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June 10, 1996

5 N.J.L. 1302

June 17, 1996

COMMITTEE ON ATTORNEY ADVERTISING

Appointed by the New Jersey Supreme Court

OPINION 20

Envelopes Bearing Printed Messages

This matter originated as a grievance filed by a member of the public against an attorney who sent him a two-page targeted direct-mail solicitation letter. The letter, which concerned a mortgage foreclosure action that had been filed against the recipient, was sent in an envelope bearing the following printed message in the lower left-hand corner: " - IMPORTANT - THIS LETTER CAN SAVE YOUR PROPERTY."

Upon completing its initial review, the Committee determined, *inter alia*, that the communication was violative of RPC 7.3(b)(4). In lieu of formal action, a letter was sent to respondent requesting that she cease and desist from stamping the outside of the envelopes in which she sends targeted direct-mail solicitation letters, or agree to add the language required by RPC 7.3(b)(4) (i) - (iii) when doing so. Although this matter was ultimately disposed of informally, the Committee determined that the issue warranted a formal advisory opinion.

Whenever the outside of an envelope bears more than the sender's return address, the envelope becomes a part of the advertising message. This is particularly true when the prose on the face of the envelope relates to the subject matter of the letter to be found inside. By printing or stamping a message such as the one described above on the envelope, the sender converts the envelope into a distinct communication subject to the requirements of RPC 7.3(b)(4)(i) - (iii).

Consequently, we hold that if an attorney chooses to print or stamp on the face of an envelope a message relating to the subject matter of the correspondence to be found inside, the attorney must ensure that the face of the envelope also bears the word "ADVERTISEMENT" in capital letters and notices regarding the importance of one's decision concerning the selection of an attorney and the reporting of inaccurate or misleading statements to the Committee on Attorney Advertising, Hughes Justice Complex, P. O. Box 037, Trenton, New Jersey 08625.

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