

Most businesses use some form of email marketing. Whether it is a weekly newsletter or a monthly sales promotion, emails are a great way to reach an audience who wants to hear from you. After all, they all opted into your emails, right?

While many email marketers know how to set up, format and schedule promotional emails, many are not familiar with the federal compliance guidelines that are in place to protect the consumer. The Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003, also known as the [CAN-SPAM Act](#), was set up to protect consumers from unsolicited emails, regardless of bulk spam emails or commercial emails, from brands and businesses.

The CAN-SPAM Act contains several requirements that email marketers must adhere to; however, the [Federal Trade Commission](#) lists out seven main sections that can be used as a checklist to ensure that your business's emails and newsletters are not in violation.

We strictly adhere to these requirements at my company and follow this checklist ourselves. And I regularly alert our new clients to the rules so that they are aware. While third-party email services like MailChimp or iContact make it easier to be compliant, I do notice both small and large companies missing the mark in certain cases. So, this refresher is beneficial for professionals, both new and veteran, in email marketing.

1. Keep your header honest. This means that your email must clearly and accurately identify your business (the business that is sending the email) in the “from,” “reply to” and “routing information” sections of the email.

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2. Keep your subject line honest. This one is pretty simple. Do not be deceitful, misleading or inaccurate with your subject lines in an attempt to get people to open your email. Your subject line should contain a short explanation of the email contents. Best practices for an honest, yet impactful subject line include keeping it short, offering value and creating a sense of urgency.

3. Admit that it's an ad. You do not need to use the word "ad" in the subject line or even create an image in the email that calls out that what the recipient is opening is an ad. But, per the CAN-SPAM Act, it is required that each business email sent says somewhere that it is an ad. This can be as simple as placing text at the bottom of the email saying, "This advertisement was sent by (your business name here)."

4. Don't hide your location. Your current, valid physical business address must be located in every email. If you do not receive mail at your physical business location, then a P.O. box can be used. This is typically placed at the bottom of each email.

5. Make opting out easy. It is never fun to see an opt-out request come through. But it happens to the best of all email marketers. The CAN-SPAM Act requires that every email sent must contain a way to unsubscribe from that email list. In addition to offering the opt-out option, it must be easy to find and uncomplicated to do. Think about it this way: A 20-year-old, tech-savvy college student and a 72-year-old grandmother

both should be able to unsubscribe from your email list without any complications and at the same rate of speed.

6. Quickly remove opt-outs. Most unsubscribes happen automatically, but there are some that take 24 to 48 hours. This longer time frame may irk some consumers, but as long as the person who opted-out is removed from your list within 10 business days, you are compliant with the CAN-SPAM Act. Once the consumer's email is removed from the list, you are not permitted to use it, transfer it or sell it from that moment forward.

7. Don't be complacent. If you are using a third party to create and manage your business's emails, it is ultimately your responsibility to ensure that the emails are compliant with the CAN-SPAM Act. If they are not sending them to you for approval, ask to see each email before it is released. Check to ensure that all aspects of the CAN-SPAM Act are being followed.

The CAN-SPAM Act was put in place to protect consumers, but by adhering to its policies, it also creates a transparent and honest relationship between your brand or business and the customers on your email list. In addition, the more authentic your email looks and the easier it is to opt-out, the less likely your emails are to be marked as spam or junk. This is ultimately beneficial, considering that accounts with too many spam complaints may be temporarily or permanently locked down.

Infringement of the act can cost your company a lot of money, with penalties being levied on a per-email-sent basis and with fines of [more than \\$41,000 per violation](#). While it might seem like a lot of work up front, once a template with all of the CAN-SPAM Act requirements is set-up, that template can easily be used for all future emails.