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Respondents Less Bothered By SPAM? Don't Let Your Guard Down

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"Spam" (or unsolicited commercial email) continues to rise, but people are less annoyed by it, according to a recent telephone survey conducted by the Pew Internet and American Life Project (see link to study at the end of the article). CMOR, however, recommends that researchers take this opportunity to redouble their efforts to avoid being mistaken for spam.

What the Public Thinks about Spam

Eighteen percent of respondents in the Pew Study said spam is "a big problem," versus 25 percent complaining that way three years earlier. Some 37 percent of users are receiving more spam in their personal e-mail accounts than before, and 29 percent cited increased spam at work. Two years ago, 28 percent of respondents reported getting more spam at home, and 21 percent did at work. The survey also indicated that e-mail users are learning how to better cope with spam, with 71 percent using filters offered by their e-mail providers or employers, up from 65 percent two years ago.

The Law

The federal email law is the CAN-SPAM Act, which applies primarily to those that distribute commercial e-mail messages (sales-related emails). Survey researchers that are recruiting, or are inviting respondents to participate in a survey, are not legally required to abide by the CAN-SPAM Act since recruiting for and taking surveys are not commercial or sales activities. *However, as a best practice, CMOR encourages researchers to include opt-out notices in all email distributions, regardless of whether the message is commercial or non-commercial in nature.*

Beyond the law – Spam Filters

Spam is unusual in the sense that it is not always a human being making the decision as to whether a survey research project reaches them or not. This is unlike fax laws, Do Not Call rules, or other scenarios where an actual person decides whether or not to work with a researcher. In the case of spam, it is often a spam filter that makes the decision without the computer's user even being aware of it.

Therefore, CMOR offers the following helpful hints on how to avoid the appearance of spam when working in the online realm. These points are based on the contributions of Bill MacElroy, President of Socratic Technologies, Inc. and member of CMOR's Government Affairs Committee, as published in American Demographics:

- Don't use populated blind carbon copy (BCC) or bulk mail fields, as this is often predictive of spam.
- Messages containing HTML, or graphics content, will be filtered out as spam more frequently than text messages are.
- Try to avoid the color red; it seems to trip spam filters.
- Stay away from subject line keywords that are "sales-y," such as offer, free, cash, bargain, win, promo, reward, or marketing.

Conclusion

Researchers using email to solicit business or sell goods or services are bound by CAN-SPAM Act requirements. And all researchers should subscribe to the best practices noted above.

Researchers should also remember that there are numerous state laws regulating spam. Although the laws that concern commercial e-mail messages are not applicable to survey research, some states, like Connecticut, have laws that do apply to the sending of bulk email, regardless of their content or purpose.

For researchers who wish to learn more about how to best comply with email laws at the state, federal, and international level, CMOR recommends the online research component of the new [CMOR Compliance Guide](#). And researchers that want to learn more about how respondents view email contact methods and taking surveys by email should check out the [CMOR Research Profession Image Report](#)

Links:

- Pew Study, May 2007: http://www.pewinternet.org/pdfs/PIP_Spam_May_2007.pdf
- CMOR Compliance Guide: <http://www.cmor.org/cg>
- CMOR Research Profession Image Report: <http://www.cmor.org/rc/studies.cfm>
- IMRO Guidelines for Best Practices in Online Sample and Panel Management: http://www.imro.org/pdf/IMRO%20Professional_Standards_for_Online_Research9_06.pdf

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