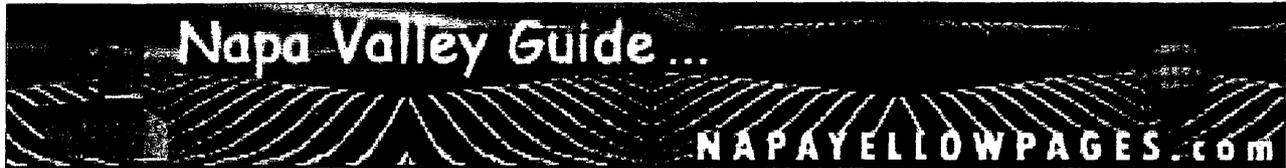


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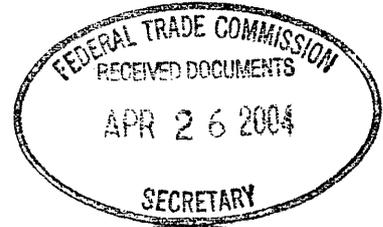


Wizard Marketing Internet Services

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April 18, 2004

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



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

To the Commissioners,

A number of my affiliate programs providers brought to our attention that you are contemplating an action that could have serious repercussions on our business. I am referring to your proposal that all merchants require permission from the consumer prior to adding them to any list. In effect, you are asking us as merchants to obtain permission to advertise! And since this is only done to online merchants, you are discriminating against us in favor of those who market via TV, newspapers, direct mail and other print media.

While I understand your desire to help stem the almost overwhelming tide of unsolicited email (spam), I don't think the regulations you are considering are the solution. Legitimate online marketing is done today with permission-based and referral-based newsletters. We participate in a number of affiliate programs, and requiring us to maintain a separate suppression list for each would place an enormous burden on our business. In effect, we would not be able to participate in affiliate programs and therefore lose a significant portion of our income.

Requirement of the use of suppression lists will seriously damage many of the legitimate publications available on the net. My specific concern is for harm to publishers who require permission from the consumer prior to adding them to any list.

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

I was quite surprised at the potential problems this ruling could involve, and urge you in the strongest possible terms to reconsider its implementation in light of these problems,

Respectfully,
Toni Horvath
Toni Horvath
Wizard Marketing