

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

4-14-04

To the Commissioners,

As an online marketer and consumer, I applaud your efforts to curb the problem of unsolicited bulk email. However, I am concerned about the proposed requirement for all merchants, big and small, 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.

Most illegal marketing efforts are done by individuals who steal information from hacking into websites, not from people subscribing to a news letter or affiliate program. though CAN-SPAM is targeting the SPAMMERS Internet-wide, it unconsciously targets us legitimate marketers trying to earn an honest living online.

Requirement of the use of suppression lists will seriously damage many of the legitimate systems, programs, publications and business services 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. We spend countless hours managing our mailing lists and hold a very good record of minimizing SPAM complaints.

We're not who CAN-SPAM was designed to put out of business, but this requirement will very likely have that effect.

There's also the potential for significant harm to consumers, because of the problem of properly knowing their intent when they unsubscribe from a list. Most people who report others for SPAM don't even realize what they are doing half the time. These people think because they are receiving junk in their email accounts that they are being SPAMMED! Most of the time they subscribe to whatever they are receiving, they just don't realize they did it. If anything, regulations should be stated regarding how websites require people to sign up for more information. A lot of large Cooperative Advertising Companies out there

have small check boxes where you would least expect them saying you are requesting ads from their sponsor if it is checked. It is usually defaulted to the checked position.

On top of that, these suppression lists could easily fall into the hands of SPAMMERS, leading to more SPAM instead of less. That's how most SPAMMERS receive their email contacts!

This act was originally enacted to thwart solicitation of unwanted pornography. This is not where this act is going. It is aiming toward the backbone of our economic structure and will soon affect every online presence on the planet.

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

Very Respectfully,

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(Stationed in Norfolk, Virginia, US Navy)