

## **RCA – July 1995 – Ask The Analyst – Filing Requirements**

**Q:** I thought the pre-filing requirement for sales material applied only to new NASD members. Recently, I spoke to my Advertising Analyst and was told that my firm is still subject to this requirement even though we joined the NASD in 1992.

**A:** All member firms that have not filed advertising or sales literature with the NASD Advertising Regulation Department are subject to the filing requirement described in Article III, Section 35(c)(3)(A) of the Rules of Fair Practice. Under the rule, members must submit all advertisements 10 days before first use for one full year. This one-year period begins the date material is first received by the Advertising Regulation Department, not the date your firm became effectively registered with the NASD. If your firm has never sent anything to Advertising Regulation for review, your one-year period has not yet begun. Although the rule states that only *advertisements* must be filed 10 days prior to first use, a member firm can start its one-year period by submitting an item of sales literature. The rule defines advertisements as material appearing in media such as television or radio, magazines, newspapers, or billboards. Sales literature consists of material that is directly distributed by a member firm to members of the public, such as form letters, research reports, newspaper article reprints, seminar handouts, or any type of mass mailing. For more information on other product-related filing requirements, you should review Article III, Section 35(c)(1) of the Rules of Fair Practice, or call the Department and speak with your Advertising Analyst.