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What is Deceptive?

Although spam may be very obnoxious or frustrating to receive, unless it violates one of the elements of Washington's spam law, it is not illegal in this state. One of the easiest ways to tell if an e-mail violates Washington's spam statute is to take a look at the subject line of the e-mail and compare it to the text of the message.

Generally, a subject line is considered legally deceptive if it has a tendency or capacity to deceive consumers. It need not actually deceive or harm consumers and there need not be intent to deceive.

If the subject line is NOT deceptive -- in that the subject line clearly represents what is being sent, the e-mail does not likely meet this element of the spam statute. Unless you show that another element has been violated, you may not need to file the complaint.

How do I know if it is deceptive?

Carefully examine the body of the e-mail message as it relates to the e-mail's subject line and ask yourself these questions:

- Does it accurately describe what is contained in the e-mail? For example, does a subject line describing "important news about your taxes" contain a message with information about a get-rich-quick scheme?
- Is it a "come-on," attempting to entice you to read the message?
- Does it create a false sense of urgency?
- Does it misrepresent the identity of the sender of the message?

Here are a few examples of deceptive subject lines our office has received over the years:

Subject Line

"board meeting 3ish"
 "URGENT - Account Update"
 "well???"
 "Check Unclaimed"
 "This works - have a look"
 "I talked to him yesterday"
 "Payment Past Due"

Body of Spam

Online pharmacy solicitation
 Debt consolidation service
 Pornography solicitation
 Debt consolidation service
 Online casino solicitation
 Online pharmacy solicitation
 Debt consolidation service

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