

Re: CAN-SPAM Act Rulemaking, Project No. R411008

To Whom It May Concern,

I thank you for your sincere efforts to help stop the flood of unsolicited bulk email, commonly known as spam. I have been involved in Internet Marketing since 1996 and have seen this problem grow to its current levels almost from the beginning. The effects of spam on my business are significant and measurable, however, as an ethical marketer I am very concerned about the proposed requirement for merchants to maintain suppression lists.

Although I would like nothing more than to speak with you personally about this matter and discuss the negative effects it would have on my business, and the businesses of thousands of others, that isn't possible so I'm sending this letter. The problems and costs associated with the implementation of this type of system would likely put me, and thousands of others out of business. This number does not take into account the millions of Americans who earn a significant portion of their income through affiliate, associate, and referral systems. These people would be directly affected by the loss of income caused by the forced closure of affiliate and referral systems like the ones that operate.

Requirement of the use of suppression lists will also seriously damage many of the legitimate publications available on the Internet. My specific concern is for harm to publishers who require permission from the consumer prior to adding them to any list, the permission based systems that the CAN-SPAM act was designed to protect in the first place. This type of suppression system would also raise serious privacy concerns due to the fact that list owners like me would be forced to release private contact information to third party sources, sources that the subscriber did not agree to have their information released to in the first place. This information has the potential to be embarrassing and/or damaging in some cases. Imagine for example that you were on a mailing list that was designed to help you keep up with information and research on Prostate Cancer. If you unsubscribed from that list your name and email address would be shared with other merchants. This is exactly the type of information that should not be shared under any circumstances, but implementation of a suppression list would force us to share it, potentially with twenty or more third party sources depending on the other content contained in the email that resulted in the unsubscribe request.

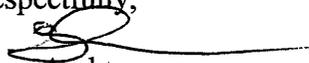
The CAN-SPAM act was designed to put spammers out of business, but the implementation of a suppression system will put legitimate business owners out of business and virtually destroy all efforts to maintain online privacy.

The potential harm to consumers and business owners alike is scary at best. There is no concrete method to know why a person is unsubscribing from a list, especially lists that may send commercial messages listing multiple products. I have personally sent email to our lists that reference websites containing 5,000 or more products, which of the 5,000 products caused the person to unsubscribe, if any of them at all?

To add to the problems, there is the potential that these suppression lists could fall into the hands of spammers, leading to more spam. I understand that protection will be put into place to prevent this from happening where possible, but the necessity for public access to these suppression lists will make that a near impossible task. Even if advances in technology make this possible, ensuring that all merchants, even those with limited budgets or skill, are able to implement the system and maintain the security necessary to keep data private is highly unlikely.

I was quite surprised to find that suppression lists were even up for debate to be completely honest. I'm not sure how much input has been submitted from the people this would affect, but since you're still considering it I would have to guess very little. The potential problems this ruling would, in essence, push ecommerce 5 years back in terms of advancement and cause the loss of some portion of income for millions of Americans not to mention the millions that would be affected in places like Europe and Asia. I urge you in the strongest possible terms to reconsider the implementation of merchant based suppression lists; implementation would be a serious and costly mistake.

Respectfully,



Gary Ambrose  
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