

**Comments to the Federal Trade Commission
From the
National Consumers League
Regarding Proposed Mark for Sexually Oriented Spam
Project No. P044405
February 17, 2004**

The National Consumers League (NCL), a nonprofit organization founded in 1899 to identify, represent, and advance consumers' economic and social interests, welcomes the opportunity to comment on the issue of labeling commercial email that contains sexually oriented material as required under section 5 (d) of the CAN-SPAM Act of 2003.

This is an issue of great concern to the public. In an online survey about spam¹ conducted between October 8 and December 3, 2003 by the Trans Atlantic Consumer Dialogue (TACD), a coalition of 65 consumer organizations from the United States and European Union countries, 92 percent of the U.S. respondents said that unsolicited commercial emails characterized as "adult/porn" were the most objectionable or upsetting to receive; this view was overwhelming shared by respondents in other countries as well. They were also worried about their children's exposure to spam, especially of the "adult/porn" variety. However, respondents were clearly frustrated by their attempts to block unwanted commercial emails.

Eighty-two percent of U.S. survey respondents said that the government should only allow commercial emails to be sent if the recipients have agreed in advance to receive them. While 64 percent said they used spam filters, only 13 percent reported that they worked very well. Many complained that filters blocked messages they wanted (6 percent), let too many messages they didn't want come through (26 percent), or both (26 percent). When asked if it would be helpful if unsolicited commercial emails were required to be labeled as advertisements, 68 percent of the U.S. respondents said yes.

NCL will defer to Internet service providers and other technical experts to suggest specific combinations of words and punctuation marks with which to label sexually oriented commercial email. However, in light of the fact that this is a global problem, NCL urges the Federal Trade Commission to also consult with governments in other countries to devise an effective label that can be used ubiquitously across borders.

Respectfully submitted by:
Susan Grant, Vice President Public Policy
National Consumers League
1701 K Street NW, Suite 1200
Washington, DC 20006
(202) 835-3323

¹ www.tacd.org/docs/?id=225