

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

To the Commissioners,

Thank you for your efforts to curb the problem of unsolicited bulk email, however, I am concerned about the proposed requirement for merchants to maintain suppression lists.

There are so many problems and costs associated with this idea, and so much damage done to consumers and businesses alike, that I feel I must urge you to consider this matter most carefully.

Requirement of the use of suppression lists will seriously damage many of the legitimate publications available on the net. My specific concern is for harm to publishers who require permission from the consumer prior to adding them to any list.

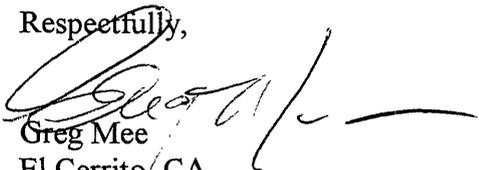
Most of the spam that I see fails to follow the rules already laid out. There are no mailing addresses listed, remove links don't work, the 'from' email addresses are throwaway names from some free email site, and the subject lines frequently have no realtion to the subject in the body of the email.

Legitimate marketers are not who CAN-SPAM was designed to put out of business, but this requirement will very likely have that effect. Most of them play by the rules anyway, while the real spammers don't.

On top of that, these suppression lists could easily fall into the hands of spammers, leading to more spam instead of less.

I was quite surprised at the potential problems this ruling could involve, and urge you in the strongest possible terms to reconsider its implementation in light of these problems,

Respectfully,


Greg Mee
El Cerrito, CA

PS: Regarding: "If you wish to provide additional information on modifying the 10-business-day time period for processing opt-out requests, please do so in the Additional Comments section at the end of this form."

If a merchant maintains his own mailing list then opting out should be immediate. Current technology allows this and many merchants use it. If other entities are using the list as well then there may be a delay for them to receive the opt-out. In any case I feel that 10 days is very generous.

PPS: Regarding: "If a consumer has "opted out" from receiving commercial email from a particular company, and then receives a subsequent commercial email containing an ad for this company as well as ads for three other companies, does this violate the Act? If so, who has committed the violation?"

If the email was sent by the company that received the opt-out request, then it's a violation. If the ad appears in a 3rd party email, then it's not, as the advertiser probably has little control over the make up of the 3rd party list. Such as buying an ad in a magazine when the reader has unsubscribed to the advertiser's own magazine.

PPS: regarding: The implementation of a system for rewarding those who supply information about CAN-SPAM violations.

Very bad idea. This will generate a number of frivolous lawsuits and related attacks. Some people already send ads to autoresponders and then complain that the reply is spam, even if they know the email address is an autoresponder. Some people opt in to a newsletter, forget they opted in, and then complain of spam. This happened long before any thoughts of spam control, but a reward system will make it MUCH worse.

PPS: Regarding: The effectiveness and enforcement of the CAN-SPAM Act.

Judging by the spam that I receive I'm not sure this act is either effective or enforceable. I do know that it puts pressure on legitimate marketers and is ignored by spammers.

PPS: regarding: Subject line labeling.

Spam subject lines frequently have no relation to the subject of the email. These days many subject lines seem to be randomly generated, probably to avoid spam filters, and many contain strings of gibberish, also likely in an effort to avoid the filters.

Legitimate emails usually use good subject lines.

Again, thanks for your efforts on this issue. I do think, though, that many of the rules will make it harder on marketers than it will on spammers.