



(Goldberg, 2003)

Crazy 8's Keychains Email Campaign To Spam or Not to Spam?

(Goldberg, 2003)



Karen Fields
Full Sail University

Crazy 8's Keychains

- Crazy 8's keychains are a must have product for janitorial and other engineering jobs where a lot of keys have to be carried on a daily basis.
- They are made of stainless steel alloy which gives them unbreakable strength to hold all the keys to the castle.



(Goldberg, 2003)

Crazy 8's Keychains (cont.)

How do we market these
keychains to our current clients
and gain new ones?

With Email Campaigns!



(Goldberg, 2003)

Email Campaigns

Email marketing campaigns are a great way to supplement direct mail advertising. Email marketing campaigns are customizable and a cost effective way to announce new and current products.

Email campaigns take less time to create and they reach a wider audience than printed direct mail advertisements. You get instantaneous delivery with out the bulk mail cost (Wallace, 2012).

Targeted Email Campaigns

Because people often volunteer to sign up for marketing emails via an "opt-in" on a website or at a store, Crazy 8's can effectively eliminate the cost of advertising to individuals who aren't interested in its product or service. This kind of pinpointed marketing establishes a direct connection between companies and their target market instantly, replacing what used to take several weeks or months of market research to determine (Wallace, 2012).

Tracking Email Campaigns

Opt-in or sign-up pages for email marketing campaigns can gauge a bevy of information about your target market with the inclusion of "subscription" information. This allows businesses the ability to track customers average age, gender and geographic location. Information on where your product or service is most sought can aid in the planning of "live" promotional strategies and more direct marketing campaigns like in-store or trade show demonstrations. (Wallace, 2012)

However, the down side of email marketing campaigns can still be seen as a nuisance by some and Crazy 8's can be reported for spam if the opt-in feature is not included or ignored.

Spam you say? What is Spam?

SPAM is be defined as unwanted or unsolicited emails. SPAM can also include malicious emails that contain viruses or fraudulent emails masquerading as legitimate enterprises. Much of the spam that is sent out aims to get the recipients to purchase a service or product such as Crazy 8's Keychains.

Spammers also send emails that promote financial services, get-rich-quick schemes, diet products, and male enhancement products. They also promote high priced items such as watches or electronics (Nash, 2011).

Spam you say? What is Spam?(cont.)

There have been laws enacted to combat SPAM such as the CAN-SPAM Act of 2003. These laws were created to establish rules for commercial messages. They protect consumers from harassment, identity theft, gives recipients the right to stop the emails, and spells out penalties for violations. The following is the basic breakdown of the CAN-SPAM Act 2003:

CAN-SPAM Act 2003

- Don't use false or misleading header information. Your "From," "To," "Reply-To," and routing information – including the originating domain name and email address – must be accurate and identify the person or business who initiated the message.
- Don't use deceptive subject lines. The subject line must accurately reflect the content of the message.
- Identify the message as an ad. The law gives you a lot of leeway in how to do this, but you must disclose clearly and conspicuously that your message is an advertisement.
- Tell recipients where you're located. Your message must include your valid physical postal address. This can be your current street address, a post office box you've registered with the U.S. Postal Service, or a private mailbox you've registered with a commercial mail receiving agency established under Postal Service regulations.



CAN-SPAM Act 2003 (cont.)

- Tell recipients how to opt out of receiving future email from you. Your message must include a clear and conspicuous explanation of how the recipient can opt out of getting email from you in the future. Craft the notice in a way that's easy for an ordinary person to recognize, read, and understand. Creative use of type size, color, and location can improve clarity. Give a return email address or another easy Internet-based way to allow people to communicate their choice to you. You may create a menu to allow a recipient to opt out of certain types of messages, but you must include the option to stop all commercial messages from you. Make sure your spam filter doesn't block these opt-out requests.
- Honor opt-out requests promptly. Any opt-out mechanism you offer must be able to process opt-out requests for at least 30 days after you send your message. You must honor a recipient's opt-out request within 10 business days. You can't charge a fee, require the recipient to give you any personally identifying information beyond an email address, or make the recipient take any step other than sending a reply email or visiting a single page on an Internet website as a condition for honoring an opt-out request. Once people have told you they don't want to receive more messages from you, you can't sell or transfer their email addresses, even in the form of a mailing list. The only exception is that you may transfer the addresses to a company you've hired to help you comply with the CAN-SPAM Act.
- Monitor what others are doing on your behalf. The law makes clear that even if you hire another company to handle your email marketing, you can't contract away your legal responsibility to comply with the law. Both the company whose product is promoted in the message and the company that actually sends the message may be held legally responsible.

Each email in violation can carry fines up to \$16,000 which is appropriate for violating the law. So, compliance is of the utmost importance.

But do not let that deter us from a mass email marketing campaign.

The First Amendment is on your side!

Email & Freedom of Speech

Crazy 8's Keychain Company is entitled to market its products because advertising is protected by the First Amendment. The Supreme Court ensured advertising or "commercial speech" is First Amendment protected when it stated in its decision on *Central Hudson Gas & Electric Corp. v Public Service Commission of New York*, 1980, "a state must justify restrictions on truthful, nonmisleading commercial speech by demonstrating that its actions "directly advance" a substantial state interest and are no more extensive than necessary to serve that interest."

This is known as the so-called Central Hudson Test.

The Supreme Court did not stop there. They went on to further explain in *Edenfield v. Fane* 1993 that, "The commercial market place, like other spheres of our social and cultural life, provides a forum where ideas and information flourish. Some of the ideas and information are vital, some of slight worth. But the general rule is that the speaker and the audience, not the government, assess the value of the information presented. Thus, even a communication that does no more than propose a commercial transaction is entitled to the coverage of the First Amendment."

Email & Freedom of Speech

However, advertising or "commercial speech" does come under scrutiny more than any other type of free speech. The Federal

Trade Commission (FTC), for example, is charged with regulating speech that is found to be "deceptive." Consumers can file a complaint with the FTC if they feel bombarded with emails deemed to be harassing or deceptive. They may also complain if Crazy 8's Keychains ignores the previously mentioned opt-out request.

Email & Freedom of Speech

Crazy 8's Keychain Company will adhere to the CAN-SPAM Act of 2003 in all of its mass email campaigns. Our email campaigns may not reach all but we will not be viewed as spammers by our clients or anyone.

Crazy 8's Keychain Company would not knowingly engage in any rules and regulations violations under penalty of imprisonment or heavy fines.



Crazy 8's Keychain Company Mass Market Emails Not Spam

Our marketing strategy begins with our existing client base:

- Each order of Crazy 8's Keychain requires an email be provided so a transaction receipt can be generated. An email list will be created from these orders.
- Crazy 8's Keychain Company will use that list to create brand awareness. You will be able to remind people about our current products using a autoresponder program such as Aweber.
- The autoresponder program can also send out emails to announce new products and services as well as upcoming discounts and sales.
- Updates about improvements to the website can also be generated.
- Other benefits of list building is gauging customer satisfaction surveys. Including a customer satisfaction survey email will open a dialogue on how Crazy 8's can improve its products or services.

Crazy 8's Keychain Company

Mass Market Emails, Not Spam

- These mass email campaigns will be conducted on a daily basis but customers will have the option to change their email preferences to receive emails weekly, monthly, or opt-out completely.
- If a relationship is continued through ordering from Crazy 8's Keychain Company, the customer will have to reset their email preferences after each order.

How will this mass email marketing campaign be expandable beyond the existing client list?

Crazy 8's Keychain Company Mass Market Emails, Not Spam

The Expansion

- Expansion of the mass email marketing campaign will come from purchasing an email list from a reputable vendor.
- A “recommend for discount” campaign will be created that requires existing customers to give email addresses of friends and family to receive a discount on products or shipping.
- An in-store or event sweepstakes promotion to generate an email list.

The following will disclaimer will be added to all campaigns: Customer Information Will Be Protected and Not Be Sold to a Third Party Unless Electronic or Written Consent is Granted By Said Customer.

Conclusion

Finding ways to market a product or service with minimal cost is becoming increasingly difficult in these hard economic times. Crazy 8's Keychain Company can increase brand awareness, promote current products, and generate new clientele by using a mass email marketing campaign (SPAM) if certain rules are adhered to. These rules include, but are not limited to:

- Offering legitimate products and services
- Protecting client privacy
- Complying with request to opt-out of current and future email campaigns

References

- Advertising is protected by the first amendment.* (1997-2012). Retrieved from <http://www.lawpublish.com/amend1.html>
- Cullen, P. (2012). What's an autoresponder?. Retrieved from <http://ezinearticles.com/?Whats-an-Autoresponder?&id=2866860>
- FCC. (2003). *Can-spam: unwanted commercial electronic mail* . Retrieved from <http://transition.fcc.gov/cgb/policy/canspam.html>
- FTC. (2003). *Can-spam act: A compliance guide for business* . Retrieved from <http://business.ftc.gov/documents/bus61-can-spam-act-compliance-guide-business>
- Goldberg, E. (Designer). (2003). *Figure eight carabiner*. [Web Drawing]. Retrieved from <http://www.freepatentsonline.com/D492188.html>
- Nash, S. (2011, April 01). *What are spam emails?*. Retrieved from http://www.ehow.com/info_8142329_spam-emails.html
- Valentine, V. (2012). The benefits of email marketing - how to execute the perfect email marketing campaign. Retrieved from <http://ezinearticles.com/?The-Benefits-Of-Email-Marketing---How-to-Execute-the-Perfect-Email-Marketing-Campaign&id=5701720>
- Wallace, M. (2012). *Advantages of email campaigns*. Retrieved from http://www.ehow.com/list_7462987_advantages-email-campaigns.html