

Comments on Section E.2 If a commercial e-mailer explicitly encourages "forward-to-a-friend", then the originator of the commercial message should be liable if that message is sent to someone on an "opt out" list. If the forwarding is done on the initiative of the individual to one or a small number of people, then that should be considered non-commercial. The intent here should be to discourage commercial e-mailers from soliciting naive users into acting as spam conduits.

Comments on Subject line labeling: In addition to subject line labeling, commercial e-mailers should be required to add additional identifying headers to the mail message. These headers should be machine processable. For example, two possible required headers might be: Spam-Category: adult Spam-Remove: remove@adultsite.com In this example, this would specify that the email is commercial and contains "adult" content. The valid category should be from a list developed by the FTC and commercial e-mailers should be required to list all relevant categories. This header would allow the development of email clients that filter out all commercial email, or only selected categories. It would also be possible to do the filtering at the ISP or email provider level. A benefit of this is that, for example, parents could request their Internet providers to block all adult spam. By doing the blocking at the ISP level, it would not be possible for children to turn off the filters. A "Spam-Remove" header specifying a valid email address which removes a recipient from the commercial sender's mailing list should also be required. This would allow the development of an email client which automatically sends a remove message to filtered spammers. The client could also keep track of which senders to which it has sent a remove message and verify that they comply. Any commercial mailers who do not include these headers, or who send headers that contain inaccurate information should be considered in violation of the act. Note that I used "Spam-Category" and "Spam-Remove" here for illustration purposes. Any other names are equally acceptable as long as they are explicitly spelled out in the act.