

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

To the Commissioners,

I applaud 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 cause seriously damage to 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.

They're not who CAN-SPAM was designed to put out of business, but this requirement will very likely have that effect. Are we to expect publishers to require potential subscribers to provide them with a list of companies from who they wish not to receive any advertising?

A careful reading of the proposed rules makes several things clear: First that if a person "opts-out" of an electronic publication after receiving a sponsored ad from one of that publication's advertisers, then that advertiser will need to add that person to his/her suppression list. As it is not at all common for any publisher to communicate such information to any of the advertisers (for various sound reasons), how will the advertiser know?

Use of suppression lists will incur new costs to the publishers and to their advertisers as well. It will require considerable man-hours to maintain and update the lists, plus the cost of purchasing or developing software that will maintain and use the suppression lists in accordance with the provisions of the Act.

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. 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.

Much greater attention should be paid to the mechanisms for investigation and prosecution of those who falsify email headers and use deceptive subject lines. It should be made more difficult for these vermin to continue their spamming activities without putting our legitimate email users at risk of unjustified prosecution.

Respectfully,

James Humphrey
NC, USA