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*Mary Multer Greene*

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April 15, 2004

Federal Trade Commission/Office of the Secretary  
Room 159-H  
600 Pennsylvania Avenue NW  
Washington, D.C. 20580

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

Good morning, Commissioners:

I appreciate your attempts to curb the spread of unsolicited pornography and other undesirable commercial email imposed on consumers as unsolicited bulk email. However, the Internet and email communication are crucial for helping ordinary citizens conduct business and exchange information about useful products and services. I am concerned that proposed changes will hurt email subscribers and publishers equally in the long run, initiating inconvenience, lawsuits, and the demise of the small publishers who represent what's best about the Internet.

Unfortunately, putting consumers who unsubscribe from a mailing list on a suppression list implies that the subscriber was offended by the commercial nature of that particular list. It's *just* as likely that the consumers' email box is getting too full at that moment, much as we throw something out while cleaning and then regret it. Or subscribers may want the publication sent to a different or new address. Or perhaps they wanted fewer mailings per week or mistook one publication for another. These are not uncommon reasons to unsubscribe. If you pass these regulations, you will be raising the entry price for Internet publishers because most publishing software and services cannot control lists in the required ways. Since these are my favorite publishers, I do not want them suppressed for the wrong reasons.

Let me give you some personal examples that happened in **one** day. This morning, I accidentally hit the Spam key instead of the Save key in my email for crucial material mailed by my mortgage company. I'm trying to keep them in my address book by setting up a special filter, but I will really be in trouble if they land on a suppression list. I also unsubscribed from a newsletter being sent to our home email address instead of my Yahoo.com email address to separate my email from my husband's email. If my name is on a suppression list for that publisher, my new subscription request will be ignored. The software cannot tell what I'm trying to do. And how about the many times, I have unsubscribed and resubscribed as my personal or professional information needs/interests change? It's just like dropping Time or Newsweek one year and resubscribe another.

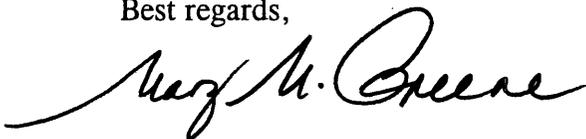
If I unsubscribe from mailings from one company, I certainly don't care if another valued publication includes one of their ads or mention of their products! It would be like demanding that my favorite magazines stop publishing ads from companies I don't like. The logistics are mind-boggling. And wouldn't the requirements to include individual names in the address blocks or real street addresses in the message invade privacy? *Many* of the small publishers have home offices. It's certainly understandable that they would not want their home address advertised to the *world!* If you require them to include their name in the address box, subscribers may delete the mail only because they know the publication's name better. Many if not most of my offensive spam messages had "real" names attached. Of course, these individual names were bogus. What was gained? Nothing.

Unwanted Forward-to-a-Friend or opt-in affiliate messages can easily be handled by individual consumers. They can erase the mail, or they can filter it out. Employers already have their own policies and software to handle the problem in the workplace. Further government regulations would be unnecessary and undesirable. Governments certainly aren't responsible for regulating human nature. You've got bigger fish to fry.

Imagine how expensive and difficult it will be for government to enforce further regulations fairly. The groups hurt the most will be law-abiding consumers and merchants, who will comply while the spammers continue to spam. I'm grateful not to have so much truly offensive and unwanted email invading my email box. Your regulations have helped in this regard. But I'm just as grateful to have access to many online publications I can subscribe to or offer myself someday. Please don't undermine one of the greatest assets of email and the Internet to go into the mind-reading business about consumer's intents.

Thank you for considering my opinions.

Best regards,



Mary M. Greene