

# Affiliate Classroom

The journal of affiliate marketing and management best practices

## Marketing with Email

**How NOT to  
Spam Your List!**

**5 Golden Rules  
of Opt-In  
Marketing**

**Every List Should  
Have a Purpose**



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# How NOT to Spam Your List

By David Long

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**A commercial email has to look like a commercial email. You're not legally allowed to make it appear as if you are about to open a message from a personal friend, only to find you have been sent an advertisement.**

Guilty until proven innocent. Like it or not, when it comes to email marketing, that's the way things are. If you spam a recipient, you have two potential problems: an angry would-be customer, and a powerful government that is there to turn their anger into action, if they choose.

Congress passed the CAN-SPAM Act in 2003, and it became law on January 1, 2004. The Act requires that all email marketers take certain actions before they press "Send" (even if someone else "presses" it for them). It has further provisions defining their obligations if a customer expresses a wish to not be emailed again.

## CAN-SPAM Guidelines

What are those guidelines, exactly?

Well, answering the question in detail — like divining any complex legislation — could take a book. But the basic guidelines are very simple.

(By the way, if you're curious about how Congress comes up with these acronyms, the full name of the bill is: **Controlling the Assault of Non-Solicited Pornography And Marketing Act**. Clever, huh?)

First and foremost, a commercial email has to look like a commercial email. You're not legally allowed to make it appear as if you are about to open a message from a personal friend, only to find you have been sent an advertisement. Advertising has to look like advertising. As the FTC puts it: "Your message must contain clear and conspicuous notice that the message is an advertisement or solicitation."

You have to avoid using misleading subject lines to sneak your message past the spam filter or encourage the unsuspecting person to open your email. If the content of your marketing email discusses the value of Viagra, you're not permitted to use a subject line that suggests the

wonders of the Canadian Rockies.

In the language of the Act, you are prohibited from sending emails that "would be likely to mislead a recipient, acting reasonably under the circumstances, about a material fact regarding the contents or subject matter of the message."

The Act defines additional do's and don'ts about the content of your email messages, mostly don'ts.

You're not permitted to advocate anything illegal in the email content. That can cover a pretty broad range of things, but common sense is a good guide. No advocating the violent overthrow of Google or suggesting that it would be okay to hang the CEO of your least-favorite affiliate network.

There is a gray area about email touting pornography for sale. You can advertise it, but any content that does has to clearly signal that fact in the subject line. Naturally, that will get your email put right into the spam box by the filters anyway, but that's life.

At the time the Act was passed, you also had to include a real, physical return mailing address. Even wholly Internet-based businesses had to provide an address to which snail mail could be sent. You were not allowed to satisfy the law by including a P.O. box address as a substitute for a physical one. At least, that was the way most interpreted it at the time. These requirements have been changed or clarified somewhat (see "New Rules" below).

Virtual addresses have to be on the up and up, too, though. Your FROM address should not mislead the reader into thinking it is from a friend, or anyone other than you. The real you.

Of course, that "real you" can legitimately be a business or brand-associated name. It's perfectly fine to show that the email is from TheSnarkyChick@serpentinehair.com. But no fair masking the FROM address to make it appear that the message is from your Aunt Kimberly. And, the return address has to function; it has to be legitimate.

You are also not allowed to add subscribers to a mailing list without their permission. That is, even though you may have had some contact with them, that does not constitute an opt-in.

Most reputable email marketers will follow the practice that is universal (and legally mandatory) in Europe. They have systems for "double opt-in." This involves asking a person to accept your

**If you send a commercial email to someone, you have to provide them with an easy way to say, "Please don't do it again." That can be as simple as providing an embedded unsubscribe email address, or a link to a web page where they specify their preference.**

**Each party in an email campaign is legally and equally responsible if the message is determined to be spam. But now, only one party is responsible for providing an opt-out mechanism that covers the entire message. How the parties work that out is, so far, up to them.**

emails by signing up at a web page or responding to a specific email address. They confirm that they do, in fact, want to receive your emails. Double opt-in email marketers don't rely solely on a passive acceptance, merely by a person not complaining.

### Opting Out

That leads us to the most important point. You have to provide an easy opt-**out** procedure, and to process all such requests within 10 days.

If you send a commercial email to someone, you have to provide them with an easy way to say, "Please don't do it again." That can be as simple as providing an embedded unsubscribe email address, or a link to a web page where they specify their preference.

If you thought you could plead "It wasn't me!" think again. Congress closed that loophole shortly afterward with a special amendment. If you could profit from the email, you bear the same obligation as anyone who sent the email on your behalf.

As a federal judge ruling on one case said, CAN-SPAM provisions are "not limited to those who physically cause spam to be transmitted, but also extends to those who 'procure the origination' of offending spam."

That idea applies to group marketing messages, too. If four email merchants or affiliates banded together and sent out one message advertising, say, four products, then each is equally liable. Because of that possibility (which happens more often than you might expect), and for other reasons, the FTC has recently clarified some of the provisions in the Act and added four new ones.

### New Rules

One change involves broadening the definition of "recipient." In recent years, it was possible to send email marketing messages to a company rather than an individual to get around the restrictions. That dodge has been closed. The restrictions apply nonetheless.

On the upside, it is now okay to provide a P.O. box to satisfy the postal address requirement, formerly a gray area. Now, email marketers who are (as most of them are) Internet-based only no longer have to expose themselves to risk by providing a home

address in order to comply with CAN-SPAM.

A change to how multiple brand or group email is handled is also part of the changes. Now, only one party in an email campaign that uses multiple brands is responsible for opt-out procedures. Typically, that's the publisher of the email, or whoever owns the brand associated with the FROM address. That eliminates the need for each party in a multi-brand email to include an opt-out link.

Note a subtle point here. Each is legally and equally responsible if a message is determined to be spam. But now, only one party is responsible for providing an opt-out mechanism that covers the entire message. How the parties work that out is, so far, up to them.

There have also been a few changes to the opt-out guidelines. The new rules require that it be even easier for the recipient to opt out. They emphasize that a person should only have to visit one web page once (at most) in order to opt out. (An unsubscribe email is still a valid opt-out method, of course.)

There are other guidelines that accompany the new rules.

No recipients should have to pay a fee to opt out of an email. They should also not be required to provide any information other than an email address when they state their preference.

That is, no fair requiring them to supply a physical address, phone number, fill out a short marketing survey, or any other method of getting something out of them before acting on their request.

All these, of course, are best practices already followed by the overwhelming majority of affiliates, merchants, and other reputable email marketers. But it's good to know the rules, and to know that everyone is required to follow them.

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## About the Author

David Long is a freelance writer and editor with over 20 years of experience. His PLR articles and eBooks have appeared on hundreds of websites. They cover Wine & Beer, Travel, Gardening, Health & Fitness, Pets, Stocks & Bonds, and dozens more subjects. He can be contacted for hire at [JDavidLong@gmail.com](mailto:JDavidLong@gmail.com)

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# Every List Should Have a Purpose

By Kathy Jackson

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**Subscribers to your opt-in lists had better receive exactly what you promised and when you promised it — no more, and no less — or you won't have an opt-in list for long.**

There are many different types of opt-in lists, and for good reason. Each affiliate marketer builds his/her opt-in list according to the needs and tastes of his or her audience, as well as his/her own available time.

Some opt-in lists might be for a content newsletter. Other lists might be for the purpose of sending deals, or for the purpose of sending news or updates that affect a particular market. But the point is, all these types of lists have a *purpose*. Each has a specific marketing goal.

Before we talk about the various types of opt-in lists, let's look at a few things that all opt-in lists have in common.

## Universal Truths

No matter what type of opt-in list you decide to build, there are at least three universal truths about opt-in lists that you need to know before you make your choices. One of those truths is:

***The size of the opt-in list isn't nearly as important as the list members' interest in the topic and the effectiveness of the affiliate marketer's emails.***

Don't be overly impressed when affiliate marketer X tells you that he has a mailing list that includes 500,000 potential customers. If that affiliate marketer never sells anything to any of those 500,000 souls, he might as well not have any names on his list at all.

On the other hand, an affiliate marketer might have an opt-in list with only 1,000 or fewer names and email addresses of potential customers but if she sells to half of those on her list more than half the time, that opt-in list is extremely valuable.

Another universal truth about opt-in lists is:

***Subscribers to your opt-in lists had better receive exactly what you promised and when you promised it — no more, and no less — or you won't have an opt-in list for long.***

**The size of the opt-in list isn't nearly as important as the list members' interest in the topic and the effectiveness of the affiliate marketer's emails.**

Many people are leery about doing business on the Internet to begin with. Lots of stories are floating around out there about identity theft, and it IS a legitimate concern.

If you've said that you will send the members of your opt-in list a newsletter twice a month, send it exactly twice a month. Don't send one each week and don't send only one each month; send the two newsletters that you promised to send each month.

One more universal truth about opt-in lists is this:

*People BUY from marketers and merchants whom they believe they can trust. They buy from marketers and merchants whom they feel they know and who know them.*

Relationship building is probably the single most important factor in successful email marketing. There is simply no substitute for a bond of trust being established between the marketer and the customer. That bond takes time to develop. The process of relationship building is neither fast nor easy, but it is essential.

When you build your opt-in lists, you'll have some important choices to make. Once you've made those choices, they are pretty much permanent, so you need to choose carefully. Keep these three universal truths about opt-in lists in mind as you you're your choices, which I'll outline below.

### **Choosing a Style**

Potential customers in various markets want and/or expect a certain style of communication from a marketer or a merchant. They all expect usable information, but the form in which they expect to get that information varies.

The idea is to choose a style that you are comfortable with and that will best benefit your customers. Remember that one of the main objectives here is to build a good, solid, long-lasting relationship between you and each customer.

### **Content Newsletters**

A content newsletter needs to have several SHORT items included rather than one topic covered in detail in one long block of type. You need to hit the MAIN high point of each item and use bullet points. Keep the details to a minimum.

Usually topics that are specific to a particular activity, area of interest, or how-to benefit most from content newsletters.

## Deals and Offers

Communications that focus on deals and offers are of interest mainly to those who buy and sell themselves (i.e., business to business). Although this type of communication can also be of interest to the public as well, it probably has a more limited appeal. You can use comparisons of products in these messages as well.

In this type of communication, the details are important. For example, if there are time or quantity restrictions, that information needs to be included. Still, you should use bullet points to highlight the most important information and the most pertinent facts.

## News and Updates

Some topics lend themselves well to emails that communicate news and updates rather than general information, which is more common with content newsletters.

Topics such as those related to specific illnesses are particularly good for news and updates communications. News about new trials, new medications, and new scientific breakthroughs, for example, are of particular interest. Bullet points also work well in these communications.

## Choosing Frequency

This consideration is very, very important. Keep in mind that each communication that you send to your opt-in list will require time and effort from you. How much time and effort depends as much on the frequency of the communication as it does on the length and detail.

The topic of frequency has been debated in affiliate marketing circles for years. The choices are:

- Daily (about a half-hour a day)
- Weekly (between 1 and 2 hours each week)
- Semimonthly (between 1 and 2 hours twice a month)
- Monthly (at least 2 hours each month, maybe more)

There are really three considerations here.

1. How much time do you want to spend sending newsletters or marketing emails? The times listed above are approximations. But it will take some time for each communication between you and your customer base.

**One of the main objectives in choosing a communication style is to build a good, solid, long-lasting relationship between you and each customer.**

**Each email that you send to your opt-in list will require time and effort from you. How much time and effort depends as much on the frequency of the as it does on the length and detail.**

2. How many newsletters and/or marketing emails will your customers consider enough without being too much? If you start filling your opt-in list members' inboxes with constant emails, they WILL opt out.

3. How frequently should you contact your opt-in list to build your relationship? You don't want them to forget about you, but you don't want to bug them.

The general consensus (but certainly not one that everybody agrees with) is that twice a month is just about right. You should include a reminder of why they are getting an email from you in each communication.

### **Abiding by the Law**

No law dictates the type of communication you must use when sending emails to the members of your opt-in list. No regulation determines how often you can send marketing emails to your opt-in list, either. You must make those decisions yourself.

You can email the members of your opt-in list every hour on the hour, and in any style you choose, until they opt out — and if you email them that often, they WILL opt out.

But no matter what type of opt-in list you build or how often you communicate with your list subscribers, it is absolutely essential that you abide by the law concerning marketing emails.

The law in this case is the CAN-SPAM Act, passed by the U.S. Congress in 2003 in response to the proliferation of spam emails that flooded inboxes. The CAN-SPAM Act applies to you if you are sending any kind of mass marketing emails.

Here are the basic requirements of the CAN-SPAM Act that apply to your business:

#### ***Components***

The following components of a commercial email must be included in order for the email to be in CAN-SPAM compliance:

An accurate “from” line that tells the recipient exactly who sent the email.

A subject line that is relevant to the content contained in the body of the email.

The real physical postal address of the sender.

A label that states the fact that the content is “adult” if it is adult.

### ***Sending compliance***

The sending compliance rules of behavior outlined in the CAN-SPAM Act are very clear. These three criteria must be met for a commercial email message to legal:

The message header cannot contain false or misleading information (\*\*Note: The Federal Trade Commission, Department of Justice, and other agencies view false header information as an indicator of criminal or malicious intent and using such information will draw the attention of law enforcement).

The message cannot be sent through an open relay point.

The message may be sent only to email addresses for which consent has been given to receive such messages specifically from you (an opt-in list). It is not legal to send commercial email to “harvested” email addresses.

## **Conclusion**

When it comes to building an opt-in email list, you have options. It is up to you to choose a goal for your list, so that it fulfills a strong marketing purpose while providing value to your subscribers.

No matter what the purpose of your list is, however, abiding by the law is NOT optional. The purpose of every good opt-in list is to meet and exceed subscriber expectations, but without leaving yourself open to spam complaints and blacklisting.

In the end, the goal of your list will affect the types of communications that you will send to your subscribers. Your purpose will determine how frequently you choose to send emails, what you say, how you say it, and finally... how much you'll earn as a result.

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## **About the Author**

Kathy Jackson is a Texas rancher and a contributing author for several farm and ranch publications. She is also an experienced freelance writer of email newsletters, review copy, educational materials, and blog posts on a wide variety of topics, including many aspects of online business and affiliate marketing. Internet marketing is one of Kathy's burning interests. You can read some of Kathy's articles on the Affiliate Classroom Blog at <http://blog.affiliateclassroom.com/>. She can be contacted via email at [jacksokathy@gmail.com](mailto:jacksokathy@gmail.com) .

# The Five Golden Rules of Email Marketing

By Mark Thompson

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**Always use double opt-ins when building your list. A double opt-in ensures that a person on your list has confirmed that they want to be there.**

If you've heard it once, you've heard it a thousand times: "The Money Is in the List." However, that trite, often-repeated phrase doesn't tell the whole story. It's just that "The Money is in a Well-Managed, Well-Maintained, and Properly Nurtured Responsive List" doesn't have the same ring to it, does it?

You can have as big a list as you want, but if it's not responsive, it's going to waste a lot of your time. I saw an ad yesterday for someone offering to send emails out to a list of 40,000 subscribers. As part of the sales page, he showed the number of emails that were opened for each mailing.

I was surprised that the figure was around 1,500. Also, the ad claimed that the average income from each mailing was \$416. I would seriously expect to earn more than that from a small list of 200-300 loyal subscribers if I sent them an offer.

Maintaining a list of responsive subscribers is not about size; it's all about how it's used. (Sound familiar?) To that end, here is a list of five "golden rules" that will help you to build, manage, and maintain a responsive list.

## Golden Rule #1: Use Double Opt-in and a Reliable Autoresponder

Always use double opt-ins when building your list. A double opt-in ensures that a person on your list has confirmed that they want to be there. I am sure you have subscribed by this method lots of times. You subscribe to a list, and then you receive another email with a link asking you to click it to confirm you want to subscribe.

This may seem annoying at times, but if you are a list owner, it is vital to ensure that you don't run afoul of CAN-SPAM or other email marketing laws. It's difficult for a person to accuse you of spamming them when they've indicated that they want you to mail them.

It's often possible to find free tools that do most things that Internet marketers want. Unfortunately, autoresponders are one area in which this isn't the case. One of the important metrics by which autoresponder companies differentiate themselves is delivery rates. They monitor these rates, and ensure they remain high, by developing long-term relationships with hosting companies and with companies like AOL and

Yahoo. If emails are not being delivered, they find out why and rectify the problem.

If your emails aren't being delivered, you aren't going to make any money, and if you use a free autoresponder, you will have very low delivery rates. If you also use the autoresponder that comes with your hosting, you stand the risk of having all of your emails, not just those from your mailing list, flagged as spam and blacklisted. If you are serious about email marketing, get a professional autoresponder.

### **Golden Rule #2: Be Relevant**

A few months ago during a mentoring session, one of the new people who had joined the group asked me if I knew why he wasn't getting any sales from a list of 1,500 subscribers he had built up over the past three months. The first clue to the problem came when I asked him where I could sign up to the list, he said, "Oh go to any of my sites and you'll see the form." The problem was immediately obvious.

He had sites on baseball, prostate cancer, skin care, classical French cooking, and a dozen other niche sites. He was sending all the subscribers the same emails. To top it off, he was then trying to sell them high-ticket Internet marketing products. Your lists must be sent relevant information.

If you have a list of subscribers who signed up for your weight loss tips, then ensure you send them emails that relate to weight loss. Sending to a list anything other than what those subscribers expect to receive will just lead to your losing subscribers.

### **Golden Rule #3: Nurture Your List**

Once you build your list, you need to look after it and get the list members to relate to you. The big mistake most marketers make is that they immediately start sending out offers and trying to sell things. It has been estimated that it takes about 10 emails before the recipient trusts and relates to you.

Start off by sending out relevant tips and advice. For instance, it can often help to point them to free resources. Try to avoid blatantly selling in any of your early emails; instead, focus on letting them get to know you. Share anecdotes and information about your life and build empathy. Obviously, if you have a list of vegetarians, don't talk about the BBQ and juicy steak you had last weekend!

Once you have built up a rapport with your list subscribers, then you can begin sending them offers and deals. However, don't send offers with every email; continue to give value to the list members. If you find you have a lot of people unsubscribing after you send an email, you need to send more quality emails and start to build trust again.

**If your emails aren't being delivered, you aren't going to make any money, and if you use a free autoresponder, you will have very low delivery rates. If you are serious about email marketing, get a professional autoresponder.**

## Golden Rule #4: Have a Plan before You Start

I am sure that most people have fallen into the trap of thinking that they need to build a list and start building with no thought about how they are going to monetize it. List building and maintenance is time-consuming, so you need to be sure you have a monetization plan from the start.

Have a look around and see if you can find several products that you could happily recommend to a list before you start building it. If the niche is so small that you are going to struggle to find products to promote or people to join your list, move on to something else.

Try to be unique; don't promote the same products that everyone else is promoting. If you feel you have to promote a popular product that is being promoted by several marketers, get in there first. Send out prelaunch emails and presell the product. Offer bonuses if you need to. Just try to avoid emailing after everyone else.

## Golden Rule #5: Manage Your List

So now you have a profitable list, you've built a rapport with your subscribers, and every offer you send out makes you money. Well done, but don't rest on your laurels. You now have an opportunity to turn your responsive list into a hyper-responsive one by managing your list.

A quality autoresponder company will give you lots of stats about each email you send out. You can use this information to split your list into subgroups — those people who you know are buyers, those who have clicked the links but didn't buy, those who just read your email, and those who didn't even open your email.

The ones who don't open the email could have just missed it, or perhaps they didn't like the title, so you can try a different title and email them again a few days later. The buyers on your list are like gold dust; you now know what products they like, and that they aren't afraid to buy a product online.

By managing your list, you can build several sublists and target them with the type of emails to which they respond. This is where the real money is.

By developing your mailing list and not just building it, you can ensure that you have a valuable resource that can earn you several thousand dollars a month. If you take only one thing away from this article, it should be that it's not just good enough to build a big list; you need to build a responsive list.

### About the Author

Mark Thompson spent many years working in an IT consultancy in London. Following a re-evaluation of his goals and lifestyle in 2004, he sold everything he couldn't fit into the family car and moved to rural Spain, where he now pursues a variety of online ventures. Visit his website <http://www.income-academy.com> to learn more about the benefits of his low-cost online business coaching.

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