

October 11, 2005

Can-Spam Act of 2003 Compliance Policies

Using the enrolled, final text of S.877 as it was passed by the House of Representatives and signed by the President on December 16, 2003, taking effect on January 1, 2004, our email partners policies have been confirmed in compliance with or have been implemented to exceed the following requirements.

Definitions taken directly from the Can-Spam Act of 2003

- The term '**SENDER**', when used with respect to a commercial electronic mail message, means a person who initiates such a message and whose product, service, or Internet web site is advertised or promoted by the message. As it applies to this law, our email partners interpret **SENDER** to be the mailer as well as itself.
- The term '**AFFIRMATIVE CONSENT**', when used with respect to a commercial electronic mail message, means that:
 - the recipient expressly consented to receive the message, either in response to a clear and conspicuous request for such consent or at the recipient's own initiative; and
 - if the message is from a party other than the party to which the recipient communicated such consent, the recipient was given clear and conspicuous notice at the time the consent was communicated that the recipient's electronic mail address could be transferred to such other party for the purpose of initiating commercial electronic mail messages
- The term '**ELECTRONIC MAIL ADDRESS**' means a destination, commonly expressed as a string of characters, consisting of a unique user name or mailbox (commonly referred to as the 'local part') and a reference to an Internet domain (commonly referred to as the 'domain part'), whether or not displayed, to which an electronic mail message can be sent or delivered.
- The term '**HEADER INFORMATION**' means the source, destination, and routing information attached to an electronic mail message, including the originating domain name and originating electronic mail address, and any other information that appears in the line identifying, or purporting to identify, a person initiating the message.

Meeting Requirements for the Transmission of Messages

Clear and conspicuous notice of opportunity and a functioning return email address or other Internet based mechanism to decline to receive further commercial email messages from the sender:

- All our email partners' messages have historically contained a clear and simple opt out instruction and link at the end of each message. SENDERS must now include their own opt out/unsubscribe link in addition to ours at no charge or our email partners can provide one at a fee per creative.
-
- Our email partners will continue to provide a copy of a campaign's opt-out file, upon request, 30 days after the campaign launches. If the request is made prior to launch, there is no charge for the copy of the file.
-

- Please note – in campaign tests, our opt-out link is live. If a client clicks on this link during testing, they will opt out of the system and thus not receive the live launch. In the event of a technical difficulty with the live link in a launch, the reply address and physical address would provide the required unsubscribe opportunities.

Opt-out mechanism must be live for at least 30 days after the transmission of the original message:

- Our email partners opt-out links remain live for 30 days post campaign and remove opt out requests are processed weekly. A request made directly to our office via email, phone or mail is processed same day. SENDERS opt out link must remain live for 30 days as well.

A valid physical postal address of the sender:

- All SENDERS will now be required to include their physical or post office box address in any message transmitted by email partners.

False, misleading or deceptive header, transmission and subject headings are prohibited:

- Our email partner requires that the SENDER or SENDER and List name appear in the “from” line regardless of the list or segment used.

If a request has been made to not receive further messages, the sender may not request, sell, lease, exchange or otherwise transfer or release the email address of the requestor. The sender may not send subsequent messages more than 10 business days after the request to remove has been made.

- All those requesting opt-out or removal are completely removed from our databases and kept in a permanent suppression file.
- Opt-out requests are processed daily and weekly. A request made directly to our office via email, phone or mail is processed same day

Policies for Exceeding New Requirements for the Transmission of Messages

Collection of Data

- Our email partners data meets the Act's definition of affirmative consent and our contributing data partners agree in their contract with us that all data provided meets or exceeds opt in status. Before making any data available to our clients, our email partners sends each record our own permission request, referencing their opt in to third party messages at the source of origination and giving them the option to decline further messages from us or our marketing partners.

Opt-Out File Suppression

- Our email partners continue to offer house file and opt-out file suppression for an additional fee.

White Listing

- Our email partners and technology vendors are white-listed with the top ISP's. White-listing, however, does not guarantee your message will get through. Content or "spam-filter" words may affect delivery despite white-listing.

Creative Evaluation

- Our email partners offer a free service to run your creative through a program that will identify potential content problems.

Additional Steps

Our email partners will continue to remain at the forefront in developing and implementing policies and procedures that will allow our clients to successfully communicate with those in our database. If you should have any questions regarding these policies or require assistance with Sender compliance, please contact us directly. Thank you.

Mailer has read these provisions and has confirmed compliance.

Name:

Company:

Date:
