



Email Marketing Legal Requirements

In the United States, the law that governs email marketing is the '[CAN-SPAM Act](#).' The most important provisions of the act, that you must be aware of and follow when using email marketing are outlined here.



1. Opt-Out

You must provide a method of opting-out of (unsubscribe to) future unsolicited emails, and that method must be linked in every commercial email you send ('commercial email', in this context, is any marketing email that is not a direct conversation between individuals).

Once opted-out you must not send any further unsolicited emails to that individual.

You *are* allowed to send an opt-out confirmation email. The law gives you 10 days to comply, but it is usually easy enough to comply right away. All commercial email marketing services (such as [Mailchimp](#), [Constant Contact](#) or [Conversio](#)) automate this procedure, so it becomes very easy to comply with.

2. Accurate Header Information

You must always correctly state the name of your business or you as a principal of that business in your email. Your 'From' line and the 'Subject' line must never mislead someone into believing that the email is not from you or is not being used for marketing, advertising or soliciting business.

3. Include a Postal Address

Your current business address or a postal box private address registered to the business or one or more of the business principals must be included in the email. This is usually included at the very end

and is handled automatically by all the major email marketing services. This is something many small business owners violate without knowing it.

Email Sent Outside the United States

Many other countries have more restrictive email marketing laws than the U.S. While those country's laws don't govern the email practices of companies sending email to them from the U.S., if your company has any kind of presence through a local affiliate, agent, or partnership located in that country (perhaps a sales agent in Canada, for example), your email sent to people in that country may fall under their jurisdiction and you should consult local laws.

For example, Canada requires a prior existing business arraignment with recipients within the past 36 months to send commercial email to them, as well as requiring a single click from the email for triggering an opt-out. European Union countries prohibit all commercial email without a specific prior opt-in or purchase by the recipient.

Commercial Email Service Opt-in Requirements

Most commercial email services (like Mailchimp and Constant Contact), have a 'prior opt-in' requirement as part of their terms of service, even when you are sending email just to recipients in the United States. This means that they require you certify that any emails you add to your lists on their services have had the recipients affirmatively agree to be part of that list. Many also strongly encourage a 'double-opt-in' approach, where a recipient has agreed on a website or through a link to be added to a list and has then agreed a second time via an email response to be on that list.

The opt-in requirement helps keep these services from getting blacklisted by anti-spam programs and the double-opt-in strengthens that as well as provides a built in email verification step as a by-product.

While these requirements are not part of U.S. law, a terms of service violation can lead to a cancellation of your service (a large number of spam complaints stemming from your email would trigger warnings from the service first, and after repeated violations they might cancel your service).

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