# The 7 Legal Rules Your Emails Must Follow




When sending marketing emails, make sure you adhere to these seven guidelines so you don't end up on the wrong side of the law.

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*The following excerpt is from Susan Gunelius' book* Ultimate Guide to Email Marketing for Business. *Buy it now from* Amazon | Barnes & Noble | iTunes | IndieBound

As an email marketer, you need to comply with laws that were put in place to protect consumers. While it might be tempting to buy a list of email addresses and just start sending messages to everyone on that list, this is a bad idea for a few reasons. First, you might be breaking the law. Second, you

might be hurting your chances of your future email marketing messages getting into people's email inboxes, including inboxes belonging to your own customers. The bottom line is, your actions as an email marketer can affect the deliverability of your email today and in the future.

The most important law you need to know and follow in the United States is the CAN- SPAM Act of 2003. This law applies to all forms of commercial email messages and not just commercial email messages sent in bulk to lists of people. What makes a message commercial? It's not clearly defined in the Act, but it's probably broader than you think. For example, a commercial message doesn't have to promote a product or service directly to messages as be considered commercial. Even messages that promote content "any electronic on a commercial website—such as a blog post, free ebook, mail message, educational article, or tutorial—would be considered commercial since they indirectly promote the company.

The cost for noncompliance can be very high, particularly since you can be charged penalties for each separate email violation up to $40,654. Furthermore, if your email messages violate other laws, such as those related to deceptive advertising, you could face even more fines or criminal penalties, including imprisonment.

There are seven primary requirements of the CAN-SPAM Act. Following is a basic explanation of each of the main requirements. If you always err on the side of caution and assume messages sent from your company are commercial advertisements or promotions (even if they're not directly advertising or promoting a product or service), then you should be safe.

**Header information.** The header information in your messages must not be false or misleading. This includes the information in the message's "From," "To," and "Reply-To" fields as well as the routing information. In other words, your messages

should accurately identify both the person and business that initiated the message. Furthermore, the header information should include the originating domain (which is typically your business' web domain) and real email address.

**Subject line.** The subject line of your email messages must reflect the true content of the message. Don't try to conceal what the message is about with a clever subject line. Instead, the subject line should clearly explain what the recipient will get when they open the message. Both inaccurate and vague subject lines could get you in trouble.

**Ad disclosure.** You must identify that the message is an ad or promotional in nature. The good news is that the CAN-SPAM Act provides a great deal of flexibility in terms of how you disclose this information. The most important thing to understand is that somewhere in your message, you must conspicuously explain that your message is promotional (even if it's indirectly promotional) or an advertisement. Leave no room for confusion here.

**Location.** You must include your physical address in your messages. This has to be your valid postal address, which means it can be your street address or a post office box registered with the U.S. Postal Service. It could also be a private mailbox that you registered with a commercial mail receiving agency, but make sure that agency was established under postal service regulations or it won't meet the requirements of the CAN-SPAM Act.

**Unsubscribe option.** Your messages must include an easy and obvious way to unsubscribe if recipients want to opt out of receiving email messages from you in the future. You cannot create conditions to opt out, such as requiring a person to pay a fee or provide any personally identifiable information aside from an email address. Furthermore, the opt-out process must not require a person to do more than send a reply email message or visit one web page. If you send multiple types of

messages (e.g., newsletters, product updates, and so on), you can offer a way for people to choose which types of email messages they want to opt out of receiving from you. However, you must also provide a way for them to opt out of receiving all messages from you.

**Opt-out completion.** After you send a message, recipients must have 30 days to unsubscribe. If someone unsubscribes, you must honor that request within 10 business days. Once a person unsubscribes, you're not allowed to transfer or sell that person's email address (individually or as part of a list) to anyone else (unless the company you're transferring the list to is helping you comply with the CAN-SPAM Act).

**Third parties.** If you hire another person or company to manage your email marketing, you're still responsible for complying with the CAN-SPAM Act. In fact, both you and the person or company handling your email marketing are responsible and could get in trouble if the law isn't followed. Therefore, make sure anyone you work with knows the laws and complies with them. You'll need to monitor their activities for compliance on an ongoing basis.

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