

FTC Business Alert

Federal Trade Commission ■ Bureau of Consumer Protection ■ Office of Consumer and Business Education

“Remove Me” Responses and Responsibilities: Email Marketers Must Honor “Unsubscribe” Claims

Some marketers send email as a quick and cheap way to promote their goods and services. Be aware that the claims that you make in any advertisement for your products or services, including those sent by email, must be truthful. This means that you must honor any promises you make to remove consumers from email mailing lists.

If your email solicitations claim that consumers can opt-out of receiving future messages by following your removal instructions, such as “click here to unsubscribe” or “reply for removal,” then the removal options must function as you claim. That means any hyperlinks in the email message must be active and the unsubscribe process must work. Keep in mind:

- You should review the removal claims made in your email solicitations to ensure that you are complying with any representations that you make.
- If you provide consumers a hyperlink for removal, then that hyperlink should be accessible by consumers.
- If you provide an email address for removal, then that address should be functioning and capable of receiving removal requests. It may be deceptive to claim that consumers can “unsubscribe” by responding to a “dead” email address.
- Any system in place to handle unsubscribe requests should process those requests in an effective manner.

The Federal Trade Commission Act prohibits unfair or deceptive advertising in any medium, including in email. That is, advertising must tell the truth and not mislead consumers. A claim can be misleading if it implies something that’s not true or if it omits information necessary to keep the claims from being misleading.

Other points to consider if you market through commercial email:

- **Disclaimers and disclosures** must be clear and conspicuous. That is, consumers must be able to notice, read or hear, and understand the information. Still, a disclaimer or disclosure alone usually is not enough to remedy a false or deceptive claim.
- If you promised **refunds** to dissatisfied customers, you must make them.

The FTC works for the consumer to prevent fraudulent, deceptive and unfair business practices in the marketplace and to provide information to help consumers spot, stop and avoid them. To file a complaint or to get free information on consumer issues, call toll-free, 1-877-FTC-HELP (1-877-382-4357), or use the complaint form at www.ftc.gov. The FTC enters Internet, telemarketing, identity theft and other fraud-related complaints into Consumer Sentinel, a secure, online database available to hundreds of civil and criminal law enforcement agencies in the U.S. and abroad.

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