



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Division of Advertising Practices
Bureau of Consumer Protection

Mary Koelbel Engle
Associate Director

July 21, 2004

Via Federal Express

Steven P. Erlich
4051 N. 41st Ct.
Hollywood, FL 33021

Re: Cardwish Electronic Greeting Cards and Promotional Email Service

Dear Mr. Erlich:

As you know, the staff of the Federal Trade Commission conducted an investigation into possible violations of Section 5 of the Federal Trade Commission Act by you in connection with the Cardwish electronic greeting card service and associated unsolicited commercial emails.

The staff's inquiry addressed whether you were involved in transmitting unsolicited email messages that falsely informed consumers they had received personal electronic greeting cards via Cardwish and enrolling, without notification, consumers seeking to access such cards in a promotional email service. The staff's inquiry also encompassed the ability of consumers to unsubscribe from the promotional email service. The staff has decided to close its investigation into whether you violated Section 5 of the FTC Act.

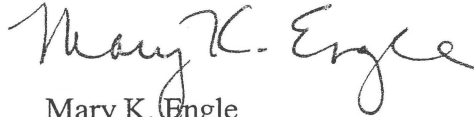
As you may know, Congress recently enacted the Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003 ("CAN-SPAM Act"), 15 U.S.C. §§ 7701, *et seq.* The Commission staff believes that the conduct we investigated would violate the CAN-SPAM Act, except that the conduct appears to have ceased before January 1, 2004, the effective date of the Act. Engaging in the same or similar conduct in the future could violate the CAN-SPAM Act and result in the imposition of civil and criminal penalties.

The staff's decision not to recommend enforcement action against you under Section 5 of the FTC Act and to close this investigation is not to be construed as a determination that a violation may not have occurred, just as the pendency of an investigation should not be construed as a determination that a violation has occurred. The staff will continue to investigate possible

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future violations of Section 5 of the FTC Act and the CAN-SPAM Act. The Commission reserves the right to take such further action as the public interest may require.

Very truly yours,

A handwritten signature in cursive script, reading "Mary K. Engle". The signature is written in dark ink and is positioned above the printed name and title.

Mary K. Engle
Associate Director for Advertising Practices