



CAN-SPAM 2008 Updates

In 2008, the FTC made some revisions and clarifications to CAN-SPAM based on feedback they had received since the original Act went into effect. Below is a summary of those changes.

Opt-out requirements

An e-mail recipient cannot be required to pay a fee, provide information other than his or her e-mail address and opt-out preferences, or take any steps other than sending a reply e-mail message or visiting a single Internet Web page to opt out of receiving future e-mail from a sender. This means that you can't require users to log in or provide any additional information in order to be removed from your list. Most ESPs, including **emfluence**, have simple methods for complying with this new requirement.

The definition of "sender"

Many marketers were confused by who would officially be considered the "sender" of a marketing message when there was more than one product or service advertised in a message. The new rule allows the marketers to determine which among them will be defined as the "sender" and that marketer will be the one who must honor any opt outs and will also be the one responsible for including their physical postal address in the message.

Clarification of a "valid physical postal address"

The modified definition of "valid physical postal address" allows for the use of Post Office or private mailboxes, but clarifies that a sender must "accurately" register such mailboxes pursuant to postal regulations to be considered a "valid physical postal address".

The definition of the term "person"

This definition makes it clear that a "person" is not just a person, but can also be an individual, group, unincorporated association, limited or general partnership, corporation, or other business entity.

Disclaimer

Legal Information Is Not Legal Advice. **emfluence** is not a law firm and does not provide legal advice in any way, shape, or form.

This information regarding the CAN-SPAM Act of 2003 and the recent updates to the Act are provided as information about the law and are designed to help marketers safely comply with requirements. Legal information, however, is not the same as legal advice (the application of law to an individual's specific circumstances). While **emfluence** does go to great lengths to make sure the information we present is accurate and useful, the law can change rapidly and **emfluence** cannot guarantee that all information provided is completely current. We recommend that you consult an attorney if you want professional assurance that the information we present, and your interpretation of it, is appropriate to your particular situation.