

Tips for Custom Emails

The following information addresses the most common questions about sending custom emails. It also lists the components for keeping the message sender compliant with federal CAN-SPAM regulations.

Common Questions

Q: Who will be the FROM address sender?

A: The FROM address will be some variant of the list owner's address. It may or may not have some customization to indicate the message sponsor's identity as well, depending on the list owner's practices.

The FROM *alias* will be the message sponsor's identity.

Example: Sender Name sender@listowner.com
Sender Name = alias
<sender@listowner.com> = address

Q: What are the legal obligations of the list owner?

A: List owners are responsible to accurately represent the intended use of personal data when compiling the contact list. They must document and maintain the conditions of the privacy policy that governed the data collection. Included in this obligation is the ownership to maintain accurate unsubscribes. Everyone on the list must have opted in to receive emails, and each has the right to rescind that permission at any time.

Q: What is involved in honoring unsubscribe requests?

A: In the case of custom email, there is some level of complexity with unsubscribes.

Each email must provide a visible and functional unsubscribe mechanism. In custom emails, the list owner creates the mechanism and manages the opt-outs.

When a message recipient unsubscribes upon receiving a message, the opt-out is specific to the message sender, not to the list owner.

Message senders are obligated to provide the list owner with a list of any unsubscribes they have previously received in order to remove any matches from the list owner's list for the purposes of the custom email.

The list owner is responsible for honoring unsubscribe requests received directly to the list owner specifically about use permission as a whole, as defined in the governing privacy policy.

Opt-out requests must be honored within 10 days.

Q: Who is responsible for CAN-SPAM adherence?

A: The message sender has the CAN-SPAM obligation.

Q: How do email replies get handled?

A: The only legal requirement is that the sending mailbox is an actual, functioning email box. Beyond that, message sender and list owner can determine how to handle email replies. Even if the message clearly states “do not reply to this email,” it is likely that someone will ignore that direction and reply anyway.

Further if, people are hitting reply, they likely want to contact the message sender. Consider offering a more appropriate means of contact for these people.

Determine whether you want to set up an auto reply message from the sending email box to alert those who reply to the preferred means of reaching out to the message sender.

Q: Do I really need to create both an HTML and text version of my email message?

A: If you want to use an HTML message, then absolutely. For the best chance of having your message opened and read, you should provide both formats to the email list owner for distribution. Not all email systems accept or initially display HTML messages. Further, HTML emails can often be troublesome to view on mobile devices.

If you have only a text-based message, then one version is enough; all email systems will accept and display text.

CAN-SPAM Compliance Checklist

- The FROM address and/or the SUBJECT line clearly identifies the sender.
- The SUBJECT line accurately reflects the content (is not deceptive).
- The sender’s physical address is included in the content.
- There is a functional unsubscribe mechanism in the email.
- The sender has provided its exclusion list (previous opt-outs from sender’s communications).