

New Direct Mail Laws: California, Here We Come

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With the all the [preparation around 1:1 consent](#), a lot of marketers planned on moving away from telephone solicitations to direct mail assuming it was a safer choice with less restrictions.

And, generally, it is.

Except in California.

Ah, California with your beaches and your perfect weather and your strong consumer protection laws. As of January 1, 2025, there is a new restriction on “solicitations” for “consumer financial product or service” made by physical mail in California.

Per the new rule, [which stemmed from State Bill 1096](#), physical mail solicitations must include “in at least 16-point bold type on the front of an envelope” the following language:

“THIS IS AN ADVERTISEMENT. YOU ARE NOT REQUIRED TO MAKE ANY PAYMENT OR TAKE ANY OTHER ACTION IN RESPONSE TO THIS OFFER.”

OOF, Buzz.

What is a “consumer financial product or service”? What is a “solicitation”?

A consumer financial product or service uses the [California Financial Code](#) definition of “consumer financial product or services” which broadly defines it, in pertinent part, as: “A financial product or service that is delivered, offered, or provided for use by consumers primarily for personal, family, or household purposes.”

Therefore, this is a pretty expansive definition.

A solicitation is “any advertisement or marketing communication through writing or graphics that is directed to, or likely to give the impression of being directed to, an individually identified person, residence, or business location.”

But, it does not include mass advertisements such as catalogs, websites, or broadcast messages. It also does not include “communication via...mail..that was initiated by a consumer.” Or credit

solicitations that fit the disclosure requirements under the [Fair Credit Reporting Act](#) for credit solicitations using a consumer's credit file.

Those are pretty broad exceptions.

Essentially, completely unsolicited blind mailings are covered by this new rule if they are for a "consumer financial product or service". For instance, if you wanted to send a mailing to everyone in a certain zip code about mortgages, then that would likely be covered.

While direct mail can be "easier" to comply with for consumer outreach, there are pitfalls. Companies that are new to direct mail should not ignore the compliance responsibilities around direct mail.

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