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Federal Trade Commission  
CAN-SPAM Act  
PO Box 1030  
Merrifield, VA 22116-1030

Gentlemen:

Paul Myers, of [REDACTED] of has written a detailed critique of the CAN-SPAM Act. The CAN-SPAM Act is a misguided start on legislation to get the problem of unsolicited bulk email under control.

I urge you **to ask him to testify** regarding the Act, for he can present the arguments that I am sure millions of us who have small businesses and who use the Internet are concerned with.

I will not detail his arguments here, but they are summarized and copied from his basic report below:

"The one that's most disturbing is the possibility of applying the practice of using merchant-specific suppression lists to the sending of solicited email. ***(In this document, the term "solicited email" means that the recipient gave prior consent to the sending of the email, with conspicuous notice given concerning the nature of the content that would be delivered.)***"

**Following are the subheadings, and the details of the argument to which I sincerely subscribe.**

**1. It is, in most cases, impossible to know the intent of an individual when they send an unsubscribe request**, beyond that they don't wish to receive further email from that list at that address at that moment.

**2. It is often impossible to know which email in a series motivated the subscriber to leave the list.** Most email lists publish at least bi-weekly, if not weekly or more often. People don't read all of their list mail as it comes in, sometimes saving up many issues and reading them in batches.

**"3. Many unsubscribe requests do not actually come from the person whose email address is in the request.**

**"4. There are huge problems of potential collateral damage with the way the various possible interpretations of suppression list usage intersect with the definitions of "commercial email" under the Act.**

**5. There are significant technical challenges involved in the use of suppression lists by mailers.**

**"6. The administration of such lists imposes a number of significant expenses and problems for the merchant aside from that of unnecessarily lost market share, the potential for suits brought on erroneous bases, and technical challenges.**

**7. There are legal and privacy issues facing publishers who are required to give out the addresses of people who unsubscribe.**

**Summary: There are other factors that suggest that the mandatory use of suppression lists is bad for consumers, publishers and merchants. The ones listed above are the most serious. They should serve to demonstrate to the Commission that suppression lists are not an effective way to solve any of the problems the Act is intended to address.**

**In fact, there is significant potential for their use to make those problems worse.**

**"Because of these concerns, we urge the Commission to exempt lists which operate using the principle of affirmative consent from any possible regulations requiring the use of suppression lists."**

Sincerely, MOST Sincerely,



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