

/** Instructions For Opt-In List & Newsletter Notices/Disclaimers: use this discussion for a checklist of notices and disclaimers you may need for your opt-in list and related notices and disclaimers.***/

OPT-IN LIST, AND SAMPLE EMAIL AND NEWSLETTER NOTICES AND DISCLAIMERS FOR TIFFANYCEVERETT.COM

Note: these are guidelines for your use of an opt-in sign-up form for your newsletter list and for sending emails to that list.

1. Opt-In Form - Deceptive Statements.

1.1 If you want to add a statement to your opt-in list sign-up form do NOT add this notice: "We will never sell, rent, or give away our email list". The reason is that it may not be true, because for example, you may share list information with a joint venture partner or you may sell your website business in the future. If you make this kind of statement, you'll be running a substantial risk of engaging in a deceptive marketing practice.

1.2 If you can't make the above statement, your best practice would be to simply provide a link to your Privacy Policy on the bottom of your opt-in sign-up form. With this approach, you won't be running the risk of making a deceptive statement on your opt-in page.

2. Newsletter - Can-Spam Act Compliance.

2.1 The CAN-SPAM Act of 2003 (CAN-SPAM) provides remedies against annoying and unsolicited bulk email known as "spam".

2.2 CAN-SPAM's 5 Basic Rules:

- * header information (identifiers such as To, From, IP Address) - must not be materially false or materially misleading;

- * subject line - must not mislead the recipient about a material fact regarding the email's contents or subject matter;

- * return email address - must contain a functioning email address that the recipient can use to request no further messages;

- * requests to unsubscribe - if a recipient requests unsubscribe from receiving additional emails, emails matching the unsubscribe request must be honored within 10 days with a mechanism that is available from a single web page and that operates with a single click; and

- * contents - the email must (i) clearly and conspicuously identify that it is

an ad, (ii) provide clear and conspicuous notice the recipient may unsubscribe for additional emails, and (iii) contain a valid postal address for the sender (may include a valid post office or private mailbox address).

2.3 *CAN-SPAM's 2008 amendments - added an additional rule regarding email newsletters and other emails that have multiple advertisers, contributors, or senders.

* Designated Sender - multiple contributors to the email may designate as single sender who must be designated in the From line, and who will be responsible for CAN-SPAM compliance.

2.42 Types of Emails - Applicable Rules

* "Commercial" emails - advertisements or promotion for a commercial product or service - are required to comply with all 5 of the basic rules, plus the "designated sender" rule.

* "Transactional or relationship message" emails - "facilitates" a previously agreed-upon commercial transaction - are required to comply only with the "header information" requirement and the "designated sender" rule.

3. Affiliate Compensation Disclosure.

3.1 If you recommend any product or service of another, you need to disclaim any "material connection" you may have with the website, merchant, or advertiser.

3.2A "material connection" involves the receipt of money or a freebie in connection with your recommendation. For more information regarding affiliate disclosures, create the document titled "Affiliate Disclosure".

3.3 These are examples of a simple disclaimer for newsletters or emails that promote the products or services of others:

* "Affiliate Compensation Disclosure: As an affiliate, I will receive compensation based on sales of products/services recommended in this newsletter; however, I always give my honest opinions and recommendations."

* "Affiliate Compensation Disclosure: I am compensated for my recommendations in this newsletter. [Click here for details.](#)" ("here" should be the anchor text for a link pointing to your Affiliate Disclosure page).

4. Earnings Disclaimer.

4.1 If you sell or recommend products or services or provide information that may assist others in making money in your newsletter, you need (i) a long form

Earnings Disclaimer posted on your website, and (ii) a short form Earnings Disclaimer on the bottom of your promotional emails or newsletter. Be sure to have documentation to substantiate any earnings claims you make, before you make the claims. You are not allowed to make unsubstantiated earnings claims and then add an earnings disclaimer that contradicts the earnings claims.

4.2 For example: "I make no representation or promise that you will make any specific amount of money, or any money at all, or that you will not lose money. You are solely responsible for your use of this information."

4.3 Best practice would also include a link to your long form Earnings Disclaimer posted on your website.

5. Special Disclaimer.

5.1 If your newsletter provides information regarding services, products, content, or information which could result in injury or financial loss to a consumer, a special disclaimer should be included at the bottom of your email or newsletter.

5.2 Examples include information regarding services or products as legal information, tax information, fitness services, nutritional supplements, information relating to illnesses, medical information, debt collection services, and services or products that could be used in ways that could be hazardous or life threatening.

5.3 Here are a few specific examples -

* "Disclaimer: this newsletter is for informational purposes only; it does not constitute legal advice, and should not be construed as such."

* "Disclaimer: there is no guarantee of employment in connection with your use of the information provided in this newsletter."

* "Disclaimer: this newsletter is for informational purposes only; it does not constitute medical advice. Always seek the advice of your physician or other qualified health provider with any questions you may have regarding a medical condition."