

CAN-SPAM Act

brought to you by Ryan K. Hew, Attorney At Law, LLLC
Helping small, local businesses with their transactional and compliance needs.

Before you even get to the CAN-SPAM Act Requirements...
Know whether or not you are covered under the law.
- How do you tell that?
- What is the "primary purpose" of your message?

Commercial

Yes, must comply

Transactional/Relationship

Cannot contain false/misleading routing info, but mostly exempt

Other

Exempt

If your message is primarily commercial in nature, then you must comply.
Here are the main requirements:

REQUIRED

- 1) Don't use false or misleading information.
- 2) Don't use deceptive subject lines.
- 3) Identify the message as an ad.
- 4) Tell recipients where you are located.
- 5) Tell them how to opt out of receiving future e-mail from you.
- 6) Honor opt-out requests promptly.
- 7) Monitor what third parties are doing on your behalf.

BEST PRACTICES/TIPS

- 1) Handle the opt-outs immediately; don't wait 10 days.
- 2) Go with opt-in rather than opt-out.
- 3) Don't abuse your e-mail powers.
- 4) Keep good documentation (get it in writing)!
- 5) If you do outsource, ask them about their procedures.

DISCLAIMER: This handout has been prepared by the Office of Ryan K. Hew, Attorney at Law, LLLC. The information presented on this document is for general guidance only. It is not meant to be a substitute for legal advice. Before taking any action, you should consult an attorney for specific advice.

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