



Text “Y” to Confirm your Subscription! Companies Agree to \$100,000 Payment for Alleged CASL Violations

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We now have the first [Undertaking](#) involving alleged text message violations of Canada’s Anti-Spam Legislation (“affectionately” known as CASL). The Canadian Radio-television and Telecommunications Commission (CRTC) investigation alleges that two ticket resale companies sent text messages without consent and without setting out the prescribed information to enable the recipient to easily identify and contact the sender.

According to the Undertaking, the majority of the texts sent by the companies were requests for consent, offering the opportunity to receive future commercial offers. Recall that the [CRTC Regulations](#) require requests for consent to include specific information about the sender, together with a statement indicating that the recipient may withdraw their consent. The text messages failed to provide this information or hyperlink access to it.

In March 2018, the companies voluntarily entered in to an Undertaking with the CRTC to resolve all CASL violations and agreed to pay \$100,000 in compensation (\$75,000 in the form of \$10 rebate coupons offered to 7,500 clients together with \$25,000 paid to the Receiver General for Canada). The companies have also agreed to a host of measures to insure compliance with CASL including employee training, adequate disciplinary measures in the event of non-compliance with internal procedures, the establishment of a thorough complaint monitoring and resolution structure related to the sending of commercial electronic messages, as well as various other monitoring and audit measures, such as mechanisms for reporting to CRTC staff concerning the program’s implementation.

In its [News Release](#), the CRTC reiterated it is taking a comprehensive approach to reduce spam, whether sent via email or text. This Undertaking is a good reminder that CASL applies to any form of commercial electronic message, not just emails.

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