



## **Email and Spam: Best Practices for Survey and Opinion Researchers**

In addition to the federal CAN-SPAM Act, which regulates the sending of commercial email, numerous state laws more stringently restrict commercial email or any email sent in “bulk.” There are a few basic best practices MRA recommends for researchers that will help them avoid being misconstrued as “spam” by respondents, Internet Service Providers (ISPs), regulators and legislators.

### **What federal law requires**

The federal CAN-SPAM Act applies to unsolicited commercial email. The law:

- Bans false or misleading header information;
- Prohibits deceptive subject lines;
- Requires that commercial email be identified as an advertisement and include the sender’s valid physical postal address;
- Outlaws the sale or transfer of email addresses of people who choose not to receive an entity’s email, even in the form of a mailing list, unless the entity transfers the addresses so another entity can comply with the law; and
- Demands that emails give recipients an opt-out method and that such requests be honored;
- Obliges that any opt-out mechanism offered be able to process requests for at least 30 days after the email is sent;
- Allows separate divisions or business units within an organization to be treated as separate senders as long as they operate separately and the e-mail clearly identifies the business unit (especially in the context of the opt-out language);
- Requires that, when receiving an opt-out request, businesses stop sending emails to the requestor’s email address within ten business days and forbids businesses from helping another entity send email to that address, or having another entity send email on their behalf to that address.

### **Application of CAN-SPAM to survey and opinion researchers**

Although emails for survey research purposes do not qualify as spam, MRA encourages researchers to include accurate header and subject information and opt out notices in all email distributions, regardless of whether the message is commercial or non-commercial in nature. Researchers using email to solicit business or sell goods or services are bound by the requirements of the CAN-SPAM Act.

### **Email Best Practices**

- Provide users with either a simple online means or a toll-free number to opt-out of future e-mailings
- Use subject lines that accurately reflect the content of the message
- Use valid e-mail addresses to send all messages
- Do not use populated BCC/bulk mail fields
- When possible, avoid HTML messages – they are categorized as “spam” more often than text messages
- Avoid use of the color **red** – it seems to trip spam filters
- Avoid subject line keywords that are “sales-y”, like offer, free, cash, bargain, win, promo, and reward.

### **More Information**

For more information on laws and best practices impacting research, contact MRA, and consider becoming a [member](#) to get free access to the [MRA Compliance Guide](#).