

# CAN-SPAM ACT

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Email marketing is a powerful tool. It also comes with legal responsibilities. The CAN-SPAM Act sets the rules for business email messages and gives recipients the right to stop emails from being sent to them. Whether you send newsletters, listing alerts, promotional campaigns, or emails not related to a transaction, including agent to agent marketing communications, compliance is required.

## What is the CAN-SPAM Act?

The CAN-SPAM Act is a federal law that establishes requirements for commercial email, including marketing and promotional messages. It applies to all businesses, including real estate professionals.

## Your Responsibilities Under CAN-SPAM:

- Use Accurate Information
  - "From," "To," and reply-to fields must clearly identify you or your brokerage.
  - Subject lines must accurately reflect the content of the message.
- Identify the Message as an Advertisement
  - Clearly disclose that the email is a commercial message when applicable.
- Include a Physical Address
  - Every email must contain a valid physical postal address for you or your brokerage.
- Provide an Easy Opt-Out
  - Include a clear and obvious way for recipients to unsubscribe.
  - Opt-out requests must be honored within 10 business days.
- Monitor Third Parties
  - If a vendor sends emails on your behalf, you are still responsible for compliance.

## Penalties for Non-Compliance

Violations of the CAN-SPAM Act can result in significant fines per email and potential legal action.

### Note:

If you are using MLS prospecting to send emails, agents can opt out of receiving those types of communications. Any member with the red \*\* on the right side has opted out and you should not include them in future communications.

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