

Privacy Rights Clearinghouse

3100 Fifth Ave., Ste. B
San Diego, CA 92103

Voice: (619) 298-3396
Fax: (619) 298-5681

E-mail: bgivens@privacyrights.org
Web: www.privacyrights.org

April 10, 2008

Fax: (916) 319-2106

The Honorable Jared Huffman
State Capitol
P.O. Box 942849
Sacramento, CA 94249-0006

Re: Support for AB 2950

Dear Assembly Member Huffman:

Privacy Rights Clearinghouse, a San Diego-based nonprofit consumer education and advocacy organization, strongly supports AB 2950. AB 2950 will help protect California residents and businesses from unsolicited false and deceptive commercial email.

Over 90 percent of all e-mail traffic in the United States is comprised of unsolicited commercial e-mail advertisements (spam), much of which includes false and deceptive content. Polls report that 74 percent of respondents favor making mass spamming illegal with only 12 percent opposed.

Federal law (CAN-SPAM Act) currently preempts California's total prohibition of spam. However, this law has not stopped unlawful spam. In fact, the volume of spam has *increased* since CAN-SPAM was implemented. Filters have not proven effective, in no small part because spammers use fraudulent and deceptive means to bypass filters and hide their identity. A significant amount of spam is false or deceptive, either technically or in terms of the advertised content. Advertiser's benefit from, but deny liability for, their advertising agents' unlawful activities. Spam recipients ultimately bear the costs of spam, not the spammers or advertisers.

AB 2950 would make changes to current law in order to remove existing ambiguities and loopholes. It would target only those spammers, advertisers (the ultimate beneficiaries of the emails), and "spam networks" involved in sending false and deceptive commercial email. And it would authorize a district attorney or city attorney to bring an action for a violation of these provisions. In addition, it would authorize a court to increase or reduce damages, as specified, and to award injunctive relief.

Thank you for your time and attention. Please feel free to contact me if you have questions about our position on this matter.

Sincerely,



Beth Givens
Director

cc: Assembly Judiciary Committee, Fax: (916) 319-2188