

Texas Adopts New Anti-Spam Laws



By Greg Abbott
Attorney General of Texas

Electronic mail has made personal and commercial correspondence expedient and convenient. Unfortunately, e-mail has also made it easy

for businesses and individuals to inundate consumers with unwanted advertisements and solicitations. That is why the 78th Texas Legislature passed a new anti-spam law to protect Texas consumers and precisely why I plan to enforce it..

The new law does not make unsolicited e-mail advertisements illegal. However, effective September 1, 2003, it does provide penalties for failing to meet certain requirements.

Texas law now bans people from sending e-mails that contain false, deceptive or misleading information in the subject line, or from falsifying the e-mail address. E-mail advertisers must also include a working e-mail address so that consumers can ask to be removed from the advertising list. If you make such a request, the advertiser must remove your e-mail address within three days.

Normally we recommend that you do not use the remove feature. When you respond this way you are indicating

that your e-mail address is an active one. Instead of getting less spam, you are likely to get even more.

In the past, spammers have also been known to use this feature to commit a certain kind of identity theft. Spammers can actually use your valid e-mail address as the apparent source of their advertisements.

With the new law in place, you may want to consider using the remove feature for e-mails received from reputable companies and not using it for e-mails where the sender is not identifiable. You should use your best judgment when exercising this option.

Unsolicited e-mail advertisements must also include the letters "ADV" in the subject line. If the message contains pornographic material, "ADV: Adult Advertisement" must be included in the subject line.

Spammers who break the law by sending obscene materials without a label face being charged with a Class B misdemeanor and may spend up to 180 days in a county jail and be fined up to \$2,000.

Unsolicited obscene e-mails are a great nuisance to parents everywhere. While the new law is a step in the right direction, we are not out of the woods yet. It is believed that much of the pornographic e-mail is produced in Eastern Europe and Russia.

Ideally, the new law should be followed by all businesses and individuals that send unsolicited e-mail to and from Texas. Realistically, only reputable, law-abiding businesses and people will follow the law. The newly enacted legislation may not deter illegal spam from other states or countries where spam laws may not exist or where enforcement is a low priority.

Nigerian Fraud (also known as advance fee fraud) and foreign lottery scams are prime examples of spam that will probably not be slowed by anti-spam legislation. These solicitations are based out of foreign countries, which makes enforcement and prosecution extremely difficult.

Our office continues to urge consumers NOT to send money to e-mailers who claim that you have won a large prize and not to provide your personal identifying information (i.e. credit and Social Security card numbers). These spammers, mainly from Canada and Europe, have robbed thousands of Texans. Cooperation among states and countries is crucial to curtailing illegal spam.

While spam laws will be challenging to enforce, rest assured that our office is firmly committed to protecting Texas consumers. We will work to find the most effective, reasonable method of enforcement.

POINTS TO REMEMBER

Ask your Internet service provider about e-mail filters to block spam.

To remove your e-mail address from many national direct e-mail lists, visit: www.dmachoice.org/EMPS

To report illegal spam, visit the Consumer section of our Web site.

Report child pornography to the National Center for Missing and Exploited Children (NCMEC) at: www.cybertipline.com

Additional information on how to report child pornography: www.usdoj.gov/criminal/ceos/report.htm

The Federal Trade Commission investigates complaints about spam e-mail. You can forward spam directly to the Commission at: uce@ftc.gov

To report advance fee fraud or Nigerian Fraud:

Contact your local U.S. Secret Service Field Office
Email: 419.fcd@ussf.treas.gov



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