

# Anti-Spam Laws – Canada vs. the US

Looking to expand your digital reach and connect with your customers on a more personal level? Email marketing is a fantastic tool to consider, and it's certainly something that's grown in popularity over the last few years.

Unfortunately, for every email marketer playing by the rules, there are dozens more spamming their way around the system. So, before blasting those daily deals, promotions, and requests for donations into hundreds of inboxes, have you read up on the legalities surrounding spam? Are you familiar with what you can and can't do when it comes to digital communications?

Whether you're operating in the US or Canada, you need to ensure your marketing practices are compliant to protect not only your customers' privacy and preferences but also your own company's reputation.

## Canada vs US anti-spam legislation

Both Canada and the US have introduced comprehensive laws to regulate digital communications.

Here's a look at the key differences between the two countries and how they tackle spam:



In **Canada**, the Anti-Spam Legislation (CASL) was introduced in 2014 to regulate digital communications.



The **US's** primary anti-spam legislation is the Controlling the Assault of Non-Solicited Pornography and Marketing Act (CAN-SPAM Act of 2003).



**Canada's** anti-spam legislation is an opt-in model: a sender needs to have permission before sending communications. The US anti-spam legislation is an opt-out model: the recipient needs to unsubscribe from a sender's lists.



The **Canadian** Competition Bureau, the Office of the Privacy Commissioner of Canada, and the Canadian Radio-television and Telecommunications Commission all work together to enforce anti-spam legislation in Canada.



In the **US**, the Federal Trade Commission is responsible for the enforcement of anti-spam legislation.



**US** anti-spam laws apply only to direct marketing emails sent by businesses to consumers.



**Canada's** anti-spam legislation prohibits installing software on

recipients' devices without their consent and covers all forms of electronic direct marketing like email, SMS, social media, videos, and voicemails.



Both the **CASL** and **CAN-SPAM** require that commercial electronic mail messages have an unsubscribe mechanism.



**CASL** and **CAN-SPAM** both specify that communications should identify the business and its promotional intent. There shouldn't be deceptive header or subject line information.



Penalties for violating the **CASL** are more severe than



for **CAN-SPAM**. In **Canada**, penalties for the most severe violations are up to \$1 million for individuals and \$10 million for organizations. In the **US**, organizations that violate the anti-spam laws face penalties of up to \$16,000 for each message sent.



In terms of contact details, **CAN-SPAM** specifies that the electronic message should contain a valid postal address. **CASL** requires a mailing address and the sender's phone number, email address, or website.

Looking to build an effective email marketing campaign and want to make sure you get it right? Clash Copy is a team of creative and experienced individuals dedicated to providing quality content that effectively tells your story. You can trust us to implement the best practices in managing your digital communications. Speak to Clare, our marketing mastermind, to begin building your campaign today.



T: 306-280-6837  
E: sales@clashcopy.ca  
W: www.clashcopy.ca