

Date: April 14, 2004

To: Federal Trade Commission
CAN-SPAM Act
Post Office Box 1030
Merrifield, VA 22116-1030

From: Charlie Lafave
Post Office Box 105
Novelty, OH 44072

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

To the Commissioners,

As a legitimate Internet marketer, I do everything I can do comply with the Can-Spam laws, and in fact applaud your efforts to curb the problem of unsolicited bulk email. However, 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 most carefully.

Requirement of the use of suppression lists will seriously damage many of the legitimate publications available on the net. I agree that no one should ever send a promotional message without first receiving explicit consent to receive promotional emails from a specific source. My specific concern is for harm to product owners and publishers whose messages are sent out by a third party.

They're not who CAN-SPAM was designed to put out of business, but this requirement will very likely have that effect.

It certainly will have a strong impact on my legitimate Internet business. (And, by extension tens of thousands of other legitimate marketers (if not more!).) I make money, and help others to make money, by having affiliate programs for various products. Just one example is my www.DogTrainingZone.com site. This is a great product for people who want to train their dogs. Other marketers promote this site via an "affiliate link," and earn a commission on each successful sale.

Unfortunately, if someone "opts out" of someone else's list when promoting my product, I have no mechanism whereby I can inform other marketers not to send emails for my product to this person . . . even though that person had legitimately "opted-in" to that second list and explicitly given permission for that second list owner to send him or her

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emails. The administrative tasks involved boggle my mind, and would cut off a significant source of legitimate revenue from my business.

Here's another example...

I was until recently a senior executive at a very large and well-known travel company. Imagine that this company creates a promotion to encourage travel to Europe. A travel agent mails this promotion out to its list. One of the list members objects to the ad, and asks to be put on a suppression list. This same individual also happens to be on the Travel Getaways list at the New York Times, and another travel agency's opt-in email list. Lists he or she legitimately opted into with the clear expectation that he or she would receive promotional material from this source. But, according to my understanding of the suppression lists, the New York Times and the other travel agency would be subject to some penalty, as well as the travel company originating the offer. This doesn't seem quite right.

Let me explain with an analogy...

Imagine that you did this on TV or radio. Everyone who didn't want to see another McDonald's commercial could say they want to be put on a suppression list. How on earth would the cable companies be able to run ads and be in compliance with the law? There is some similarity between this situation and the suppression lists.

Don't get me wrong, I really want to block bulk emailers. I think they damage the business of legitimate Internet marketers. I just don't want to do it at the heavy expense to legitimate web marketers that your suppression list would entail.

Bottom line, I think there are some significant problems with the solution envisioned by the suppression lists, and urge you in the strongest possible terms to reconsider its implementation in light of these problems.

Respectfully,

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