

## **SPAM POLICY**

Our Website, [www.ManSites.com](http://www.ManSites.com), (hereinafter "Site" or "we"), adopts the following Spam Policy, (or "Policy"), governing the transmission of unsolicited email by the Site, or on the Site's behalf:

### **I. Introduction**

This Spam Policy was adopted pursuant, and is intended to be compliant with, the "Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003," or the "CAN-SPAM Act of 2003," (hereinafter "the Act" or "the CAN-SPAM Act"). Any and all prior statements of policy relating to unsolicited email made by the Site in writing or otherwise, are hereby rescinded and replaced by this Policy.

The Site respects the right of consumers to control the flow of unsolicited email into their computer inboxes. We therefore strictly enforce a "No Illegal Spam" Policy. Any affiliate, promoter, employee, contractor or agent of this Site caught violating this Policy will be immediately terminated, forfeit all unpaid commissions, and may be reported to law enforcement authorities. Our strong preference is to avoid any promotion that relies upon unsolicited email in any form. All promotions should instead utilize verifiable, opt-in recipients and address lists. However, all email promotions are required to comply with the specifics set forth herein.

### **II. Effective Date**

The Site will be strictly enforcing this new Spam Policy effective Midnight, E.S.T., December 31, 2003.

### **III. Types of Commercial Messages Covered by This Policy**

Any form of bulk electronic message transmission, whether through email or other technological means, are considered Spam, and therefore covered by this Policy. This includes newsgroup postings, chat room messages and other similar message delivery systems.

### **IV. Unsolicited Email Policy**

The following requirements apply to the transmission of unsolicited email promoting, mentioning, or relating to this Site:

A. The header must contain no false or misleading transmission information, and must not contain any IP Address, domain name or email address that was obtained by means of false or fraudulent pretenses or representations.

B. The header information must clearly state if another computer is used to relay or retransmit the message, thus disguising its origin.

C. The message must not contain deceptive subject lines that mislead the recipient about any material fact regarding the contents or subject matter of the message.

D. The message must include a return address or comparable mechanism to allow the recipient the opportunity to request not to receive future commercial electronic mail messages from the sender at the address where the electronic mail was received (hereinafter "opt out device"). The return email address in the opt out device must be capable of receiving such removal messages or communications for no less than thirty (30) days after the transmission of the original message. No additional commercial electronic mail messages may be sent to an individual who has indicated his or her desire not to receive such messages from the sender. This prohibition also applies to any person acting on behalf of the sender. Moreover, the sender shall not sell, lease, exchange or otherwise transfer or release the electronic mail address of the recipient who has indicated such desire to stop receiving such messages, other than messages transmitted for compliance with the Act or other provision of law.

#### V. Opt-In Only Policy

In order to utilize the requirements of this section, the recipient of the bulk electronic messages must have consented to receive the email, either through a clear and conspicuous request for such consent, or at the recipient's own initiative. Alternatively, the recipient's affirmative consent can be obtained from a third party if the recipient communicated such consent, and was given clear and conspicuous notice at the time the consent was communicated that the recipient's electronic mail address could be transferred to the third party for the purpose of initiating commercial electronic mail messages. Although the preceding requirements applicable to unsolicited email shall serve as a guideline for all email promotions, the following mandatory provisions apply to opt-in only email transmissions:

A. Messages must not deceive or mislead recipients.

B. Messages must not contain falsified header information.

C. Messages must not contain false or misleading subject lines.

#### VI. Special Requirements for Sexually-Oriented Email

The following special requirements apply to unsolicited electronic mail containing sexually-oriented material.

A. The subject line must contain the terms "SEXUALLY EXPLICIT" as required by Rules adopted by the Federal Trade Commission ("FTC") in consultation with the Attorney General in April, 2004.

B. Such messages may only initially contain, absent any further actions by the recipient,

the mandatory information for unsolicited emails listed in Section IV and instructions how to access, or a mechanism designed to access (such as a hyperlink) the sexually-oriented material. In other words, and for avoidance of doubt, no sexually-oriented images, drawings or other depictions are permitted to be contained within unsolicited adult-oriented spam. Any affiliate, agent, employee or promoter caught violating this provision will be immediately terminated from the Site's program, and all commissions then earned but unpaid shall be forfeited.

C. Such messages shall also contain such marks, notices or disclaimers required by the FTC, in consultation with the Attorney General, as identified in any rules or regulations promulgated and published in the Federal Register within the time frame contained in the Act, i.e. one-hundred twenty (120) days from January 1, 2004.

## VII. Indemnification

All affiliates, agents, employees or other promoters using any form of electronic commercial mail promotion agree to indemnify and hold this Site harmless from any and all claims, charges, counts, debts, suits or other allegations arising from violations of the Act, or other applicable laws regulating transmission of commercial email. The Site shall provide immediate notice of any and all such claims, however the Site shall select its own attorneys to defend such claims, at the sole and exclusive expense of the affiliate, agent, employee or promoter responsible for the alleged violation.

## VIII. Incorporation by Reference

This Spam Policy is hereby incorporated by reference into any Affiliate Agreement in place and utilized by the Site. By continuing to avail oneself of the benefits and obligations of affiliate promotion, all affiliates thereby acknowledge the applicability and enforceability of these provisions as part of the existing Affiliate Agreement. By continuing to perform under the Affiliate Agreement, after receipt of notice of this Spam Policy, Affiliate thereby manifests his or her assent to these terms. All remaining terms contained in the Affiliate Agreement, not inconsistent herewith, shall remain in full force and effect.

## IX. Resources

A. To report any violation of this Policy, please contact our compliance department at [compliance@ManSites.com](mailto:compliance@ManSites.com).

B. To Read the CAN-SPAM law, click here:  
<http://www.adultindustryupdate.com/archives/CAN-SPAM%20Act.pdf>

C. Federal Trade Commission Website: [www.ftc.gov](http://www.ftc.gov)

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