



Key Takeaways:

- Experian Consumer Services, operating as ConsumerInfo.com, [agreed to pay a \\$650,000 civil penalty](#) for alleged violations of the CAN-SPAM Act by sending marketing emails without an opt-out option.
- This settlement serves as a reminder that all marketing emails must contain an opt-out and that the Federal Trade Commission (FTC) will use its enforcement tools to protect consumers from violations of the CAN-SPAM Act.

Under the CAN-SPAM Act, brands must provide a way for consumers to opt out of commercial email messages. However, according to a [complaint](#) filed by the U.S. Department of Justice (DOJ) on behalf of the FTC,

Experian sent marketing emails without explicit opt-out instructions. Further, some emails included a message at the bottom of these emails stating that they are being sent because they contain important account information, when, in reality, the emails promoted Experian's products or services.

In addition to the \$650,000 fee, the [proposed order](#) prohibits Experian from sending commercial emails that do not include an opt-out option. The FTC's press release emphasized that signing up for services should not result in unwanted marketing communications that do not contain a right to unsubscribe. The FTC's pursuit of CAN-SPAM violations underscores that brands should check their emails to ensure compliance with the CAN-SPAM Act.

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