

I just viewed a news story on MSNBC's website (<http://msnbc.msn.com/id/4090558/>) regarding the rules the commission proposed for sexually explicit advertisements. I then visited the FTC website, and viewed the document at <http://www.ftc.gov/os/2004/01/canspamfrn.pdf>.

I agree with, and would support, the regulation as proposed. However, it is important to me that certain sites (that I would have given explicit permission to) still be allowed to send me explicit advertisements that have images embedded. (By this I mean images that display directly in the email, as mentioned in footnote 2 of your release at the address mentioned above.)

I have a concern regarding enforcement - if this rule has no "teeth" (that is, if there are no penalties for violating it) it will be ineffective. I would recommend a easily accessible form or email address for filing complaints, and a system of penalties for violating this act.

Now I will respond to the questions the Commission asked for response to.

\*1. Are there any technical reasons why the Proposed Mark cannot be included...

\*No, there are no technical reasons preventing the inclusion of the proposed mark.

\*2. Are there any technical reasons why the proposed rule will not be effective?\*

No, there are no technical reasons. However, the rule must be enforced to be effective.

\*3. Are there any technical ways to make the proposed rule more effective? \*I suggest that the commission consider suggesting that vendors of sexually explicit content also add an additional header to their emails. This idea would only make sense as an addition to the requirement of the Proposed Mark, and [implementing the header] would unfortunately add much more expense to the business process.

\*4. Are there other notices or marks that would be more effective... \*I believe that "Adult Advertisement" is inappropriate for the reasons mentioned in the release - it is not specific enough, and adult-oriented but non-offensive content (such as tobacco or guns) would be indistinguishable from sexually explicit ads. Also, I believe that "Sexually Oriented Material" is not strong enough language. It implies (to me) that the material merely discusses sex (somewhat like an after-school special might).

\*5. Is the proposed rule adequate to inform a recipient... \*Yes. The proposed mark is very clear and unambiguous.

\*6. Is there additional information that a mark or notice should include to ensure that a recipient is made aware...

\*I suggested in my answer to #3 that the commission investigate adding an additional header to explicit emails in addition to the mark. I don't believe this will directly aid many users, but see the answer to #8, below.

\*7. Will the inclusion of the Proposed Mark aid a filtering program in blocking or filtering e-mail messages...\*

Most definitely.

\*8. Is there additional information that a mark or notice should include to ensure that a filtering program...

\*The extra header I have mentioned may provide such assistance, but the existence of a uniform mark (the Proposed Mark) makes the additional header somewhat superfluous.

\*9. Does the inclusion of punctuation... in any way affect the ability of a filtering program...

\*To the best of my knowledge, no. However, if a mail client existed that was unable to handle the punctuation, a user of that client could instead filter on only the text portion ("SEXUALLY-EXPLICIT-CONTENT") of the Proposed Mark.

\*10. Would the proposed rule unduly burden either entities selling sexually oriented material through email messages or those consumers who were interested in purchasing sexually oriented material offered to them through email messages? \*

The proposed rule would not burden entities selling such material. Given that it is allowable for consumers to "opt-in" to receive emails that directly contain explicit content, the proposed rule would not burden consumers.

\*10b. How? \*

The proposed rule shifts the "advertising space" retailers have on the subject line, and reduces the amount of information consumers have about that particular product. In some cases, the consumer may only see the Proposed Mark, and not be able to see any other information on the Subject: line.

\*10c. Is this burden justified by offsetting benefits to consumers?\* My opinion is that the burden of waiting an additional few seconds to read the subject line of an explicit email is offset by the benefits to all people offended by, or not interested in, these products.

\*11. How can the Commission measure the effectiveness of the proposed rule in protecting consumers from unwanted sexually oriented email messages? \*You could get a very informal measure of the effectiveness by measuring the drop (or increase) of complaints to the FCC regarding explicit email. I would suggest doing a nationwide study several months after the rule goes into effect, asking questions such as, "Has the mandated addition of "... assisted you in identifying explicit email?" "Do you feel that this requirement is effective in protecting you from explicit messages?"

\*12. Please describe what effect the proposed rule will have on small entities that initiate commercial e-mail messages that include sexually oriented material.

\*I don't foresee any major effects.

\*13. Please describe what costs will be incurred by small entities to "implement and comply" with the rule,...

\*I would estimate that the costs to an average company would require a brief meeting. (2 hours, perhaps, at most) No additional skills would be required.

\*14. Are there ways the proposed rule could be modified to reduce the costs or burdens for small entities while still being consistent with the requirements of the CAN-SPAM Act?\*

I don't believe so. Complying with the proposed rule entails such a low cost, that I believe it would be impossible to lower the burden while still maintaining a sufficient level of effectiveness.

\*15. Please identify any relevant... rules that...\*

I do not have sufficient expertise in this field to reply.

\*16. Are the definitions set forth referencing the CAN-SPAM Act acceptable or would commenters prefer that the legal definitions themselves be imported into the proposed rule from the CAN-SPAM Act? \*I suggest referencing the CAN-SPAM act; but also including the legal definitions into the new rule, and mentioning the definitions set forth in the CAN-SPAM Act are binding.

That is, tie this rule to the CAN-SPAM Act, but include the definitions for clarity's sake, while making clear the definitions in the Act take precedent.

Thank you for your time.

--Personally ID'able Info

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