, or support it.
- b. Reading matter or other material for the publication of which an advertising price is charged.
- c. Articles, items, and notices in the form of reading matter inserted by custom or understanding that textual matter is to be inserted for the advertiser or the advertiser’s products in the publication in which a display advertisement appears.
- d. A newspapers or periodicals advertisement of its own services, issues, or any other business of the publisher, whether in display advertising or reading matter.

#### **Examples: Listing Considered As Advertising**

- If an authorized educational organization advertises a seminar and states that the fee may be paid using the organization’s affinity card, the announcement is considered an advertisement for the seminar and

for the affinity card. Because the statement announces the availability and discusses potential uses of the organization's affinity card to get people to use it, the announcement must be considered an advertisement.

- For fundraising, authorized organization Y sends members a mailpiece that includes the following message: "We are selling delicious ABC Candy for only \$5 per box for members only. Please call Jane Jones at 111-1111 with your order." Because the message contains promotional material describing the candy as "delicious ... only \$5," the message is considered an advertisement.
- Authorized organization X distributes information stating that it will host an educational seminar at a hotel (and includes the hotel's name, address, and room prices for those who may participate in the seminar). The information is considered advertising for the seminar because it is an attempt to get support for the seminar. The information is not considered an advertisement for the hotel unless the authorized organization receives consideration for publishing the information.
- Authorized organization X will host a meeting at a hotel and includes in the organization's mailpiece a brochure received from the hotel and for which the qualified organization is compensated by the hotel to distribute at the nonprofit prices. The brochure is considered an advertisement for the hotel because the hotel paid to have the information distributed. In addition to the content-based restrictions for advertisements, the arrangement between the hotel and the authorized organization must be considered to determine whether the cooperative mailing rule applies (see chapter [5](#)).

**Examples: Nonadvertising**

- Authorized organization O mails a letter soliciting donations. The letter does not contain advertisements for products or services. Because requests for donations are not considered advertisements, the content-based restrictions for advertisements do not apply.
- Authorized consumer organization XYZ mails a newsletter containing an article that discusses the merits and prices of insurance policies offered by companies O, P, Q, and R and lists telephone numbers at the companies for obtaining more information. Companies O, P, Q, and R do not pay organization XYZ or provide any other consideration for the newsletter article. Because companies O, P, Q, and R did not pay organization XYZ to publish the article, the article is not considered an advertisement.
- Authorized organization A's mailpiece contains a solicitation for donations, with prize entry information and a notice that a product or service need not be purchased to enter the drawing for the prize. Because the recipient can enter the drawing without buying a product or service, the solicitation is not considered an advertisement for the prize.
- Authorized organization E's mailpiece contains a solicitation for donations, sweepstakes entry information, and an announcement that the first 500 persons to return their sweepstakes entry form will receive



a set of steak knives. The recipient may enter the sweepstakes regardless of whether he or she sends a donation. Because nothing is sold, the request for a donation is not considered an advertisement. Also, because the recipient is not required to make a donation to enter the sweepstakes, the announcement of the sweepstakes and the knife set is not considered an advertisement.

- If an authorized organization solicits donations and announces that a donation may be paid by credit card, the mention of payment by that credit card is not considered an advertisement for the credit card unless a third party (e.g., the firm issuing the credit card) gives the authorized organization valuable consideration to mention the card. No consideration has been paid for mentioning the credit card as a payment option. Therefore, the reference is not advertising.

#### 6-3.3.4 **Premiums**

##### 6-3.3.4.1 **Front-End Premiums**

A solicitation for a contribution or payment of membership dues announcing a front-end premium is not considered to be an advertisement for the premium. Example: Nonprofit organization A sends a solicitation to individuals seeking donations. The solicitation includes a set of address labels and states, “The enclosed labels are provided for you. Please use them regardless whether you send a donation to our organization.” This solicitation is not considered to be an advertisement for the labels.

##### 6-3.3.4.2 **Back-End Premiums**

A solicitation for a contribution or payment of membership dues that includes an offer for a back end premium (e.g., “If you donate \$100, we will send you a free tote bag”), may be considered an advertisement for the premium unless the membership dues or requested contribution is more than four times the cost of the premiums offered and more than two times the represented value in the mailpiece, if any, of the premiums offered.

#### 6-3.3.5 **Determining What Product or Service Is Advertised**

As explained further in the discussion of steps 4-6, there are different eligibility standards for advertisements based upon the specific product or service advertised. It is important to consider the advertisement to determine the product or service that is promoted.

If an advertisement generally promotes an advertiser’s business, the advertisement is considered to promote the company’s full line of products and services. In contrast, if the advertisement does not promote all the advertiser’s products or services but only specific products or services, the advertisement is considered to promote only those specific products and services.

##### ***Examples: Specific Advertised Products and Services***

- Clothing store P sells a wide range of clothes for men and boys. It places an advertisement in a mailpiece mailed by the local Buddhist temple that states, “Clothing store P has a large stock of saffron robes starting at \$50.” This is considered to be solely an advertisement for saffron robes, rather than for the store’s full line of clothing.

**Note:** If the advertisement also promotes clothing store P’s general business with a statement such as “Serving all your clothing needs since 1960,” it is considered to be an advertisement for P’s full line of clothing.

- Supermarket S places an advertisement in a mailpiece of an authorized Jewish synagogue that states only, “A full line of Passover foods is sold in the store.” This is considered to be an advertisement for the Passover foods sold at the store, rather than an advertisement for all items sold at the store.
- A nonprofit organization’s newsletter includes an advertisement for the Acme insurance company that states only, “Call one of our certified financial planners to discuss your future.” This is considered to be an advertisement for financial planning. If the advertisement consisted solely of the name and telephone number of the Acme Insurance Company, it would be considered an advertisement for all insurance and other services available from the company.
- A scientific organization’s mailpiece includes an advertisement for the ACME Travel Agency. The advertisement states, “Call us for inexpensive flights to Europe.” This is considered to be an advertisement for air transportation only, rather than one for all of ACME Travel Agency’s services.

#### 6-3.3.6 **An Organization’s Advertising of Its Publication**

An authorized organization may advertise its periodical publication if it meets certain statutory requirements (see [6-3.2](#)), regardless of the products or services advertised in the periodical publication. The publication itself may be mailed at the nonprofit prices if it complies with the product restrictions, if it is eligible for mailing as USPS Marketing Mail matter, and if it complies with the rules for prohibited and restricted advertisements (if the publication contains advertising).

#### 6-3.3.7 **Nonadvertising Matter**

Under the law, the following materials are not considered advertising:

- a. References to membership benefits of an authorized nonprofit organization (see [6-3.3.8](#)).
- b. Acknowledgments of organizations or individuals who make donations to the authorized organization (see [6-3.3.9](#)).
- c. Public service announcements for which no consideration is received (see [6-3.3.10](#)).

#### 6-3.3.8 **References to Membership Benefits**

References to and a response card or other instructions for making inquiries about services or benefits available to members of the authorized organization is permitted, provided that advertising, promotional, or application material for such services or benefits is not included. (This standard is sometimes referred to as the “permissible reference” rule.)

For the purposes of this provision, descriptions of membership benefits available as a part of membership are permissible when they are included in

a letter soliciting new members or in a letter asking current members to renew their membership as long as the descriptions constitute less than half of the letter. The benefits described can include any product or service that constitutes a membership benefit and the description may include contents that might be considered advertising in other contexts, such as adjectives, brand names, terms, conditions, and other material describing the product or service.

**Caution:** With one limited exception, the membership benefits may be described only in the solicitation letter or renewal request, and not in any separate brochure, circular, flyer, or other document. **Exception:** when the mailer prepares a single sheet describing the organization's membership benefits, the sheet may be included in the mailpiece along with the letter soliciting new members or membership renewals and considered to be part of that letter as long as the letter does not describe the membership benefits and only refers the reader to the separate sheet. (See CSRs PS-299 and PS-304.)

#### 6-3.3.9 **Acknowledgments of Donors and Sponsors**

A listing of sponsors, donors, or contributors is permissible and is a type of acknowledgment. Such a listing is not considered advertising if it meets all of the following conditions:

- a. The listing of each individual or organization appears on a page under a heading such as "sponsors," "contributors," "donors."
- b. The listing does not contain promotional material.
- c. The listing is not labeled as advertising nor are the individuals and firms described as advertisers in other parts of the mailpiece.

A listing containing only the names of sponsors is not considered promotional, but the inclusion of the address, telephone number, other contact information, or additional information might be considered promotional, depending on its content. For example, if the listing includes such a line as "Acme Ice Cream Parlor, Our City's Favorite Ice Cream Parlor," the listing is considered an advertisement because the phrase "Our City's Favorite Ice Cream Parlor" is promotional. The phrase "Acme Ice Cream Parlor" is permissible if that is the name of the sponsor.

#### 6-3.3.10 **Public Service Announcements**

Public service announcements (PSAs) are commonly found in Nonprofit USPS Marketing Mail material, especially periodical publications. These announcements are not treated as advertising. PSAs are announcements for which no valuable consideration is received by the publisher; which do not include any matter related to the business interests of the publisher; and which promote programs, activities, or services of federal, state, or local governments or of nonprofit organizations, or matter generally regarded as in the public interest.

##### **Examples: Public Service Announcements**

- An authorized educational organization publishes the following message in its mailpiece: "There will be a political forum in auditorium G for all citizens of county X. Come hear the candidates' points of view

on topics that affect you.” Because no valuable consideration was paid, the message is a public service announcement, not an advertisement.

- Authorized organization B’s mailpiece contains the following statement: “Be prepared for the unexpected. Authorized organization D sells an automobile survival kit for \$15.” If organization B received no consideration for publishing the statement, the statement is considered a public service announcement, not an advertisement.

## 6-3.4 **Step 4: Determine Prohibited or Restricted Advertisements**

### 6-3.4.1 **Process**

Determine whether the mailpiece contains any prohibited or restricted advertisements. Consider the following three conditions and proceed as follows:

- a. If the mailpiece contains any prohibited advertisement (that is, for a credit, debit, or charge card or similar financial instrument or account), the mailpiece is ineligible for mailing at the nonprofit prices. **Note:** Telephone cards, fare cards, financial planning services, and stocks, bonds, and other securities are examples of products and services not considered to be financial instruments.
- b. If the mailpiece contains any restricted advertisement (that is, for an insurance policy or travel arrangement), the mailpiece is ineligible for mailing at the nonprofit prices unless the advertisement meets the conditions described in this section.
- c. If the mailpiece contains no prohibited or ineligible restricted advertisement but contains any other advertisements, go to step 5. If it contains no prohibited or ineligible restricted advertisements and no other advertisements, the content-based restrictions for advertisements do not apply, and if there are no other problems such as noncompliance with the cooperative mailing rule, the mailpiece is eligible for mailing at the nonprofit prices.

### 6-3.4.2 **Insurance Policies**

Material that advertises, promotes, offers, or for a fee or consideration recommends, describes, or announces the availability of any insurance policy is ineligible for mailing at the nonprofit prices unless the following three conditions are met:

- a. The organization promoting the policy is authorized to mail at the nonprofit prices at the office of mailing.
- b. The policy is designed for and primarily promoted to the members, donors, supporters, or beneficiaries of that organization.
- c. The coverage provided by the policy is not generally otherwise commercially available.

Insurance is not considered to be generally otherwise commercially available in the following circumstances:

- a. The solicitation is targeted at individuals for whom that type of coverage is not available. **Example:** A mailing by a nonprofit organization offers health care coverage in a mailing targeted at individuals who, due to their age, health condition, or other reasons, cannot obtain health insurance from any other source. Although health insurance is considered to be generally otherwise commercially available in most instances, it is not in this case since the targeted recipients cannot obtain such insurance from another source. Accordingly, this mailing does not violate the restriction against mailing insurance solicitations at nonprofit prices.
- b. The solicitation is for a charitable gift annuity. (See CSR PS-294.)
- c. The coverage is provided by the nonprofit itself (e.g., a nonprofit fraternal beneficiary society exempt from the payment of federal income tax under section 501(c)(8)) that offers life insurance to its members and is also the insurer).
- d. The coverage is provided or promoted by the nonprofit organization (e.g., a 501(c)(3) nonprofit endowment) in a mailing to its members, donors, supporters, or beneficiaries in such a way that the members, donors, supporters, or beneficiaries may make tax-deductible donations to the nonprofit organization of their proportional shares of any income in excess of costs that the nonprofit organization receives from the purchase of the coverage by its members, donors, supporters, or beneficiaries.

#### 6-3.4.3 Travel Arrangements

Material that advertises, promotes, offers, or, for a fee or consideration, recommends, describes, or announces the availability of any travel arrangement is ineligible for mailing at the nonprofit prices unless the following three conditions are met:

- a. The organization promoting the arrangement is authorized to mail at the nonprofit prices at the office of mailing.
- b. The arrangement is designed for and primarily promoted to the members, donors, supporters, or beneficiaries of that organization.
- c. The travel contributes substantially — aside from the cultivation of members, donors, or supporters or the acquisition of income or funds — to one or more of the purposes that constitute the basis for the organization’s authorization to mail at the nonprofit prices.

##### 6-3.4.3.1 Defining Travel Arrangements

The Postal Service does not consider an offering to involve a “travel arrangement” unless it includes three elements: transportation, accommodations, and a destination. The elements may be express or implied in the advertisement. For example, an announcement for a three day all-inclusive trip from New York to Las Vegas is considered a travel arrangement since the destination is expressly stated, and the accommodations and transportation implied. In contrast, an advertisement for a hotel only or only for airline tickets is not considered to involve travel arrangements since all three elements are not present. (See CSR PS-298.)

**6-3.4.3.2 Entire Itinerary to Be Considered**

In determining whether a travel arrangement contributes substantially to the organization's purposes, the Postal Service does not limit its consideration to the description of the travel arrangement that appears in the solicitation. Rather, it considers the full itinerary and other relevant circumstances. (See CSR PS-305.)

**6-3.5 Step 5: Determine If the Mailpiece Meets Content Requirements for a Periodical Publication****6-3.5.1 Process**

Determine whether the mailpiece meets the content requirements for a periodical publication. Consider the following two conditions and proceed as follows:

- a. If the mailpiece meets the four content requirements for a periodical publication (discussed in [6-3.5.2](#)), the content-based restrictions for advertisements discussed in step 6 do not apply. However, you must consider whether the publication contains prohibited or ineligible restricted advertisements as discussed in step 4.
- b. If the mailpiece does not meet the four content requirements for a periodical publication, go to step 6.

**6-3.5.2 Content Requirements**

To meet the content requirements for a periodical publication, the mailpiece must meet all of the following conditions:

- a. Have a title. The title must be printed on the front cover page in a style and size of type that clearly distinguish the title from other information on the front cover page.
- b. Be formed of printed sheets. (The publication may not be reproduced by stencil, mimeograph, or hectograph processes; however, reproduction by any other process is permitted.) Any style of type may be used.
- c. On one of the first five pages of the publication, contain an identification statement (see [Exhibit 6-3.5.2](#) for a sample identification statement) that includes the following elements:
  - (1) Title.
  - (2) Issue date. The date may be omitted if it is on the front cover or cover page.
  - (3) Statement of frequency showing when issues are to be published (e.g., daily; weekly; monthly; monthly except June; three times a year in June, August, and December; annually; irregularly).
  - (4) Name and address of the authorized organization, including street number, street name, and ZIP+4 or five-digit ZIP Code. The street number and street name are optional if there is no letter carrier service.
  - (5) Issue number. Every issue of each publication is numbered consecutively in a series that may not be broken by assigning

numbers to issues omitted. The issue number may be printed on the front cover or cover page instead of in the identification statement.

- (6) International Standard Serial Number (ISSN), if applicable.
  - (7) Subscription price, if applicable.
- d. Consist of at least 25 percent nonadvertising matter in each issue.

Exhibit 6-3.5.2

**Sample Identification Statement**

Publication’s title and number	CHURCH A WEEKLY BULLET N (ISSN 1111111X)
Issue date	JULY 10, 1995 (may be omitted if on the front cover or cover page)
Statement of frequency	PUBLISHED WEEKLY
Authorized organization’s name and address	CHURCH A 123 MAIN ST WASHINGTON DC 20013-1111
Issue number	ISSUE NO. 30 (may be omitted if on the front cover or cover page)
Subscription price	(If applicable)

6-3.5.3 **Comparison With Other Tests**

The test in this exception (meeting the content requirements for a periodical publication) is more liberal than the following tests:

- a. The product rules (see [6-3.3.2](#)) for mailing periodical publications.
- b. The advertising rules (see [6-3.3](#)) for advertising periodical publications.

That is, this exception requires that the mailpiece meet only the content requirements for a periodical publication rather than all requirements prescribed for a periodical publication.

For example, an organization’s newsletter published three times a year does not meet the requirements for a periodical publication. However, if the newsletter meets the four requirements listed in [6-3.5.2](#) for “content requirements for a periodical publication,” the advertised products and services in the newsletter do not have to be substantially related to the authorized organization’s purposes.

**Examples: Eligible Advertisements**

- Because authorized labor union X publishes its newsletter three times a year, the newsletter does not meet the requirements for a periodical publication. However, because the newsletter meets all four content requirements for a periodical publication, the advertised products and services (other than those for financial instruments, travel arrangements, and insurance) in the newsletter do not have to be substantially related to one or more of the authorized organization’s purposes, and the advertising restrictions do not apply.

## 6-3.6 **Step 6: Determine Substantial Relatedness of Advertised Products and Services**

### 6-3.6.1 **Substantially Related Requirement: Relation to Other Rules for Advertisements**

The “substantially related” standard does not apply to all mailings containing advertisements, as follows:

- a. The “substantially related” standard does not apply to advertisements for travel arrangements, insurance policies, and financial instruments (see step 4).
- b. The “substantially related standard” does not apply to other advertisements if the advertisement is part of material meeting the “content requirements for a periodical” (see step 5).

### 6-3.6.2 **Process**

For each advertised product or service subject to the “substantially related” standard, consider the following two conditions:

- a. If all the products or services advertised in the mailpiece are substantially related to one or more of the authorized organization’s purposes, the advertisements are eligible for mailing at the nonprofit prices.
- b. If any product or service advertised in the mailpiece is not substantially related to one or more of the authorized organization’s purposes, the mailpiece is ineligible for mailing at the nonprofit prices.

### 6-3.6.3 **Organization’s Purpose**

An organization’s authorization is based on its primary purpose. Not all purposes shown in the organizational documents may be considered as qualifying purposes.

### 6-3.6.4 **Determining Whether a Product or Service is Substantially Related**

Except as set forth in [6-3.6.5](#), the determination whether a product or service complies with the substantially related standard is generally based on consideration of the nature of the product or service and qualifying purpose of the nonprofit organization. By law, the determination whether a product or service is substantially related to an organization’s qualifying purpose is based on provisions in the Internal Revenue Code and Standards established by the Internal Revenue Service and courts implementing those standards. If the organization is subject to the payment of unrelated business income tax (UBIT) on a product or service, it is not considered to be substantially related. However, the product may not be substantially related even if the organization is not subject to UBIT.

Since the determination whether a product or service is substantially related to an organization’s qualifying purposes is generally based upon nonpostal law and nonprofit organizations should generally be familiar with this law in order to fulfill their tax obligations, the Postal Service generally relies upon nonprofit organizations to make the determination. Accordingly, where a



nonprofit certifies compliance with this requirement on its postage statement the Postal Service will accept the mailing subject to appropriate measures if the certification is erroneous. The Postal Service urges nonprofits to consult with tax advisers or other appropriate parties as needed to ensure the accuracy of their certifications.

#### 6-3.6.5 **Specific Nature of Articles Need Not Be Considered**

Some advertising is considered substantially related to the organization's purposes, regardless of the specific nature of the product or service.

Advertisements for products and services, including products and services offered as prizes or premiums, are considered substantially related if the products and services are received by the authorized organization as gifts or contributions. Also, announcements of activities (e.g., bake sale, car wash, charity auction, oratorical contest) are considered substantially related if substantially all the work is conducted by the members or supporters of the organization without compensation.

#### ***Example: Substantially Related Advertisements***

- Authorized veterans' organization V receives a donation of reading glasses that the donor bought for \$15 each pair. Organization V includes one pair of the reading glasses in the mailpiece and an advertisement stating that the organization has additional pairs of reading glasses for sale at \$20 each. Because the reading glasses were a donation, they are considered substantially related to the organization's purposes. The advertisement for the reading glasses is thus eligible for mailing at the nonprofit prices. (The product rules must be used to determine whether the reading glasses are eligible for mailing at the nonprofit prices. In this case, the reading glasses are eligible for mailing at the nonprofit prices because they were donated.)

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## Case Studies: Content-Based Restrictions

### A-1 Case Study 1: Publication Containing Advertisements

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#### A-1.1 **Facts**

An authorized medical educational association, “MEA,” concentrates on diseases of the heart and circulatory system. MEA publishes a journal three times a year and circulates the journal to its members. According to the MEA’s dues statement, \$10 of the annual dues pays for the subscription to the journal. Additionally, each issue of the journal bears a cover price of \$6; copies are sold at various retail outlets; and annual subscriptions are available to nonmembers of the association for \$15 a year.

The primary contents of the journal include academic articles by researchers and physicians concerning developments in the heart and circulation system, as well as research and treatment of related diseases. The journal consists of about 25 percent advertisements, including advertisements by MEA for books that it produces, advertisements by other nonprofit organizations for their publications, advertisements by for-profit medical supply companies for pharmaceutical products, medical supplies and equipment, and a few advertisements for luxury automobiles.

MEA wants to mail the journal at the Nonprofit USPS Marketing Mail (nonprofit) prices.

#### A-1.2 **Analysis**

The following are the steps of the analysis:

- a. **Step 1** asks whether the mailing is a product or contains products.

**Answer:** The publication itself is a product because it has a price and is sold to readers.

- b. **Step 2** asks whether the product to be mailed meets one of the three statutory product provisions.

**Answer:** The publication was not donated to MEA, but, taking all expenses into account, MEA determines that its cost for each copy of the publication is \$1.25. Therefore, the publication is a *low-cost item*.

**Alternative answer:** If the MEA journal was not low-cost, it would have been necessary to consider the *periodical publication* exemption. A periodical publication must have a title, be issued at regular intervals of

at least four times a year, be formed of printed sheets, be issued from a known office of publication, be circulated to a legitimate list of subscribers or requesters, and meet other requirements applicable to a specific Periodicals qualification category. Because MEA's journal is issued only three times a year, it does not meet these requirements.

- c. **Step 3** asks whether there are advertisements.

**Answer:** There are advertisements, which were described in the statement of the facts — i.e., for MEA books, for publications of other nonprofit organizations, for the products of for-profit medical supply companies, and advertisements for luxury automobiles.

- d. **Step 4** asks whether there are prohibited or restricted advertisements.

**Answer:** There are no prohibited or restricted advertisements for financial instruments, travel arrangements, or insurance. Thus, the specific restrictions for these types of advertisements do not apply.

- e. **Step 5** asks whether the advertisements are in material meeting the content requirements for a periodical publication.

**Answer:** This publication has a title, consists of printed sheets, has an identification statement containing each of the elements listed in [6-3.5.2](#), and contains more than 25 percent nonadvertising matter. Accordingly, association H's mailing meets the content requirements for a periodical publication and is eligible for mailing at the nonprofit prices, despite the advertisements included in it.

For determining whether advertisements are part of material that meets the "content requirements for a periodical publication" (step 5), it is not necessary that the publication meet all requirements prescribed for periodical publications (see [6-3.5](#)). The identification statement should describe the publication's frequency as three times a year and the approximate publication dates.

- f. **Step 6** asks whether all advertising in the mailpiece is substantially related to association H's purposes.

**Answer:** It is not necessary to consider this step in this case because the mailpiece complied with the requirements in step 5.

If the mailpiece had not met the content requirements for a periodical publication, it would have been necessary to consider whether each advertisement in the publication was substantially related to the purposes of the qualified organization. Unless the mailing is ineligible for the nonprofit prices for other reasons, mailings generally will be accepted at the nonprofit prices upon the mailer's certification that the income derived from the sale of products or services advertised in the mailing is not subject to the Unrelated Business Income Tax (UBIT) described at 26 U.S.C. section 512, and that each of the products or services is substantially related to the nonprofit organization's qualifying purpose.

### A-1.3 **Conclusion**

This publication is eligible for mailing at the nonprofit prices.

## A-2 Case Study 2: Letter Soliciting Membership Renewals with Description of Member Benefits

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### A-2.1 **Facts**

Authorized association H (described in case study 1) mails a letter to members requesting renewal of membership in the association at a cost of \$50.00. The majority of the letter reminds the member of the purpose of the organization and why membership in it should be renewed, including a discussion of some of the organization's significant activities during the past year. A lesser portion of the letter also describes membership benefits, including car rental discounts, an association journal that is paid for as part of dues, the cost and terms of travel arrangements, insurance, and an affinity credit card. Association H seeks to enter this mailpiece at the nonprofit prices.

### A-2.2 **Analysis**

The following is the six-step process for analyzing the mailpiece:

- a. **Step 1:** The mailpiece contains no products.
- b. **Step 2:** This step need not be considered because the mailpiece contains no products.
- c. **Step 3:** The mailpiece contains descriptions, including costs and terms, of various products and services available to members, such as a journal, car rentals, travel arrangements, insurance, and an affinity credit card. In most circumstances, such as the publication discussed in Case Study 1, these contents would be considered advertising. However, where such contents are included in a letter soliciting new members or membership renewals, they will not be considered advertising if the mailpiece meets the standards discussed in [6-3.3.8](#). In this instance, the descriptions of the benefits constitute less than half of the solicitation letter and are not considered to be advertising.
- d. **Steps 4–6:** Since the contents in the mailpiece discussed in step 3 are not considered advertising under the standards in [6-3.3.8](#), these tests do not need to be considered.

### A-2.3 **Conclusion**

This mailpiece is eligible for mailing at the nonprofit prices.

## A-3 Case Study 3: Mailpiece Containing Sweepstakes Entry Information

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### A-3.1 **Facts**

The mailpiece of organization A, an authorized college (educational organization), contains a sweepstakes entry form bearing the endorsement “No purchase necessary to enter,” and a request for donations. The mailpiece is published annually and does not contain a title, identification statement, or at least 25 percent nonadvertising matter.

### A-3.2 **Analysis**

As described, the mailpiece does not contain any products. Therefore the product rules do not apply. The mailpiece does not contain any advertisements, either. The request for donations and the sweepstakes entry information are not considered advertisements for products and services because no purchase is required. While the mailpiece does not meet the “content requirements for a periodical publication” (that is, the mailpiece does not contain sufficient nonadvertising material, a title, or an identification statement), that does not matter because there are no advertisements in the publication.

### A-3.3 **Conclusion**

The advertisement is eligible for mailing at the nonprofit prices.

## Appendix B

# Questions and Answers: Content-Based Restrictions

- Q** *May our authorized organization mail material at the Nonprofit USPS Marketing Mail prices if it includes an advertisement for our periodical publication?*
- A** Yes, if the advertised periodical publication meets one or more of the following tests:
- a. The advertised publication is currently authorized to be mailed at Periodicals postage prices, or it would qualify for Periodicals prices if the organization applied.
  - b. The publication is substantially related to your organization's purposes.
  - c. The advertisement for the publication appears in a mailpiece that meets the content requirements for a periodical publication.
- Q** *Are advertisements in material that meets the "content requirements for a periodical publication" required to be substantially related to the authorized organization's purposes?*
- A** No. The rules exempt advertisements from the need to be substantially related to the organization's purposes if the advertisements are printed in material that meets the content requirements for a periodical publication, as prescribed by the Postal Service. However, advertisements for credit cards are always prohibited and advertisements for insurance policies and travel arrangements are permitted only under restricted circumstances.
- Q** *May my authorized organization acknowledge contributors, donors, and sponsors in material mailed at the Nonprofit USPS Marketing Mail prices?*
- A** Yes. The rules permit such acknowledgements to include the name of the sponsor, donor, or contributor and any official company logo, as long as no advertising is associated with the acknowledgment. However, if the acknowledgment includes other information concerning the sponsor — e.g., a description of the sponsor's products or the sponsor's phone number — the acknowledgment is subject to the applicable advertising restrictions.

- Q** *Are the exceptions to the rules against mailing advertisements for products and services at the Nonprofit USPS Marketing Mail prices different from the exceptions to the rules against mailing products at these prices?*
- A** Yes. The law establishes different rules for each. For example, although it might be important under the advertising restrictions whether the advertised product is substantially related to the authorized Organization's purposes, the product restrictions do not contain a similar rule.
- Q** *If my authorized organization advertises low-cost products in material that does not meet the content requirements for a periodical publication, must the advertised products be substantially related to the organization's purposes?*
- A** Yes. The low-cost provision pertains only to the product restrictions, not to advertising restrictions.
- Q** *Do advertisements for products donated to my authorized organization qualify for mailing at the Nonprofit USPS Marketing Mail prices?*
- A** Yes. The rules state that products and services received by an organization as donations or gifts are considered substantially related to one or more of the organization's purposes.
- Q** *Is a periodical publication eligible for mailing at the Nonprofit USPS Marketing Mail prices if it is considered a product and it cost the authorized organization more than the amount specified for a low-cost item?*
- A** Maybe, but only if the publication could qualify for authorization as a Periodicals publication and it does not contain any ineligible advertisements.



## Customer Support Rulings (CSRs): Nonprofit USPS Marketing Mail

Customer Support Rulings (CSRs) provide examples of DMM standards and how they are applied to actual mailing situations. CSRs are available at [pe.usps.com](http://pe.usps.com) and are easy to search or sort (by class of mail, DMM reference, etc.).

**PS-055, *State Committee of a Political Party – Nonprofit USPS Marketing Mail*.** This CSR discusses the eligibility of a state committee of a political party to mail at the Nonprofit USPS Marketing Mail (nonprofit) prices of postage.

**PS-120, *Materials Furnished to an Authorized Nonprofit Organization Mailable at the Nonprofit USPS Marketing Mail Prices*.** This CSR discusses materials that were provided to an authorized organization by an outside party or entity that are mailable by the authorized nonprofit organization at the Nonprofit USPS Marketing Mail (nonprofit) prices.

**PS-124, *Identification of Nonprofit USPS Marketing Mail Matter (a.k.a. and d.b.a.)*.** This CSR discusses the identification of a nonprofit organization on matter mailed at the Nonprofit USPS Marketing Mail (nonprofit) prices of postage.

**PS-128, *Political Action Committee – Nonprofit USPS Marketing Mail*.** This CSR discusses the eligibility of a so-called “political action committee” of an authorized nonprofit organization to mail at the Nonprofit USPS Marketing Mail (nonprofit) prices of postage.

**PS-140, *“Celebrity” Names on Nonprofit USPS Marketing Mail*.** This Customer Support Ruling discusses eligibility of materials to be mailed at the Nonprofit USPS Marketing Mail (nonprofit) prices when the name of a celebrity, politician, or other “endorser” is shown on the envelope or printed materials being mailed.

**PS-209, *Cooperative Mailings*.** This CSR discusses cooperative mailings and lists factors to consider in the determination of an eligible or ineligible cooperative mailing.

**PS-233, *Special-Event Fundraising Mailings – Nonprofit USPS Marketing Mail*.** This Customer Support Ruling discusses the eligibility of special-event fundraising mailings sent at the Nonprofit USPS Marketing Mail (nonprofit) prices that show the names or logos of sponsoring organizations.

**PS-257, Charge Card Advertisements – Nonprofit USPS Marketing Mail.** This CSR discusses the eligibility of a charge card advertisement in copies of a circular mailed to members of an organization at the Nonprofit USPS Marketing Mail (nonprofit) prices of postage.

**PS-262, Donation Solicitation.** This CSR discusses whether “personal information” present in the mailpiece of an organization authorized to mail at the Nonprofit USPS Marketing Mail prices causes the piece to be ineligible for USPS Marketing Mail prices.

**PS-294, Charitable Gift Annuities – Nonprofit USPS Marketing Mail.** This CSR discusses the eligibility of charitable gift annuities (CGA) advertisements in mailings at the Nonprofit USPS Marketing Mail (nonprofit) prices of postage.

**PS-298, Travel Arrangements – Nonprofit USPS Marketing Mail.** This CSR discusses the eligibility of a travel arrangement advertisement in a mailing at the Nonprofit USPS Marketing Mail prices of postage.

**PS-299, Membership Benefits – Nonprofit USPS Marketing Mail (Permissible References).** This CSR discusses the eligibility of membership benefits in a mailing at the Nonprofit USPS Marketing Mail (nonprofit) prices of postage.

**PS-304, Membership Benefits – Labor Unions and Similar Organizations (Permissible References).** This CSR discusses the eligibility of membership benefits for labor unions and similar organizations in a mailing at the Nonprofit USPS Marketing Mail (nonprofit) prices of postage.

**PS-305, Travel Arrangements – Recreational or Religious Event.** This CSR discusses the eligibility of a travel arrangement advertisement for a recreational or religious event in a mailing at the Nonprofit USPS Marketing Mail (nonprofit) prices of postage.

**PS-307, Lotteries – Raffles.** This CSR discusses the eligibility of lottery advertisements by authorized nonprofit organizations.

**PS-310, Materials Mailed by Voting Registration Officials – Nonprofit USPS Marketing Mail.** This CSR discusses the acceptance of materials mailed by voting registration officials at Nonprofit USPS Marketing Mail (nonprofit) prices.

**PS-314, Authorization to Mail at Nonprofit Prices for Affiliated (Umbrella) Organizations.** This CSR discusses the eligibility of an organization authorized to mail at the Nonprofit USPS Marketing Mail prices to enter mail on behalf of an integral department of the organization at those prices.

**PS-322, Donation Solicitation/Previous Donation Receipt.** This CSR discusses whether “personal information” contained in the mailpiece of an organization authorized to mail at the Nonprofit USPS Marketing Mail prices causes the piece to be ineligible for USPS Marketing Mail prices.

**PS-323, Computer-Prepared Mailpieces Entered by Authorized Nonprofit Mailers.** This CSR discusses whether “personal information” present in the mailpiece of an organization authorized to mail at the Nonprofit USPS Marketing Mail prices causes the piece to be ineligible for USPS Marketing Mail prices.

**PS-333, *Cooperative Mail Fundraising Exception.*** This CSR is a case study in the use of Nonprofit USPS Marketing Mail prices when mailing under the “fundraising exception” to the cooperative mail rule.

**PS-336, *Identification of Nonprofit USPS Marketing Mail Matter.*** This CSR discusses the identification of a nonprofit organization on matter mailed at the Nonprofit USPS Marketing Mail (nonprofit) prices.

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## Appendix D

# **Application for Nonprofit USPS Marketing Mail Prices: PS Forms 3624 and 3623**

Copies of PS Form 3624, *Application to Mail at Nonprofit USPS Marketing Mail Prices*, and PS Form 3623, *Request for Confirmation of Authorization (or Pending Application) to Mail at Nonprofit USPS Marketing Mail Prices*, are available for customers and employees on the Postal Service internet at <http://about.usps.com> and also through Postal Explorer at [pe.usps.gov/](http://pe.usps.gov/), as well as in print at many Post Offices and business mail entry units.

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