



CAN-SPAM means Controlling the Assault of Non-Solicited Pornography and Marketing. The Act passed in 2003 establishes the rules for commercial messages. The rule covers the electronic messages whose main objective is to promote the commercial content. It also aims to cover emails that promote content on the websites.

## The rules that need to be followed for the CAN-SPAM are:

- ▶ Including the valid physical postal address for every email
- ▶ Providing a precise way to opt-out in the email
- ▶ Honoring the unsubscribe within 10 working days
- ▶ You need to use a clear "Reply To," "To," and "From" message that shows who you are
- ▶ No need to transfer the email addresses to a separate list
- ▶ You should not use any subject line that does not align with the body content of the email
- ▶ Do not make it challenging for subscribers to unsubscribe
- ▶ Inform the recipients where exactly you are located

## What is the main purpose of sending email, and how CAN-SPAM Act defines it?

The main purpose of sending an email by any organization is to disseminate the commercial message to their recipients. As per the law, the commercial message comes under the scanner of CAN-SPAM Act.

Next, if the organization is sending the commercial messages that the recipient has agreed for, then it is referred to as a transactional message, as per the CAN-SPAM Act.

## What comes under the transactional message?

- ▶ It has the commercial transaction which the recipient has agreed to.
- ▶ The emails convey the information on delivering goods that the recipient has previously asked for
- ▶ It offers the information regarding security, warranty and others regarding a product or service.
- ▶ It also offers information about the change in any features, subscription services, or other relationships maintained with customer via email.

The good thing is that the guidelines in the Act exempt the transactional messages.

The below example is of transactional email and commercial email:

You might think that is only the transactional email, but if you carefully observe the right corner of the email, there are recommendations for the recipient which are commercial messages. The tactic is to upsell the product which is a commercial practice. As the recommendations do not appear on the main body of the email, it would pass off as the combination of both email. While reading emails, the tone of the email is also the deciding factor whether it would be segregated as the commercial message or the transactional message. The subject line of the email is another deciding factor in such cases.

One should not get the vibe of direct promotion of a product in the main content or from the subject line; otherwise, it would be termed as commercial email. You need to prepare the checklist, so that the emails send to customers do not violate the rules of the CAN-SPAM Act.

## What penalties do non-compliance with CAN-SPAM Act attract?

The FTC (Federal Trade Commission) is in charge of handling the violation by any organization.

Other than these, messages that include sexually explicit content would come under the scanner of the CAN-SPAM Act. As per the guidelines, the sender should mention the warning in the subject line itself, as “sexually explicit” content to avoid further action.

The above information helps you understand what comes under the commercial and transactional messages, and how you can align your email marketing process to align with the guidelines of the CAN-SPAM Act. If you want further information, the FTC website can help you understand more about this Act. You can follow the same to avoid any violation and end up paying fine.

With an increasing number of B2B organizations, sending commercial messages, it is necessary to understand this Act to keep the process running and risks at bay.

## About TDInsights:

TDInsights offers the best quality data solutions that are designed to boost the performance of your marketing campaigns and drive excellent sales revenue. Its network is spread across the globe, keeping the B2B database enriched with 50+ million records from top companies in more than 60+ countries.



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