

How Expedia is fooling itself, its customers, and the FTC that its spam isn't spam. But it is

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In response to my concern that the travel site Expedia is spamming its customers (of which I'm one) in violation of the Can Spam Act as well as in disrespectful defiance of its customers' elections not to receive solicitations for special travel deals, Expedia has finally responded with an explanation that, if you ask me, reminds me of how pathological liars end up believing their own lies.

In my opinion, Expedia is spamming its customers and has simply convinced itself that the way in which it goes about doing so magically converts the company's unsolicited commercial e-mail (a.k.a. spam of the sort the Can Spam Act doesn't allow) into transactional e-mail that is exempt from the Can Spam Act.

If you missed my earlier posts on this issue, let me catch you up. Recently, I received an e-mail that told me my \$200 coupon with Expedia was about to expire. What coupon that was and how I became entitled to it, I had no idea. My first post regarding this e-mail notification simply had to do with my opinion that the e-mail was incredibly misleading. At first, you're led to believe that that the \$200 coupon can be applied to any travel. You're even provided with links to four destinations as "inspiration" for ways in which to apply the coupon. It isn't until later in the email, after you carefully study all the text, that the coupon turns out to only be good for those four destinations and that it only applies to trips that are five days or longer in length. Given the language and the open ended search form near the top of the e-mail into which any travel destination can be entered and searched, I found the e-mail to be incredibly misleading. In fact, I considered it to be a bait and switch.

Then, in response to that piece, a reader asked the obvious question that, until then, had completely escaped me. What gave Expedia the right to send me that promotional e-mail in the first place? The reader, who himself felt he was being spammed by Expedia, suggested the same had just happened to me. The reader suggested that I double check the e-mail preferences in my Expedia account. Sure enough, I had opted out of every possible promotional e-mail Expedia could have to offer. Yet, somehow, not only did I get this promotional e-mail from Expedia, there was no way to opt-out from future ones like it (as required by the Can Spam Act). So what the heck is going on here. How is Expedia able to get away with it?

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