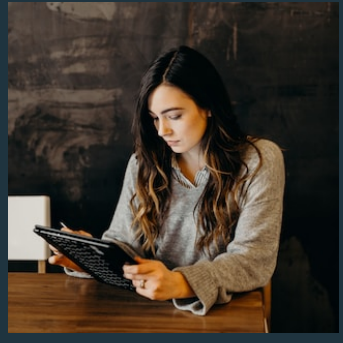


CAN-SPAM ACT

Are your marketing techniques actually **illegal**?



TUESDAY TIP 02/07/2023



What is the CAN-SPAM ACT?

MARKETING is an essential part of growing your real estate business; much of the marketing today is digital. If you're sending cold emails to grow your client list or reaching out to former clients via email, be sure you are following CAN-SPAM Act.

The **CAN-SPAM ACT** (Controlling the Assault of Non-Solicited Pornography and Marketing) was passed in 2003 to establish the United States' first national standards for commercial email and to prevent certain fraudulent practices related to email advertising. The CAN-SPAM Act not only applies to bulk emails but covers all commercial messages with the primary purpose being the commercial advertisement of a commercial product or service, including email that promotes content on a commercial website. Penalties can incur up to \$16,000 per violation with no maximum penalty.

What you **NEED** to know.

- **Don't use false or misleading header information.** Your "From," "To," "Reply-To," and routing information including the originating domain name and email address must be accurate.
- **Don't use deceptive subject lines.** The subject line must accurately reflect the content of the message.
- **Clearly identify if an email is an ad.** You must disclose clearly and conspicuously if your message is an advertisement.
- **Provide a physical mailing address in your email.** Your message must include your valid physical address and may be a street address or post office box.
- **Provide a means to opt out.** A self-explanatory, visible opt-out link must be present on every marketing email.
- **Honor opt-out requests ASAP.** Any opt-out link must be active for at least 30 days after the send date, and you must honor the opt-out request within 10 business days.
- **Monitor what others do on your behalf.** Even if a separate company is handling your email marketing, you are both legally responsible for compliance.