



The following is to inform you of important legislation in Canada that may affect you or your team's marketing efforts if you are doing business in Canada.

Canada's Anti-Spam Legislation (CASL) came into effect on July 1, 2014. This new legislation is one of the most stringent anti-spam laws worldwide. It imposes significant restrictions on the use of electronic messages to encourage participation in commercial activities and sets out requirements for sending a commercial electronic message (CEM),ⁱ to an electronic address.ⁱⁱ

We want to provide you and all of our Associates with some general information regarding CASL and its requirements so that you can make any necessary adjustments to your marketing practices. The following is not to be construed as legal advice but rather an informative overview of the requirements of CASL.

When sending a CEM to an electronic address you need to comply with three requirements: (1) obtain consent, (2) provide identification information, and (3) provide an unsubscribe mechanism.

(1) **Obtain Consent:** Consent can either be express or implied.

- a. **Express consent requires** the sender describe the purpose(s) for requesting consent;
- b. **Implied consent may exist** in any of the following circumstances:
 - i. **The sender and recipient have an existing business relationship** (e.g., the recipient has made a purchase within the past two years, or an inquiry within the past two months);
 - ii. **The recipient has disclosed their electronic address directly to the sender**, has not expressly stated that they do not wish to receive unsolicited messages, and it is related to the recipient's business or official capacity.

(2) **Identify the name of the person sending the message, and on whose behalf the message is sent, if different;**

- a. Include contact information for either of those persons (mailing address and either a telephone number, email address or web address).

(3) **Provide a mechanism that allows the recipient to easily "opt-out."** For example, this could simply be a reply to an email address or a link to an "unsubscribe" page.

- a. An unsubscribe request must be acted on within 10 days.

You can view all of the information on Canada's Anti-Spam Legislation [here](#).

Thank you for taking the time to read and comply with this new legislation.



ⁱ A CEM is any message that has as one of its purposes to encourage participation in a commercial activity (e.g. advertisements and information about promotions, offers, business opportunities, etc.)

ⁱⁱ An electronic address is an email account, a telephone account, an instant messaging account, and any other similar account. Some social media accounts may constitute a 'similar account', messages sent to other users using a social media messaging system (e.g., Facebook messaging and LinkedIn messaging), would qualify as sending messages to "electronic addresses." Websites, blogs and micro-blogging would not typically be considered electronic addresses.