

000740

Re: CAN-SPAM Act Rulemaking, Project No. R411008  
Federal Trade Commission  
CAN-SPAM Act  
Post Office Box 1030  
Merrifield, VA  
22116-1030

Apr. 13, 2004  
David Johnson

To the Commissioners,

I am grateful for your efforts to curb the problem of unsolicited bulk email ('spam'). However, I am concerned about the proposed requirement for merchants to maintain suppression lists.

There would be much damage done to consumers and businesses if suppression lists were required. You see, the costs of using these lists would force many small businesses to fold.

There are numerous problems and costs associated with this idea. The 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. I am one such publisher, offering free publications and using my time to manage services provided by my business.

Legitimate publishers are not the targets of CAN-SPAM. However, it will likely have just this unintended effect.

There's also the potential for significant harm to consumers. Already a disturbing proportion of my emails to my opt-in lists are not delivered due to improper censorship by Internet Service Providers.

There is a huge problem with applying the CAN-SPAM Act provisions, in the area of determining precisely the intent of an request to unsubscribe from a list.

The act could be interpreted too broadly, so that any unsubscribe request for a particular brand would block the recipient from receiving ANY information requested about DIFFERENT products in any subsequent request.

In addition, these suppression lists could easily fall into the hands of spammers, leading to more spam instead of less.

I urge you in the strongest possible terms to reconsider the implementation of the CAN-SPAM Act. In light of these unintended consequences, I feel I must urge you to NOT pass this, but instead seek solutions that are more targeted against real offenders who are not operating according to opt-in marketing policies.

Sincerely,



Dr. David Johnson

[REDACTED]  
Durham, NC 27707

[REDACTED]