



Jeff Geiger Counters

Spam is So 2003

By: Jeff Geiger. This was posted Tuesday, April 6th, 2010

The blue glare illuminates the face of the son of the purportedly wrongfully deposed Generalissimo of the former Republic of Northern Sahara Africa. Slowly he pecks out a message and clicks on the send button. If only he could find somebody to assist him in investing \$29,000,000 . . . for a small commission, of course. Suddenly, from across the globe, cries arise of "I'm rich, I'm rich!" At long last, the poor, dejected son of the Generalissimo's son will no longer want, confirming P.T. Barnum's hypothesis that "there's a sucker born every minute."

As I go through my e-mail filter, I get it that spam impacts not only the gullible. Instead, comprising over half of all e-mail traffic, spam squanders precious resources in the form of employee productivity and information systems capital. Thank goodness, then, that the federal government enacted the "Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003," known as the [CAN-SPAM Act](#). That ended spam, right? Unfortunately, not so much.

What the CAN-SPAM Act does do is regulate e-mail advertising, instituting the following requirements:

- **Do not use false or misleading header information.** All e-mail should accurately reflect the person who initiated the e-mail and the proper routing information, which should include the correct "from" and "to" headings along with the originating domain name and e-mail address.
- **Do not use deceptive subject lines.** Resist the impulse to mislead the recipient of the e-mail regarding the contents of the e-mail. If you are sending a newsletter advertising your company's services, do not put in the header "Free Cash." Similarly, do not put your rival's name or product in the header, hoping that the recipient will open the message because of her affinity to your competitor's products.
- **Always provide an opt-out method.** In transmitting commercial messages, always, always, always, provide a way in which recipients can tell you to stop sending them e-mail. The opt-out method must be able to process requests for at least 30 days after sending the e-mail and a request to stop sending such e-mail must be honored

<http://www.jeffgeigercounters.com/>

[Richmond](#) • [Blacksburg](#) • [Fredericksburg](#) • [Research Triangle](#) • [McLean](#)

Copyright Sands Anderson Marks & Miller, PC.

THE INFORMATION CONTAINED IN OUR WEB SITE DESCRIBES LEGAL MATTERS HANDLED IN THE PAST BY OUR ATTORNEYS. OF COURSE, THE RESULTS WE HAVE ACHIEVED DEPEND UPON A VARIETY OF FACTORS UNIQUE TO EACH MATTER. BECAUSE EACH MATTER IS DIFFERENT, OUR PAST RESULTS CANNOT PREDICT OR GUARANTEE A SIMILAR RESULT IN THE FUTURE.

within 10 business days. In addition, once you have been requested to stop sending e-mail, it is generally unlawful to sell or transfer the e-mail address.

• **Transmission of advertisements.** Commercial e-mail needs to contain a clear and conspicuous notice that the message is an advertisement or solicitation. For example, the subject line may state “Advertisement: Acme’s Insurance Quotes.” In addition, it must contain: (1) a manner by which the recipient can opt-out of receiving future e-mails, and (2) a valid physical postal address.

As with most things legal and technological, an ounce of prevention is worth a pound of cure. Compliance with the CAN-SPAM Act is a necessary component in securing your infrastructure. Unless, of course, you are fortunate enough to be the son of the Generalissimo.

<http://www.jeffgeigercounters.com/>

[Richmond](#) • [Blacksburg](#) • [Fredericksburg](#) • [Research Triangle](#) • [Mclean](#)

Copyright Sands Anderson Marks & Miller, PC.

THE INFORMATION CONTAINED IN OUR WEB SITE DESCRIBES LEGAL MATTERS HANDLED IN THE PAST BY OUR ATTORNEYS. OF COURSE, THE RESULTS WE HAVE ACHIEVED DEPEND UPON A VARIETY OF FACTORS UNIQUE TO EACH MATTER. BECAUSE EACH MATTER IS DIFFERENT, OUR PAST RESULTS CANNOT PREDICT OR GUARANTEE A SIMILAR RESULT IN THE FUTURE.