

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

Tracking Number **OL-102381**

To the Commissioners,

I receive over 400 unwanted messages a day at my personal emailbox, and I applaud efforts to curb the problem.

However, I am concerned about the proposed requirement for merchants to maintain suppression lists. This 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.

(Comment Question E.1.2) If a person has "opted out" from Company A's mailing, and receives a mailing from Company B which includes an ad for Company A, it should not be a violation.

I receive advertising emails from legitimate vendors listing ads for a dozen or more products from different companies. In some cases, links directly to those companies are provided. But the sender is my legitimate vendor and I should receive those emails regardless of any instruction I may have given to the manufacturers or distributors of those products.

If a mailer has to poll each manufacturer and/or distributor of mentioned, advertised, or linked products, and remove email addresses of those who have opted out of the other firms' lists, it will become an impossible task.

For example, I might mail a newsletter to my opt-in subscriber list containing an ad for a Disney-published book, available through a major online bookseller like Amazon.com. Would it make sense for me to have to obtain opt-out lists from Amazon.com AND from Disney before I could send my mailing? What if my newsletter carries ads for several different products?

Wouldn't this mean that my subscribers, who fully intended receiving the valuable information in my newsletter (and who have the very real option of unsubscribing at any time), will be denied this information because of the ad?

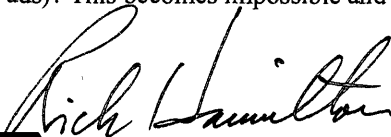
What if the subscribers paid to receive the newsletter, but delivery had to be restricted because they had opted out of a list of an advertiser? I don't believe the intention of the Act was to keep subscribers from receiving what they paid for.

Nor do I think it was the intention of the Act to place an undue hardship on small business, operating with a compliant opt-in list, by requiring a suppression list from every advertiser.

What about major news operations which might send email news to subscribers? They might carry ads and links to pages with ads from hundreds, perhaps thousands of advertisers. Should online editions of the Wall Street Journal, the Washington Post, the New York Times, or the Mesa Tribune have to purge their daily lists using suppression lists from their advertisers (and maybe even the manufacturers and distributors featured in those ads)? This becomes impossible and contradicts the intention of the subscribers.

Respectfully,

Rich Hamilton



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