



## ANTI-SPAM LEGISLATION IN CANADA

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 there.

Canada's Anti-Spam Legislation (CASL) came into effect July 1, 2014. This 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 requirements for sending a commercial electronic message (CEM)<sup>i</sup> to any electronic address.<sup>ii</sup>

We want to provide you and all our Associates with some general information regarding CASL so 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: obtain consent, provide identification information, and offer an unsubscribe mechanism.

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### 1. Obtain Consent

Consent can either be express or implied.

**a. Express consent** requires the sender to describe the purpose(s) for requesting consent.

**b. Implied consent** may exist in either 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** and has not expressly stated that they do not wish to receive unsolicited messages, and the message is related to the recipient's business or official capacity.

### 2. Provide Identification Information

Identify the name of the person sending the message and on whose behalf the message is sent, if these people are different. Include contact information for either person, including a mailing address AND a phone number, email address, or web address.

### 3. Offer an Unsubscribe Mechanism

The recipient should be able to opt out of messages easily. The unsubscribe mechanism could simply be a reply to an email address or a link to an unsubscribe page. An unsubscribe request must be acted on within 10 days.

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

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

<sup>i</sup> A CEM is any message that has as one of its purposes the encouragement of participation in a commercial activity (e.g., advertisements and information about promotions, offers, or business opportunities).

<sup>ii</sup> An electronic address is an email, phone, or instant messaging account or any other similar account. Some social media accounts may constitute a "similar account." Messages sent to other users via a social media messaging system (e.g., Facebook Messenger and LinkedIn InMail), would qualify as sending messages to "electronic addresses." Websites, blogs, and microblogs would not typically be considered electronic addresses.