

W27

Wednesday
Morning
Fax
from
The
Castle
Press

California cracks down on unsolicited advertising e-mail, faxes

Morrison & Foerster, a California law firm, is suing direct marketer Etracks for sending its employees more than 6,500 pieces of unsolicited e-mail.

Etracks claims that it rented only lists of people who agreed to receiving e-mail messages. No excuse, says current California law, which many advertisers are ignoring to their cost. Briefly:

- Your advertising's "subject" line must start with ADV to alert the recipient that your message is promotional
- You must provide a toll-free phone number or a valid e-mail address that allows any recipient to request removal from your list

The California Business and Professions Code specifies that:

- Unsolicited advertising fax and e-mail messages are outlawed, unless:
- The fax sender includes in the message a toll-free telephone number that a recipient may call to tell the sender not to fax any more unsolicited documents
 - Such information must appear in at least nine-point type

A "mailer's right to communicate must stop at the mailbox of an unreceptive addressee."

—U.S. Supreme Court, in
Rowan v. U.S. Postal Office Department

- The e-mail sender includes in the message a toll-free telephone number or e-mail or snail-mail address to let the recipient veto transmission of any more unsolicited documents
 - Such a statement must appear as the first text in the body of the message in the same size as the majority of the text of the message
- By definition, an "unsolicited document" consists of documents:
 - Addressed to a recipient with whom the sender does not have an existing relationship
 - Not sent at the request, or with the express consent, of the recipient.

The Castle Press – *your best choice for a printing partner since 1931.*



1222 North Fair Oaks Avenue
Pasadena, California 91103
1-800-794-0858
www.castlepress.com

(3.27.02)