

You Become  
What You  
Think About

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Jeff L. Davis

April 14, 2004

Federal Trade Commission  
CAN-SPAM Act  
Post Office Box 1030  
Merrifield, VA, U.S.A.  
2116-1030

Dear Sirs:

**Regarding:** CAN-SPAM Act Rulemaking  
Project No. R411008

While I applaud your efforts to curb the problem of unsolicited bulk email, 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 very carefully. 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. They'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. On top of that, these suppression lists could easily fall into the hands of spammers, leading to more spam instead of less.

An alternative approach could be something similar to an "Opt-In" confirmation message which protects the consumer by allowing him/her to either confirm their "Opt-In" status or immediately "Opt-Out" without any additional effort on their part or the part of the legitimate publication. I'm a firm believer in the K.I.S.S. method! Let the consumer decide "to be or not to be" included in any marketing efforts then legislate the marketers to comply.

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.

Respectfully,

  
Jeff L. Davis