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CAN SPAM FAQs

Jennifer S - 2017-10-12 - in Email Marketing

What is CAN SPAM?

A law that sets the rules for commercial email to recipients in the United States. It applies to any electronic mail message with the primary purpose of promoting a commercial product/service or commercial advertisement. This includes content on commercial websites and business-to-business emails.

Who does this apply to?

Anyone who sends email promoting their business to recipients in the United States is responsible for complying with these laws. ***That includes anyone using the Email Marketing feature in ESP.***

What is the penalty if I don't comply?

Non-compliance can result in penalties of up to \$40,654 for each separate violation.

How do I comply?

In order to be in compliance:

- Don't use false or misleading header information. Use "From", "to", "reply-to" and routing information that is accurate and identifies the person or business who initiated the message.
- Don't use deceptive subject lines. It must accurately reflect the content of the message.
- Identify the message as an ad. Don't purposely deceive your recipients into thinking it's a personal email. If you list pricing, make it as clear as possible.
- Your message must include a physical mailing address. ***With Email Marketing in ESP, we make it mandatory to have your address in your email design before you move on. It is also automatically included in most of our templates.***
- Tell recipients how to opt out or stop all commercial messages from you. That means it should be easy for the ordinary person to recognize, read and understand. ***Email Marketing ads automatically include an "Unsubscribe" link in the design***

phase.

- An opt-out must be completed within 10 business days after the request. You cannot charge a fee, require the recipient to give you any personal identification information beyond an email address, or make the recipient take any further steps. You also cannot resubscribe them without their consent or sell/transfer their email address once unsubscribed. ***Please be aware that if you sent marketing emails before using Email Marketing in ESP, the previous unsubscribes must be removed from your list of email recipients.***
- If you hire another company to handle your email marketing, you must be aware of what they are doing on your behalf, as you will both be responsible. ***ASI will not send out anything on behalf of Email Marketing users; the only correspondence sent will be what you build and send through the tool.***

Where can I find more information on CAN SPAM?

For more information, read through the [FTC's explicit guidelines](#) or visit their [candid answers page](#).

CAN-SPAM only covers recipients in the U.S. Other countries have their own set of laws. For example, Canada has [CASL](#), which requires consent before sending emails. If you are sending internationally, please check the local and national laws to maintain compliance before sending.

The information discussed above is for informational purposes only and not for the purpose of providing legal advice. You should contact your attorney to obtain advice with respect to any particular issue.