



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Division of Advertising Practices

Mary Koebel Engle
Associate Director

October 1, 2003

William R. Gilligan, Esq.
Deputy General Counsel
United States Postal Service
475 L'Enfant Plaza, SW
Washington, DC 20260

Dear Mr. Gilligan:

The Federal Trade Commission has received a number of complaints asserting that the United States Postal Service has run advertising with the false or misleading claim that Priority Mail is a two-day delivery service. The Commission staff has conducted an investigation to determine whether these advertisements may have misled consumers regarding how long it takes for the Postal Service to deliver Priority Mail.¹

As part of the investigation, we met with you and other representatives of the Postal Service. You provided us with information bearing on the claims made in the ads, including additional Priority Mail delivery time data. You also informed us that the Postal Service has discontinued running the advertising at issue. Thank you for meeting with us and providing this information.

Based on the information compiled during the investigation, and the discontinuation of the ads, the Commission staff has decided not to recommend further action at this time.² Accordingly, the investigation has been closed. This action is not to be construed as a determination that a violation may not have occurred, just as the pendency of an investigation should not be construed as a determination that a violation has occurred. The Commission reserves the right to take further action as the public interest may require.

Very truly yours,

A handwritten signature in cursive script that reads "Mary K. Engle".

Mary Koebel Engle

¹ Because we have determined that no formal action is warranted in this matter, we do not address the jurisdictional question of whether the Federal Trade Commission has the authority to bring a law enforcement action challenging the advertising practices of the Postal Service.

² The Postal Service used disclaimers in an attempt to qualify the delivery time claims made in its Priority Mail ads. It is critical that disclaimers and other qualifying language be clear and conspicuous if they are to limit claims made in ads.