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Federal Trade Commission
CAN-SPAM Act
P. O. Box 1030
Merrifield, VA
22118-1030

April 17, 2004

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

To the Commissioners:

I am writing in response to the pending legislation proposing the use of "suppression lists" with Internet marketing.

I appreciate your efforts in trying to find a solution to this problem, but I respectfully request that you look into other alternatives for eliminating Spam mail on the Internet. As other letters to you have indicated this approach would create a great hardship on legitimate marketers, causing loss to many persons who are depending on the income from their business to pay their living expenses, and would also deny many persons, some of whom are, for one reason or another, unable to get to a conventional store to shop, access to what they have been purchasing on the Internet.

One of the biggest causes of Spam email is persons who are harvesting email addresses and then "blasting" un-solicited advertising to everyone on their lists. I have noticed that often the sender has used a fictitious name and address as well as putting an unsubscribe address that goes nowhere.

A very high percentage of these ads are pornographic in nature, and with no indication that they contain this type material.

Another big source of unwanted email is companies that have a network of advertising companies. They will advertise one item from a specific company. When you answer the ad asking for further information, you get inundated with advertising from all of the companies associated with them.

Sometimes they will tell you that you may receive advertising from x number of companies that share their lists. Even then, they do not tell you who these other companies are, or a choice to only receive the requested information. Often the information they do give is fine print, in an obscure place. These advertising companies should be required to list each entity which they represent, as well as a place to check exactly which information you wish to receive, and send you nothing that you have not checked.

These are the real problems that need addressing at the present time.

There is, however, one segment of Internet Marketing that might be feasible for using the suppression list application, Broadcast Marketing.

I have only seen information from one of these companies, but I assume they all operate in a similar fashion. The advertiser sends the ad to the broadcast company and requests a certain number of calls and the area to cover. The broadcaster uses his list of phone numbers for the requested area. If the advertiser receives a call to remove someone's phone number, he in turn calls the broadcaster to remove the number. That number is removed from broadcaster's lists. This removes the number from all future broadcasts that are made from this broadcast company, but it would still be on all of the other broadcaster's lists.

In this case, the list would, most likely, not create a hardship on either the advertiser or the broadcaster, and the request would not have come from someone other than the party who owned the phone number.

Internet Spammers have been known to send all sorts of false mail, including using someone else's information to unsubscribe from something that the party who had actually opted in still wanted to receive.

I realize how important it is to have some type of regulation to control Spam on the Internet. It is hard to concentrate on building a legitimate business when you have to spend hours removing Spam and porn out of the Inbox. Most days, on average I find that 80 to 90 percent of the incoming mail is pure Spam.

But, please, do not penalize the real sellers and buyers by making restrictions that will put those of us who are legitimate marketers out of business, which is what will happen if the suppression list, as put forth at the present time is made into law.

Respectfully,



Imogene Bell

