

are you spamming?

You need permission, or it's against the law!

Spam is any email you send to someone who hasn't given you their direct permission to contact them on the topic of that email. Spam is a serious problem for all businesses who communicate with their customers via email and for all internet users.

Australia's Spam Act of 2003, requires three things when sending commercial emails:

- You must have consent to send the recipient marketing via email or SMS, and if requested, be able to prove this.
- You must identify who is sending the message (i.e. who you are)
- You must have a free, automatic unsubscribe option on the email.

Australia has some of the strictest anti-spam legislation in the world with the Spam Act and two Codes of Practice. The benefits of 'permission marketing' to your business are that it legitimises e-marketing, ensures better targeted results and boosts confidence by your recipients in email as a business tool.

What kind of email addresses can you send to?

To send a commercial email to anyone, you must have clearly obtained their permission, such as via:

- An email newsletter subscribe form on your website.
- An opt-in checkbox on a form. This checkbox must not be checked by default, the person completing the form must willingly select the checkbox to indicate they want to hear from you.
- If someone completes an offline form like a survey or enters a competition, you can only contact them if it was explained to them that they would be contacted by email AND they ticked a box indicating they would like to be contacted.
- Customers who have purchased from you within the last 2 years (not just enquired).
- If someone gives you their business card and you have explicitly asked for permission to add them to your list, you can contact them. If they dropped their business card in a bowl at a trade show or lunch, there must be a clear sign indicating they will be contacted by email about that specific topic.

Basically, you can only email anyone who has clearly given you permission to email them specifically about the subject you're contacting them about. Some might have given you their email address, but what's missing is permission to email them commercial messages. Blasting promotional emails to any of these people won't be effective and will more than likely see your email marked as spam by many of your recipients. It will actually paint your business in a bad light and they won't want to buy from you.

What content **MUST** you include in your email and how is spam tracked?

- A single-click unsubscribe link that instantly removes them from your list. Once they unsubscribe, you can never email them again.
- The name and physical address of the sender (or your client if you are sending on their behalf).

All Internet Service Providers have spam reporting systems. If you don't have permission and someone marks your campaign as spam, it is reported back to the ISPs and you can be blackbanned and fined. This is most likely to happen if you send bulk emails via your normal email account rather than through an online marketing tool which checks and tracks spam filters and blackban lists automatically.

In the end, it's really common sense. Take off your marketing hat and put yourself in your recipient's shoes. If they don't recognise who you are or aren't interested in what you're sending, they'll think you're a spammer. It's that simple. Using a reputable online marketing product will ensure your emails comply with the law, look professional and enable you to easily track opens, clicks, unsubscribes, etc.

For further information about Australian spam laws or to make a complaint, contact the Australian Communications and Media Authority (ACMA) at www.spam.acma.gov.au

For further information about Art Attack's online marketing product, **Art of Email**, call **1300 88 40 14** or visit artofemail.com.au