



033

- C000 General Information
- C030 Nonmailable Written, Printed, and Graphic Matter

C033 Pandering Advertisements

Summary C033 describes instructions for how recipients of sexual material may file an order forbidding the mailer from sending additional material to the recipient.

1.0 PROHIBITORY ORDER

Addressee Initiation
 1.1 Pursuant to 39 USC 3008, an addressee who receives a solicited or unsolicited advertisement offering for sale matter that, in the addressee’s sole discretion, is “erotically arousing or sexually provocative,” may, by completing Form 1500, obtain a prohibitory order directing the mailer of the advertisement to refrain from making further mailings to that addressee. Using this form is not mandatory if the information that the form solicits is in a signed written statement.

Applying for Order
 1.2 The application for prohibitory order may be submitted at any post office and must be accompanied by the advertisement on which the application is based, and its opened envelope or other cover or wrapper. When applying for a prohibitory order, if the addressee receives mail at more than one address, the addressee should complete an additional Form 1500 for each address.

On Behalf of Children
 1.3 An addressee who is the parent of one or more children less than 19 years of age residing with that parent may request an order on behalf of any or all such children. If the parent of any such child determines that matter offered for sale in an advertisement addressed to the child is “erotically arousing or sexually provocative,” the parent may request issuance of an order prohibiting further mailings to such child. This order is not enforced for mailings received by such person after that person reaches 19 years of age. Such person, however, may ratify the order by giving written notice to the manager of the Prohibitory Order Processing Center (see [G043](#) for address) that the order is to continue in effect for himself or herself.

Deceased
 1.4 A person entitled to receive mail addressed to a deceased person is regarded as the addressee of such mail for obtaining a prohibitory order in the name of the deceased.

Addressed to Job Title
 1.5 A person authorized to receive mail addressed to a job title (e.g., sales manager) of any business, government agency, or institution, is regarded as the addressee of such mail for obtaining a prohibitory order covering such job title.

Apparent Authority
 1.6 Any person with apparent authority to act for a business, governmental, or institutional addressee is regarded as the addressee of such organization’s mail for obtaining a prohibitory order in the name of such organization.

Issuing Orders
 1.7 The prohibitory order forbids the mailer, his or her agents, or assigns from making further mailings to the designated addressees, effective on the 30th calendar day after the mailer’s receipt of the order; directs immediate deletion of such addressees from all mailing lists owned or controlled by the mailer, his or her agents, or assigns; and prohibits any sale, rental, exchange, or other transaction by the mailer, his or her agents, or assigns, involving mailing lists bearing the names of the designated addressees.



Denying Application

1.8

- A prohibitory order is not issued when the application is based on any of these:
- a. The request of a person who the USPS finds does not qualify under any of the foregoing paragraphs of this section.
 - b. A mailpiece that the USPS finds does not offer matter for sale.
 - c. A mailpiece not originating with the person against whom the order is sought (e.g., a newspaper or magazine not mailed by the person on whose advertisement the application is based).
 - d. A mailpiece received by a foreign addressee who has no regular mailing address at which mail is delivered directly by the USPS.
 - e. A mailpiece sent by a mailer not subject to U.S. jurisdiction.
 - f. A basis in any other way insufficient under the statute.

Abandoning Application

1.9

An applicant for a prohibitory order or its enforcement is deemed to have abandoned the application if the applicant fails to comply, within 60 days, with any USPS request to supplement, correct, or complete the application. The USPS does not keep abandoned applications.

Voiding Orders

1.10

A prohibitory order is considered void on expiration of 5 years from the date of issuance, except that, when application for enforcing a prohibitory order is made, it is not considered void until expiration of 5 years from the last application for enforcement. USPS files on such void orders may be disposed of, if a record is kept of the disposal of each such file and the reason for the disposal.

Continuing Order With Address Change

1.11

An addressee protected by a prohibitory order who has a permanent change of mailing address may continue the protection provided by the order by notifying the mailer of his or her change of address and desire to have the order honored for the new address. The notification must be sent by certified mail, return receipt requested. To enforce any violation of the order at the new address, a copy of the notification and return receipt must be submitted to the manager of the Prohibitory Order Processing Center (see [G043](#) for address). Such written notification must modify the order by substituting the new address for the address designated in the original or previously modified order. An order thus modified takes effect in the same manner as the original order.

2.0 AVAILABILITY OF REMEDIES

The fact that a name and address is on the USPS list of persons not wanting to receive sexually oriented advertisements through the mail does not limit or affect the authority of the USPS to issue a prohibitory order protecting such name and address. The issuance of a prohibitory order also does not limit or affect the authority of the USPS to list, under [C032](#), the name and address protected by such prohibitory order.

3.0 VIOLATIONS

Requesting Enforcement

3.1

If a person protected by a prohibitory order who receives a mailpiece apparently in violation of such order opens the envelope or other outside cover of such piece and writes on it the identifying number of the prohibitory order (if known) and a statement indicating receipt by mail and the date of receipt (for example, "I received this mailpiece on [date]."), followed by the person's signature. The person submits the piece directly, or through a post office, to the Prohibitory Order Processing Center. Such submission constitutes an application for enforcing the order.



Enforcement 3.2 When the USPS finds, after appropriate administrative proceedings under POPC Standard Operation Procedures (formerly Notice 241) and 39 CFR 963, that enforcement is warranted, it requests the U.S. Department of Justice to seek a court order directing compliance with the prohibitory order.

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