

2012 Bylaws & Rules Book, Edition BM – U.S.

CHAPTER B: ALL PUBLICATIONS

Article 1 - General

B 1.1 File Copies, Subscription Promotion Offers

Publishers shall maintain on file for the use of the auditors copies of all subscription offers, either as advertised in their own or other publications, or sent out in the form of circulars, or presented on radio and television, or any other electronic medium; copies of the scripts and visual presentations should be available; also copies of all contracts made with solicitors, canvassers, subscription agencies, or any other parties through whom subscriptions are obtained for their own publications.

B 1.2 International Editions

Copies of international editions served may be included in the data shown in Paragraph 1, provided the international editions carry all advertising scheduled for and appearing in the United States and/or Canadian editions, but the average number of copies sent by mail or sold through dealers to international countries shall be stated and explained in the paragraph of the Publisher's Statements and Audit Reports devoted to general explanations.

Copies of international editions served that do not contain all advertising copy appearing in the United States and/or Canadian editions (except by special arrangement) shall not be included in the figures shown in Paragraph 1, but may be shown and explained in the paragraph of the Publisher's Statements and Audit Reports devoted to general explanations.

B 1.3 Advertising Omitted

If some copies of a publication credited as paid circulation differ from the rest of the copies in that some national advertising appearing in the publication has been omitted from a certain edition or a certain portion of the copies distributed, it shall be noted in Paragraph 1 and explained in the paragraph devoted to general explanations. The provisions of this rule shall not be interpreted as applying to occasional, emergency or authorized omissions of advertisements or to the omission of advertising it is unlawful to print in certain states and provinces.

B 1.4 Congregation-Wide Subscriptions of a Religious Publication

A religious publication shall be judged to be one primarily concerned with religion in purpose and/or content. It must be recognized by fellow religionists as a religious publication. It must be recognized as religious by some official or standard published list.

Congregation-wide subscriptions are those subscriptions of a religious publication obtained under a plan whereby members of a religious congregation receive the publication, the subscriptions are paid with church funds, special or regular collections, assessments or contributions.

These subscriptions shall be set forth in Paragraph 1 as "Subscriptions: Congregation-wide." Subscriptions so reported shall qualify as paid subscriptions, provided they conform to Bureau rules defining paid circulation in all other respects.

A complete explanation of such subscriptions and the plan or plans under which the subscriptions are paid shall be shown in the paragraph devoted to general explanations in Publisher's Statements and Audit Reports.

2012 Bylaws & Rules Book, Edition BM – U.S.

Article 2 - Audits

B 2.1 Member Obligations

An ABC audit is designed to provide a high degree of assurance that an ABC member-publication's circulation, as well as all other information contained in its ABC Audit Report, is fairly stated in all respects material to average paid, verified and analyzed non-paid circulation.

ABC publisher members are responsible for all information disclosed in their ABC Publisher's Statements and Audit Reports, and are obligated to comply with Bylaws 2.8 "Publisher Duty to Install and Maintain Records" and Bylaw 2.15 "Access to Records." These bylaws state that the publisher is also responsible for the accuracy, completeness and accessibility of records maintained by agents, their sub-agents, distributors and other third-party suppliers.

Publishers must cooperate fully and in a timely fashion with ABC auditors in providing accurate records and information in connection with inquiries that arise during the audit process.

All ABC report services will be suspended when the ABC auditor cannot present final audit findings within six months of the audit period, if the delay is caused by the failure of the publisher (or its agent, their sub-agents, distributor or other third-party supplier) to respond in a timely fashion to requests for records. Report services will be resumed once the necessary documentation has been provided.

B 2.2 Audit Report Contents and Differences

(a) If, in the judgment of the managing director, there are any material differences between the total average circulation as shown in the Audit Report and that shown in Publisher's Statements, the differences shall be explained in the Audit Report.

(b) The quarterly averages for the period audited shall be shown in the Audit Report, together with the quarterly averages for the three immediately preceding years. (The provision requiring quarterly averages for the three immediately preceding years does not apply to business publications and consumer magazines.)

(c) Advertising statistics and information shall not be included in Audit Reports.

Nothing in this paragraph shall be interpreted as conflicting with the rule requiring that variations in the advertising content be explained, or any other rule requiring specific explanation.

B 2.3 Request Change of Auditors

In case a publisher objects to the auditor assigned by the Bureau to audit the publication, the publisher shall state fully the objections. If such objections are deemed by the Bureau to be sufficient another auditor shall be substituted.

B 2.4 Time of Making Audits

See also [C 4.1](#) for newspapers.

(a) Publisher's Statements shall be subject to audit once a year, except in such cases as otherwise specified under the rules.

(b) On all audits covering a period longer than a year, the Audit Report shall show the averages for the last 12 months of the period and separate averages for the additional period (except for daily newspapers with average weekday paid circulation of 50,000 copies per issue or less audited every two years, community newspapers, weekly newspapers audited for a two-year period and weekly newspapers under the Group Audit Plan).

2012 Bylaws & Rules Book, Edition BM – U.S.

B 2.5 Initial Audit

See also [C 4.2](#) for newspapers;
[D 3.1](#) for business publications;
[E 3.1](#) for farm publications; and
[F 3.1](#) for magazines.

For the purpose of initial audit there shall be filed with the Bureau:

- (1) Copy of the current issue of the publication.
- (2) Bureau's circulation record analysis blank filled out and signed.
- (3) Certification that the basic subscription price has been printed regularly in the applicant's publication during the period to be audited. See [B 2.10](#).
- (4) Complete list of all prices, besides the basic subscription price, offered during the period to be audited. In case no record is available to indicate a public announcement of such established prices, the price reported in the initial Audit Report as the basic price shall be the highest price at which subscriptions were found to have been taken for the class of business designated.

B 2.6 Audit Report Submitted to Publisher

A proof copy of Audit Report shall be submitted to the publisher at least 10 days prior to its publication and distribution to members, unless the publisher elects not to receive proofs. The publisher shall make no use of any part of such report until it has been released by the Bureau to its members.

B 2.7 Costs

The entire cost to the Bureau of any audit, together with the cost of any necessary investigation or any other additional expense or cost incurred by the Bureau at the request of or pertaining to the obligations of a publisher member shall be charged to the publication or publications involved. The cost of a Special Investigation made under the provisions of [4.7](#) of the Bylaws shall be paid by the publisher members involved as determined by the Special Investigation Committee created under the provision of said Bylaw. In case of costs other than the audit and necessary investigation, the publisher shall be notified that a separate charge will be made for the additional work, prior to the Bureau taking action in that regard.

B 2.8 Variations from Publisher's Statement

When an audit shows variations from the data contained in the Publisher's Statements for the period audited, the Bureau shall:

- (a) Make available to publisher all data (specific facts and not simply the general nature and type of facts) upon which the adjustments were made.
- (b) Instruct auditors to take the initiative in informing the publisher as to the specific facts that have led to the deduction.
- (c) If the publisher believes that the data so furnished is inadequate to justify the proposed deductions, an appeal may be made to the managing director and in the event of dissatisfaction with the managing director's decision, the publisher may appeal to the Board of Directors.
- (d) If an Audit Report shows discrepancies of more than 3 percent between the auditor's findings and the Publisher's Statements for the period audited, the subsequent two Publisher's Statements released after the audit shall repeat from the last preceding Audit Report the paragraph that sets forth the facts concerning said discrepancies.
- (e) When an audit has shown adjustments in Publisher's Statements exceeding 5 percent, the facts and circumstances shall be reported to the Board of Directors for such action as the board may determine.

2012 Bylaws & Rules Book, Edition BM – U.S.

(f) When two consecutive audits have shown adjustments exceeding 5 percent, the Audit Report will contain a prominent notice on its front page reporting this condition, as will the subsequent two Publisher's Statements released after the audit.

B 2.9 Prices Incorrectly Reported

Any discrepancy between prices reported in a Publisher's Statement and prices published in the publication during the period for which the Publisher's Statement was made shall be noted in the Audit Report.

B 2.10 Publication of Basic Annual Price

The auditor shall satisfy him/herself that the basic annual subscription price (publisher's suggested annual subscription price), or in the absence of a basic annual subscription price, the Basic Price for the next longer term for which a Basic Price has been established, has been published in the publication regularly during the period being audited or audit shall not be made. Where no basic annual subscription price has been established by a publication a pro rata of the basic price for the next longer term shall be used by the Bureau in determining the validity of all subscription offers.

B 2.11 Recalling Audit Report

If an Audit Report, subsequent to its release by the Bureau, is found to be incorrect in any material degree, or if the managing director has reason to believe that such Audit Report is incorrect in any material degree, the managing director, in either event, may recall such Audit Report. In the event that an Audit Report is recalled a bulletin to that effect shall be sent to the members and to directories using such Audit Report.

B 2.12 Reaudit Requests

If a publisher member questions the accuracy of the publication's Audit Report or that of any other publication in the same class, the publisher shall have the right to a reaudit, provided request for such reaudit is made within 10 days of receipt of proof copy of the Audit Report or within 15 days of issuance in the case of another publication and provided, further, such publisher member furnishes satisfactory evidence that such request is warranted. Such reaudit shall be made by another auditor selected by the Bureau.

B 2.13 Reaudit Costs

(a) Publishers requesting a reaudit shall deposit with the Bureau at the time such request is made an amount equivalent to the estimated cost of the reaudit as determined by the managing director.

(b) In the event the reaudit shows a total paid average within 3 percent of that shown by the original audit, the petitioner shall pay the cost of the reaudit; otherwise the sum deposited shall be returned to the petitioner.

(c) In the event such re-examination proves that the publication has misstated its circulation to the Bureau, either through false or incorrect statements or by employing a method of keeping its records tending to mislead the auditor, or both, the expense of reaudit shall be borne by the publication reaudited.

B 2.14 Variation Report

The Bureau may issue a periodic report showing the variations in circulation, if there is a 3% negative variance, as reported in Audit Reports released during a calendar quarter and the Publisher's Statements for the period audited. The contents of the report may include but not be limited to: the audit period; total average circulation as reported in Publisher's Statements; total average circulation in Audit Report; difference in number of copies; percentage difference; rate base; difference in number of copies between rate base and Audit Report; percentage difference between rate base and Audit Report; and other data subject to approval of the Board of Directors.

2012 Bylaws & Rules Book, Edition BM – U.S.

Article 3 - Publisher's Statements

B 3.1 Publisher's Statements

(a) Publisher members shall not in any manner make public their Publisher's Statements previous to release by the Bureau except as provided for in [A 1.2\(m\)](#).

(b) When a current released Publisher's Statement is shown by audit, or, otherwise, to have been incorrect in any material degree, the managing director may recall such Publisher's Statement. In the event that a Publisher's Statement is recalled, a bulletin to the effect shall be sent to the members and to directories using such Publisher's Statement.

(c) Publisher members who desire to comply with the request of an advertiser or advertising agency member may furnish the Bureau forms supplied by the Bureau, subject to audit by the Bureau, sworn interim statements of circulation. These statements shall be released to members in the same manner as regular Publisher's Statements.

B 3.2 Time Limit for Filing Publisher's Statements

Publisher's Statements shall be delivered to the principal office of the Bureau after the close of the period covered by the statement as follows:

Daily Newspapers	15 days
Weekly Newspapers and Community Newspapers	20 days
Farm Publications	One Month
Magazines	One Month
Business Publications	One Month

(a) Except for Magazines, if the Publisher's Statement is not filed within the period indicated above and no valid reason is given for noncompliance, the procedure shall be as follows:

(1) A bulletin shall be issued by the Bureau to the advertiser and advertising agency members and to all members of the division of which the delinquent member is a member, informing them that the statement is due but not received and that previous statements are out of date.

(2) If a Publisher's Statement or valid reason for not submitting it has not been received by the tenth day of the second month following the close of the Publisher's Statement period, the managing director shall bring the matter to the attention of the Board of Directors at its next subsequent meeting.

(b) Except for Magazines, if the Publisher's Statement has not been filed by the tenth day of the fourth month following the close of the Publisher's Statement period, the matter shall be brought to the attention of the Board of Directors at its next scheduled meeting, wherein a bulletin may be issued by the Bureau to advertiser and advertising agency members and to all members of the division of which the delinquent member is a member, informing them that the Statement is due but not received and that the previous Statements are out-of-date.

(c) For Magazines, if the Publisher's Statement is not filed within the period indicated above and no valid reason is given for noncompliance, the procedure shall be as follows:

(1) In conjunction with the release of the FAS-FAX report, a bulletin shall be issued to all members, informing them that the Statement is due but not received.

(2) In conjunction with the release of the Supplement to FAS-FAX report, a subsequent bulletin shall be issued to all members, informing them that the Statement has still not been received and that the previous Statements are out of date.

(3) If a Publisher's Statement or valid reason for not submitting it has not been received prior to the end of the third month following the close of the Publisher's Statement period, a membership notice shall appear on the electronic posted statements

2012 Bylaws & Rules Book, Edition BM – U.S.

noting no Publisher's Statement has been received. In addition, the matter shall be brought to the attention of the Board of Directors at its next scheduled meeting for termination of membership if the outstanding Publisher's Statement has not been received by the seventh month following the close of the Publisher's Statement period, and no valid reason for not submitting the Statement has been provided.

B 3.3 Publisher's Statements - Conform to Audit

(a) If at the time a Publisher's Statement is ready for release the auditor's findings for the period covered by the statement are available, the auditor's findings shall be placed at the publisher's disposal and the Publisher's Statement shall be made to agree with those findings before being released.

In addition, the adjustments proposed by the auditor and made by the publisher shall be reported in the Explanatory Paragraph of the Publisher's Statement.

(b) If the publisher declines to sign such statement, either because the publisher questions the accuracy of the findings of the auditor, or for any other reason, the Bureau shall issue a special statement for that period, in agreement with the findings of the auditor. This statement shall be in all respects in the same form as the regular Publisher's Statement except that instead of "Publisher's Statement" it shall be headed "Special Six-Month Statement" and instead of the words "Subject to audit by the Audit Bureau of Circulations" shall be substituted the words "This statement has been verified by the Audit Bureau of Circulations. For Audit Report of the entire period, of which this verified statement covers a part, see white paper form."

(c) The publisher may appeal to the Board of Directors in protest against the issuance of the Special Six-Month Statement and such appeal, if filed within one month from the close of the period involved, shall serve to arrest issuance of the Special Six-Month Statement and of the Audit Report until the board shall have made its decision. In case of such appeal a bulletin shall be issued saying: "Release of Publisher's Statement for the period ended (date) and of Audit Report for the period ended (date) has been automatically postponed by appeal of the publisher to the Board of Directors."

(d) A Publisher's Statement for a period subsequent to a period for which an audit has already been made must take into consideration, and be in agreement with, facts which have been established by the auditor as to conditions during the subsequent Publisher's Statement period. If the managing director has reason to believe that such Publisher's Statement is not in agreement with the facts thus established, the statement shall not be released until it has been corrected. In the case of a publisher's refusal to submit a corrected statement, all the facts shall be submitted to the Board of Directors for review.

(e) When, as a result of the making of an audit or a special investigation, the Bureau shall be unable to complete an Audit Report of a publication and to release the same for publication and distribution to members within four months after close of the period to be covered by such Audit Report, the Publisher's Statement of such publication for the period following that to be covered by the Audit Report shall be released only after being reviewed and authorized by the managing director.

B 3.4 Purpose and Content of General Explanatory Paragraph

(a) The paragraph in the Publisher's Statement reserved for general explanations is designed for the sole purpose of amplifying or explaining the data given in the specific paragraph on a given subject when such specific paragraph is too limited in space to allow adequate covering of the subject.

Nothing shall be allowed in the general explanatory paragraph in way of data, facts or statements pertaining to advertising nor any competitive, comparative or advertising propaganda. The Bureau shall have the right to edit and censor without recourse.

(b) No analysis or breakdown of unpaid distribution shall be allowed in the paragraph reserved for general explanations except for Publisher's Statements and Audit Reports issued for members analyzing non-paid circulation, more fully described in Chapters D, E, F and/or reporting "Other Distribution, Back Copies" as described in [Rule F 7.2](#). In addition, unpaid circulation for newspaper members may be reported in the general explanatory paragraph. No reference shall be made in said paragraph to anything happening after the period covered by the

2012 Bylaws & Rules Book, Edition BM – U.S.

Publisher's Statement.

(c) Nothing in this paragraph shall be interpreted as conflicting with the rule requiring that variations in the advertising content be explained, or any other rule requiring specific explanation.

(d) In cases where a publisher does not answer the questions contained on the statement form requiring specific and actual data, the publisher shall not be permitted to give approximate or partial data in answer to such questions in the paragraph of the Publisher's Statement devoted to general explanations.

B 3.5 FAS-FAX Reports

(a) The Bureau may issue reports summarizing selected data from Publisher's Statements filed with the Bureau. The contents of the reports may include but are not be limited to paid, and verified circulation averages, occupied household data, ratio of circulation to occupied households and other data subject to the approval of the Board of Directors.

(b) Average circulation figures filed in semi-annual Publisher's Statements shall be reported in FAS-FAX reports.

B 3.6 Amended Publisher's Statements

Until the deadline (see [Rule B 3.2](#)) for filing the next Publisher's Statement, a publisher may request that ABC issue an amended Publisher's Statement, if revisions are necessary, and there are no findings related to an audit.

B 3.7 Publisher Circulation Accounting Methodology

Circulation accounting methodology used by publishers in the calculation of circulation claims must be consistent through the reporting period unless approved in advance by ABC. As examples: the methodology employed to determine subscriptions cancelled for non-payment (average or actual) must be consistent over the entire audit period; the methodology employed for applying returns for day-of-week reporting (weighted or actual) must be consistent over the entire audit period.

Chapter B: Article 4 - Miscellaneous

B 4.1 Subscriptions

Subscriptions more than three months in arrears shall not be included in paid circulation but shall be included in non-paid distribution.

B 4.2 International Subscriptions

Subscriptions from countries outside of U.S. and Canada and the West Indies may be included in paid circulation provided they are not more than six months in arrears and provided that in all other respects they meet the Bureau's definition of a paid circulation subscriber.

B 4.3 Dealer Accounts

That portion of a retail dealer, agent or distributor account that is over three months in arrears does not meet the Bureau's definition of paid circulation and is ineligible for inclusion in paid circulation. The publisher must include this circulation in non-paid distribution along with a brief description in the explanatory paragraph of ABC Publisher's Statements and Audit Reports.

2012 Bylaws & Rules Book, Edition BM – U.S.

B 4.4 Checking Copies

One copy sent to an advertiser for checking purposes and all copies sent to advertising agencies for checking purposes shall be considered as checking copies to advertisers and advertising agencies. (See [Bylaw 2.12.](#))

B 4.5 Net Cash Received for Subscriptions

Information showing the net total cash which is received for subscriptions shall not be shown in Publisher's Statements, or in the Audit Report.

B 4.6 Lost, Missing, Damaged, and Unsold

Lost, missing, damaged or other unsold copies shall be classed as returns and deducted as returns.

B 4.7 Bonuses, Allowances, and Limitations of Returns

When a publisher provides bonuses, allowances, salaries, rebates or price differentials to or through agents, distributors, wholesalers, independent contractors or other third parties, or when a publisher limits the number of returns it will accept, the publisher must maintain and provide ABC auditors with auditable records so that the auditors can determine whether or not the circulation was generated in compliance with the rules defining paid circulation. Auditable records include, but are not limited to, periodic surveys (quarterly or more frequently) of non-return or limited-return accounts, and documentation that credits were not intended to reimburse carriers for copies that were either not sold or that did not meet the ABC definition of paid circulation.

B 4.8 Employment of ABC Auditors

See also [C 8](#) for newspapers.

If, within 12 months after the release of its audit, a publisher member employs or contracts to employ one of the Bureau's auditors, or any other employee of the Bureau who directly participated in or reviewed that member's audit, the Bureau shall conduct a reaudit or review of the audit, for the same period as covered by the prior audit. The publisher hiring or contracting to hire such person shall pay for such reaudit or review.

B 4.9 Field Served

The "Field Served" statement in Bureau reports shall be a description of the field and shall exclude statements of a promotional nature. It shall be subject to edit by the managing director.

B 4.10 Reports Furnished to Publisher Members

A publisher member shall receive without charge a digital copy of their own Publisher's Statement, Interim Statement and Audit Report.

B 4.11 Purchase of Reports

A publisher member or their representative may purchase copies of the Publisher's Statements for the latest regular statement period, Interim Statements, FAS-FAX and latest Audit Reports of the publication or any other member publication upon assurance of the purchaser that these are for use and distribution by the member and their representatives only, and will not be provided in quantity to others.

Copies of out-of-date Audit Reports, FAS-FAX and Publisher's Statements for the completion of files may be purchased by a publisher member or their representative upon assurance of the purchaser that these are for internal use only and will not be distributed.

2012 Bylaws & Rules Book, Edition BM – U.S.

B 4.12 Bulletins on Violations

All bulletins issued and distributed to members by the Bureau, involving the breach or violation by a member of the rules, standards and bylaws, are for information and internal use only of members and shall not be supplied to members for redistribution.