

TACD

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CONSUMER DIALOGUE DES CONSOMMATEURS

Consumer Attitudes Regarding Unsolicited Commercial Email (Spam)

October – December 2003

Report commissioned by TACD and produced by Chris Andrew,
European Research into Consumer Affairs

Summary

The Transatlantic Consumer Dialogue (TACD) is a forum of 65 US and EU consumer organisations that develops and agrees on transatlantic trade policy recommendations to the European Commission and US government.

TACD held an online spam survey, available in all the official languages of the EU, from 8 October 2003 - 8 December 2003. The results will inform a TACD resolution on spam which will be presented at its 6th Annual Meeting on 1st - 4th February 2004.

The questionnaire was devised in consultation with TACD members. It presented 16 questions with multiple-choice answers and respondents were restricted to selecting only one option for all but three questions. In addition, they were asked to select gender and country¹, state which ISP(s) and/or email provider(s) they used, and could also submit their own comments with the completed form (see Annex 1 for questionnaire).

21,102 people, (6,849 female, 14,253 male) from 36 named countries and the 'other country' category², submitted their answers to the questionnaire. The percentages of people from different countries selecting the same options were remarkably similar. It would seem that there is global agreement that spam is unacceptable.

Key survey findings (percentages over .5 are rounded up):

- 95% (20,173 people) said that either they hated spam or that it annoyed them.
- 84% (17,753 people) said that all unsolicited commercial emails should be banned.
- 83% (17,608 people) said that they believed that most spam emails are fraud or deception.
- 82% (17,197) people said that governments should only allow commercial emails to be sent if the recipient has agreed in advance to receive them (opt-in).
- 80% (16,846) people said that it would help if unsolicited commercial emails were required to be labelled as advertisements.
- 66% (13,775 people) said that spam cost them or their employers time or money.
- 52% (10,895 people) said that they shop online less or not at all because they are worried about spam.
- 62% (13,029 people) said that they use a filter but only 17% (3,565 people) said that they generally worked very well.

¹ Respondents could select a country from a list of all OECD countries, EU candidate countries that are not included in OECD, or 'other'.

² This category includes Cyprus, Estonia, Latvia, Lithuania, Malta, Slovenia, and the response from those who selected 'Other' in the 'country' options.

- 92% (19,235 people) said that they were concerned about children's exposure to spam.

3,177 people made further comments³. A few (less than 0.5%) complained about aspects of the survey. Many people wished TACD good luck, and/or said thank you for giving them a chance to say what they think of spam. They also expressed their hope that something would be done to stop unsolicited commercial emails and the TACD action would help this happen (see section headed comments).

The TACD spam survey has given many people hope that something will be done. In the interim period, as one man from Spain pleaded, consumer organisations can help by giving advice to consumers on using filtering software, and what not to do in order to prevent as much spam reaching them as possible.

³ Comments of less than 10 characters were not taken into consideration.

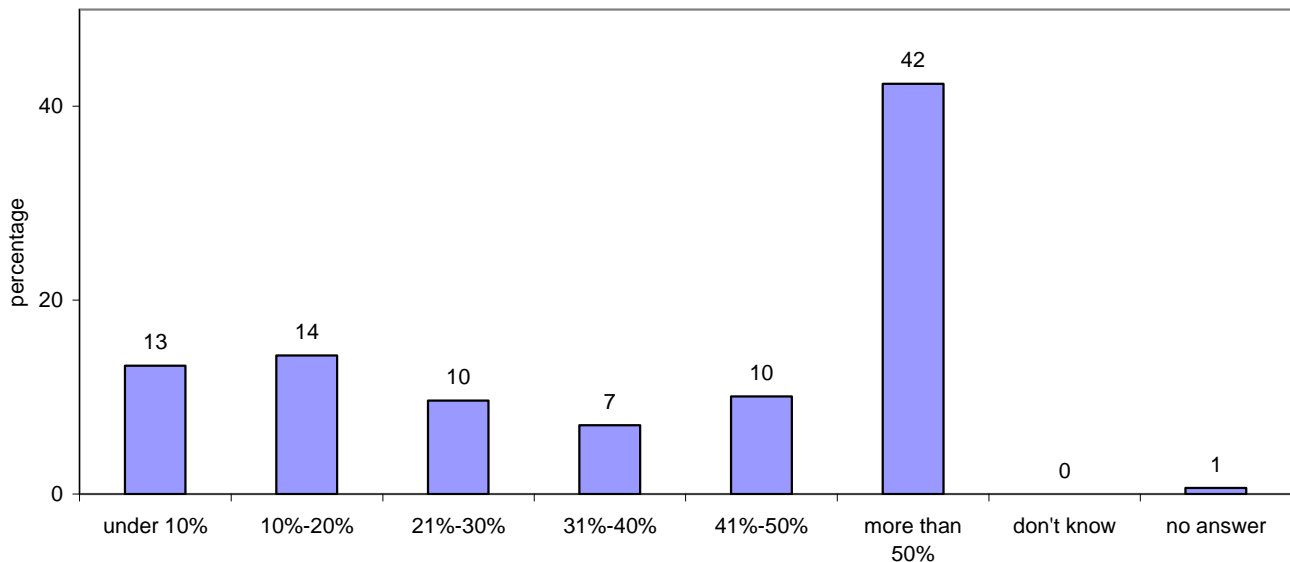
Overall Results by Question

Q.1 and Q.1a Respondents were asked how many unsolicited commercial emails (spam) they received each day and, then in question 1a, what percentage was this of the number of email messages received each day.

Number of spam emails received each day	Response
0	2%
1 – 5	31%
6 – 15	31%
16 – 30	18%
31 – 50	9%
more than 50	7%
I don't know	2%

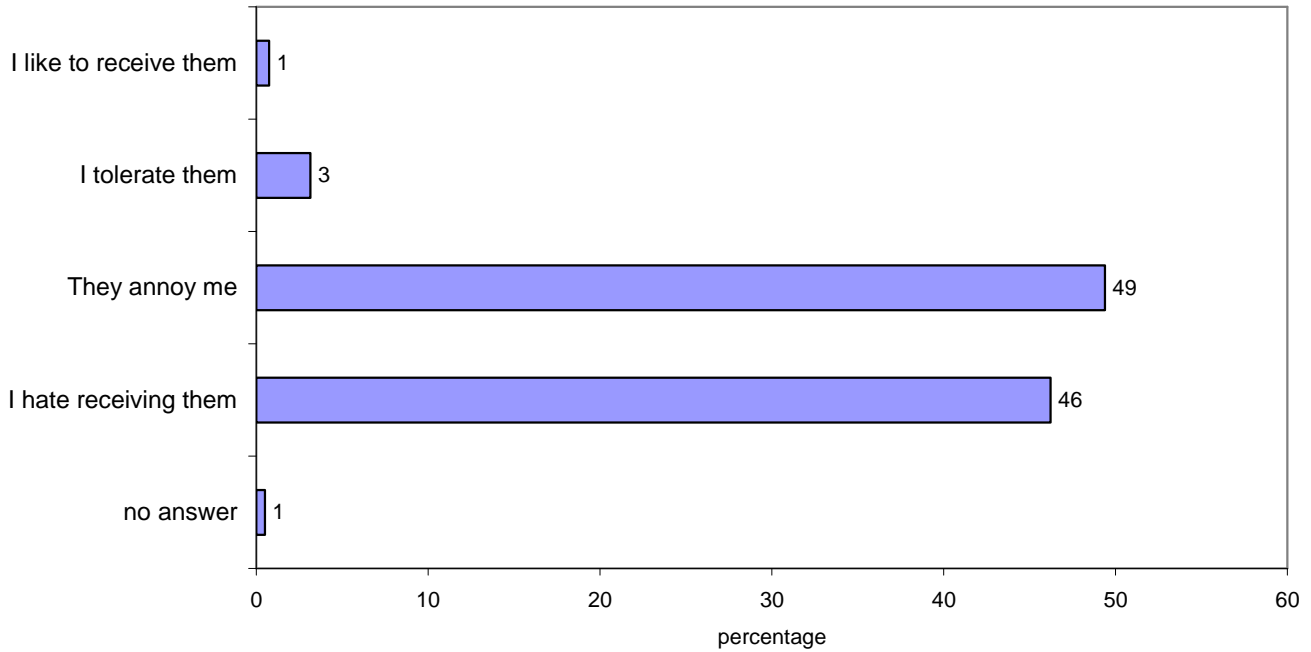
Although the majority of respondents said that the number of spam emails received each day was between 0 and fifteen (question 1), over 52% said that this represented more than 40% of the total emails they received. This implies that the more people use the Internet, the more spam they receive.

The percentage of spam to total number of emails received each day



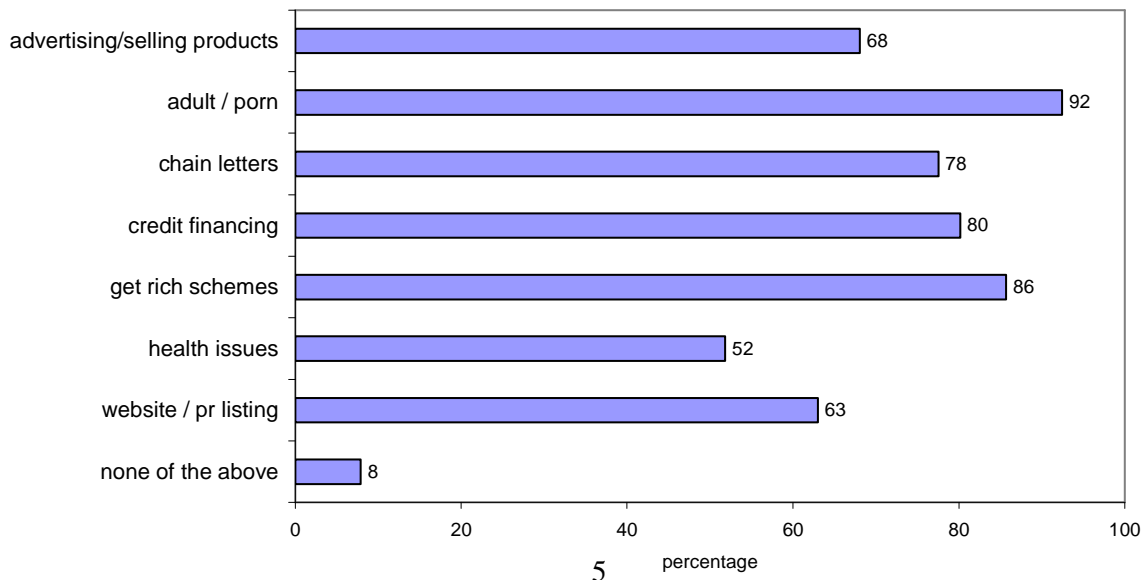
The percentage of spam to normal emails appears to be increasing. One comment from a US lawyer, who keeps records of the emails he gets, said that he received 11,630 spam emails in 2000 and in 2003 (up to October) he received 340,515.

Q.2 How do you feel about receiving spam (unsolicited commercial emails)?



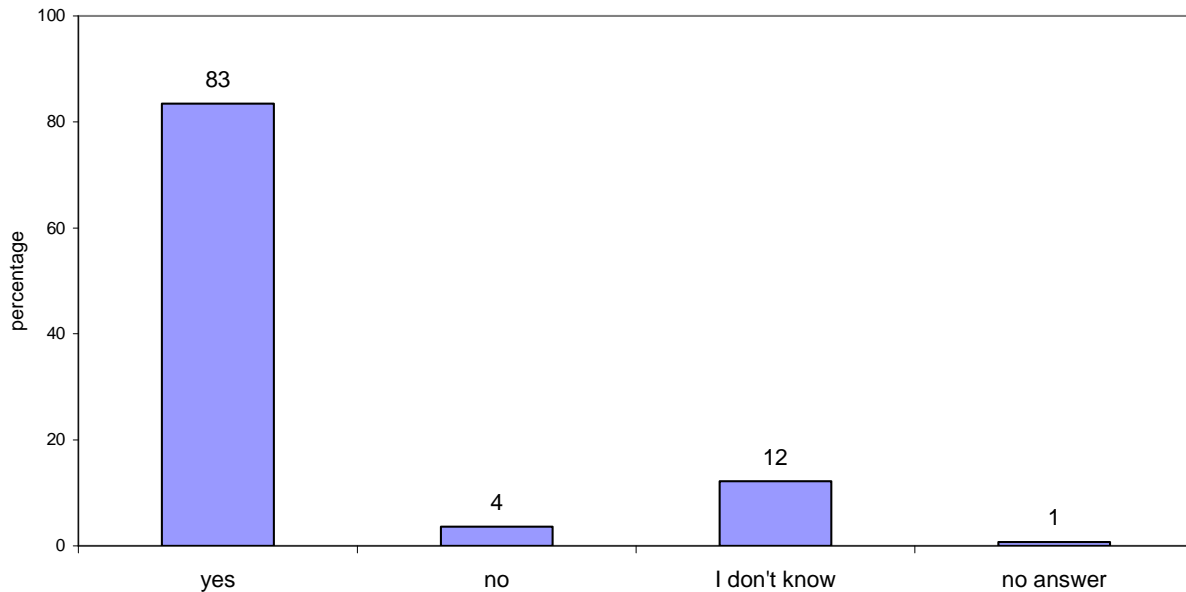
An overwhelming number of respondents (95%) are either annoyed by or hate receiving spam. This was confirmed by the number who added comments in that regard at the end of the survey. Many just said, 'I hate spam' but a Swedish lady summed up the general feeling, "A few hundreds or thousands of spammers worldwide do so much harm for many millions on the Internet. It is not acceptable. The increasing spam problem must be solved within a year or two." Many mentioned that spam invaded their personal space and talked about privacy and rights, "Spam is an infringement of my privacy and of my right to choose what I use my Internet connection for." (New Zealand) For some people, pop-up advertisements were equally or more annoying, "The popups that interfere with email are most horrific." (US)

Q.3 Of the spam you receive, which kind do you find objectionable or upsetting? (respondents could select all options which applied)



A few respondents commented that they made a distinction between 'bona fide' commercial spam, which they do not mind, and the kind that 'carries' viruses or links to pornographic websites. From the data collected though, it would appear that this is a minority view, with over 68% of respondents stating that they find spam that is advertising/selling products objectionable. A Belgian lady thought that, "...the spammers do not realise that they are discredited by these practices!" This sentiment led others to believe that spam would naturally stop because nobody is tempted to purchase anything from those using such methods. The type of spam emails most commented on were those which contained links to porn sites and those which referred to supposed 'health issues' to do with men. Respondents of both genders made it very clear in the comments that they found this spam unacceptable.

Q.4 Do you believe that most of these spam emails are fraud or deception?



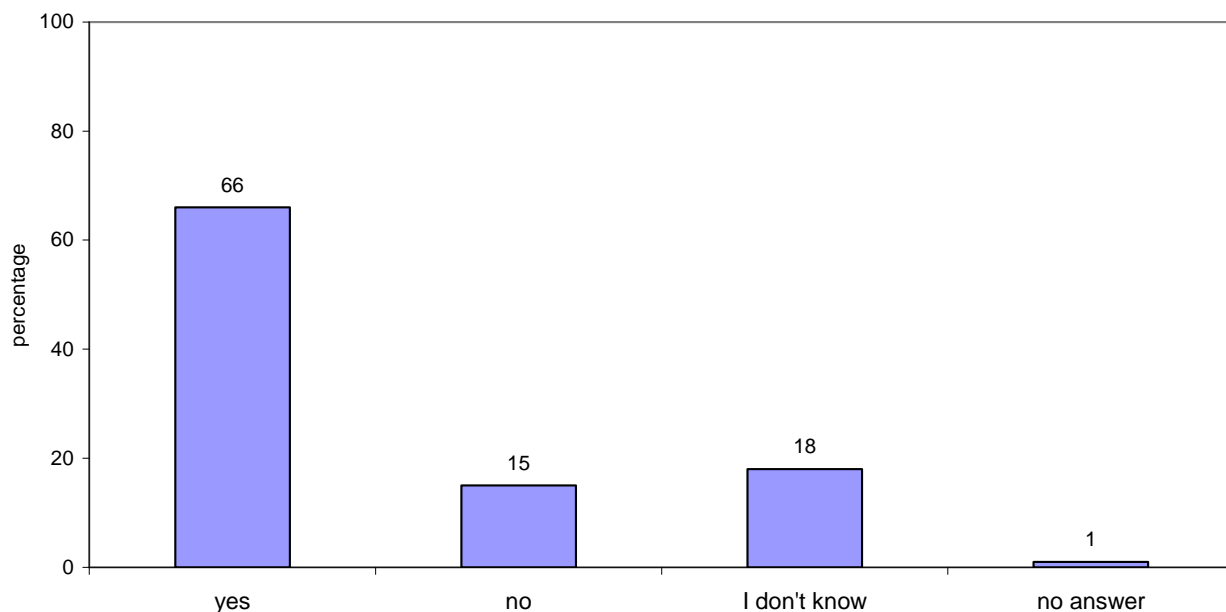
It was clear that for the majority of people sending spam is a crime. For example, a Portuguese man said, "In my opinion, Spam should be considered a crime punishable in law." Others were more explicit about the punishment, saying that spammers should be dealt with harshly by heavy fines and/or imprisonment.

Q.5 What effect does spam have on your willingness to shop online?

Options given:	Response (percent)
I don't worry about spam when I shop online	24%
I worry about spam but it doesn't effect my shopping online	22%
I shop online less than I would because I'm worried about spam	32%
I don't shop online at all because I'm worried about spam	20%
no answer	2%

More than half (10,750 people) said that spam affects their willingness to shop on-line. This adverse effect of spam on ecommerce was commented on by a trader from Italy, "I'm the director of (a name was given) branch who deals with e-mail advertising campaigns in opt-in mode. Above all, we sell advertising spaces on the newsletters. I really want to congratulate you on the questionnaire and I hope this will help to make certain people realize that spamming is really a scourge that needs to be defeated. Because of spamming, we encounter many obstacles for the sale of our services..."

Q.6 Do you feel that dealing with spam costs you or your employer significant time or money? (For example, lost productivity, network overload, computer system damage, etc)



The response to this question shows that the majority find dealing with spam emails takes time and/or costs money. A number of respondents mentioned the dilemma of spam for organisations and businesses, for example, "The problem is defining what is spam and what is a genuinely interesting unsolicited e-mail. As an organisation, my employer is interested in receiving unsolicited mails which could be from potential members. And even unsolicited mails selling something can be interesting, if it is a book or event in our field." (the Netherlands) Another comment from an American respondent said, "I spend a minimum of an hour per day weeding out Spam from my email accounts...I am afraid that I will miss an important email that gets lost in the mass Spam emails that I go through each day."

Q.7 Have you ever complained about spam to:
(respondents could select all options which applied)

Options given:	Response (percent)
a. your email service provider	21%
b. the ISP from which the spam came	14%
c. the sender	24%
d. a 'Spam buster' for example, Spamcop	9%
e. a government agency	4%
f. a hotline	3%
g. other	19%

Many people commented that their ISP had not replied to the complaint. An Italian, who had complained about spam to his ISP many times, said, "...but this never worked, so I've stopped doing it because it took me a lot of time." Other people said that when they chose to 'unsubscribe' to an email and return to the sender, the number of spam emails increased. As one German lady pointed out, "In the beginning, I was naive enough to press the 'if you do not wish to receive any further mails' link – which only served to increase the flood of unsolicited mails!"

Q.8 Does your email service provider offer a spam filter?

Options given:	Response (percent)
yes, it is an option	46%
yes, automatically	18%
No	14%
I don't know	21%
no answer	1%

Many respondents from Italy in particular said that their Internet Service Providers offered spam filters as an extra expense and that since they refused this 'offer' these ISPs had supplied increasing amounts of spam email in order 'to force' their customers to purchase filter software. Many felt that it was the duty of email providers to provide spam filters free of charge. As one Austrian man succinctly put it, "A spam filter would cost extra." Another from the UK expressed a feeling shared by many of the respondents, " I should not have to pay for the ISP to filter this **** [spam] it should be provided as a service."

Q.9 Do you use:

Options given:	Response (percent)
a. a filter provided by your email service provider	45%
b. a filter offered from another source	17%
c. I don't use a spam filter	14%
d. I don't know	22%
no answer	2%

62% of the respondents used filters for their email although only 45% use filters provided by their email service provider - 19% less than the number who said that their email service provider offered spam filters. In the comments section, some respondents gave names of 'freeware' filters they had downloaded from the Internet. Others said they used their email client filter and pointed out that this option should have been included in the list. It is interesting to note that in both this and the previous question, more than one-fifth of the respondents were not sure if they were provided with the option of a spam filter or if they used one.

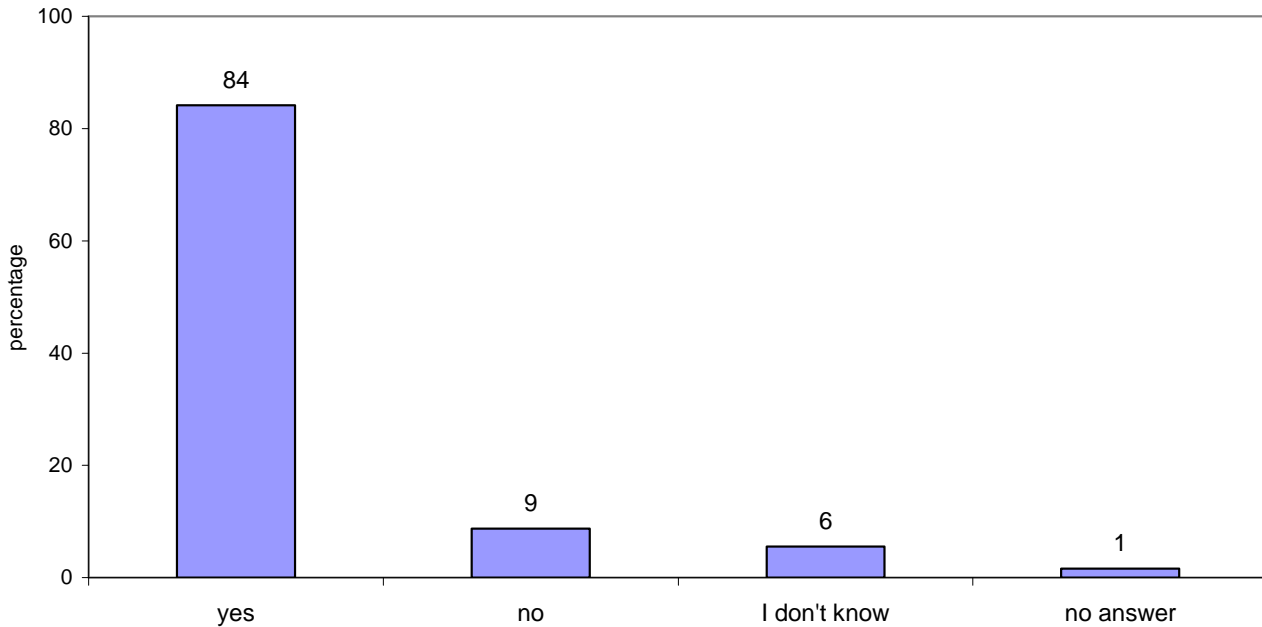
Q.10 If you have used spam filters, how well do you feel they work?

Options given:	Response
a. they generally work very well	17%
b. they block messages I want	6%
c. they let too many messages I don't want come through	29%
d. both b. and c	19%
e. I don't know	19%
no answer	10%

54% of respondents selected one of the three options given (b, c and d), which suggested that the filters they used did not work very well. There were hundreds of comments about particular filter software. It would seem that filters, in general, either let too many messages get through or are, as a Belgian put it, "...draconian (assumes mail from any unknown address is spam, i.e. guilty until the sender goes online to fill in a form and prove otherwise)." The fact that spam filters filter out messages that people do want to receive was emphasised as a reason for not wanting to use them.

One Austrian man echoed the comments of others, saying, "filtering by the ISP is much more effective than running filter programmes on your own computer."

Q.11 Do you think that all unsolicited commercial emails should be banned?



17,753 people thought that spam should be banned, a German summing up the comments of many, "I am in favour of a general ban on spam and severe punishments against any infringement" and a Mexican who said, "It seems important to me that they prohibit Spam. It invades privacy and bombards one with unnecessary information."

Some people suggested that Internet Service Providers should also be fined if they permit spam on their servers, "The only solution is for willing governments to make ISPs/service providers responsible for SPAM issued through their servers and fine them if set standards are not met." (UK)

Q.12 What do you think government should do regarding spam (unsolicited commercial emails)?

Options given:	Answer (percent)
a. nothing	2%
b. allow unsolicited commercial emails to be sent but require them to provide an effective removal mechanism (opt-out)	14%
c. only allow commercial emails to be sent if the recipient has agreed in advance to receive them (opt-in)	82%
no answer	2%

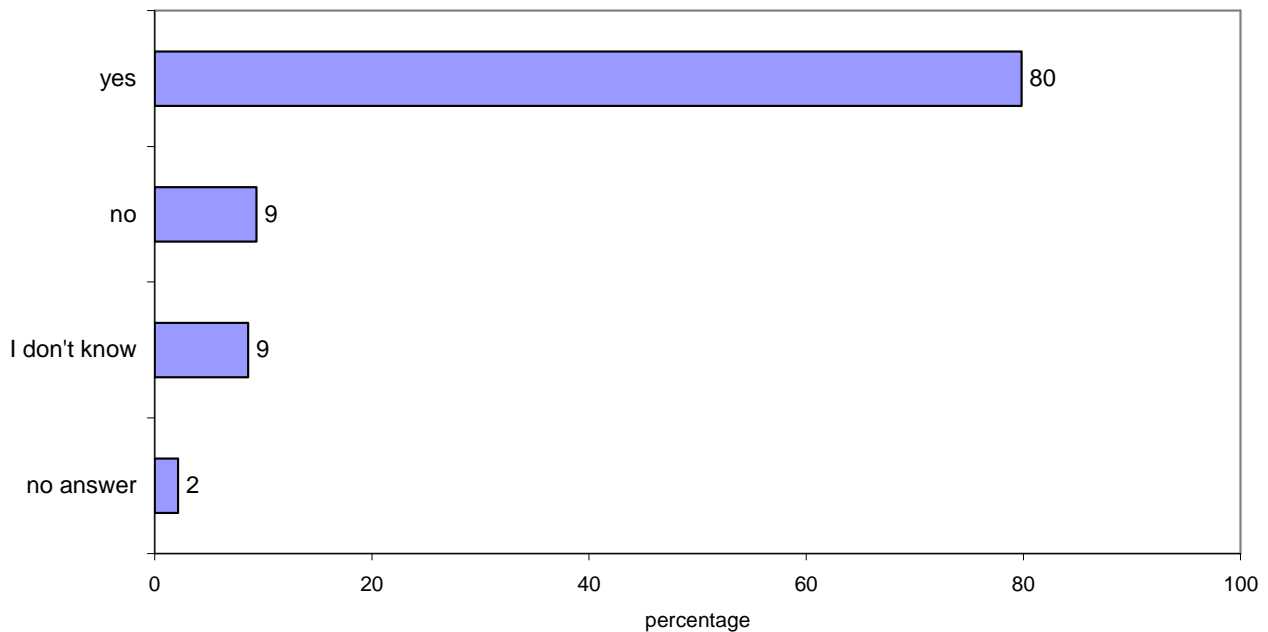
These results show a strong preference for 'opt-in' legislation, rather than 'opt-out.' In the comments, though, there concerns about how well either would work: a Danish man said that, "If legislation is introduced to allow opting out from spam, the rule of

never answering a spam mail will become diluted and will be abused immediately. An 'unsubscribe' button at the foot of an e-mail will never be used, even if placed there by law." Conversely, a French lady said, "Asking for prior authorisation is ridiculous because the authors of the most abusive emails will get around this while companies sending emails relevant to the recipients interests will have to shut up shop."

Some respondents who supported the 'opt-in' approach made further comments about what was needed to make it effective. For example, one person said that, "'Compulsory identification', 'opt-outs' and unqualified 'opt-ins' are means of aiding and assisting fraud and the abuse of the Internet. The correct solution features a 'confirmed opt-in,' coupled with the registrators' duty to keep publicly accessible and correct (!) WHOIS data." (Germany)

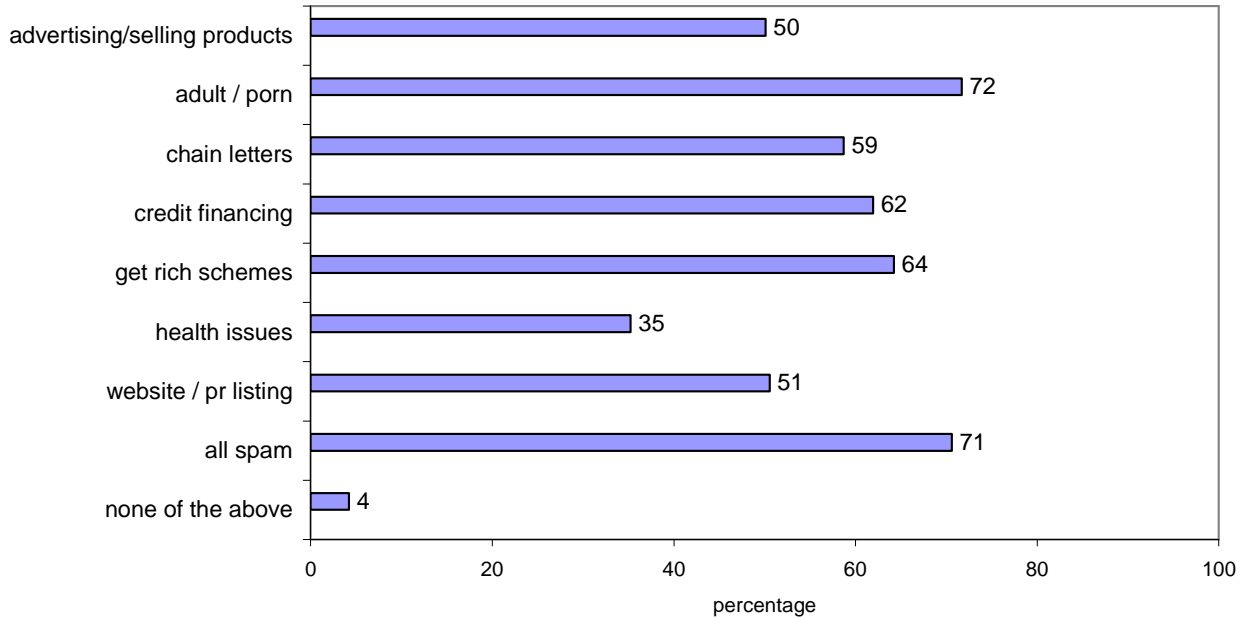
There were also a small number of respondents who were against government interference because it could 'destroy' the nature of the Internet.

Q.13 Do you think that it would help if unsolicited commercial emails were required to be labelled as advertisements?



Many respondents said that labelling spam would be helpful although some doubted its efficacy, "Requiring unsolicited commercial e-mail to contain a clear identifier would allow the effective use of filters, allowing the user to control the spam. Unfortunately, it seems that much of the spam I get is from sources that would not abide by these rules (because they already try to 'trick' me into reading the message." (US)

Q.14 Do you think that children should be protected from spam about:
(respondents could select more than one option)



Comparing this response to question 3 which asks, 'Of the spam you receive, which kind do you find objectionable or upsetting?' and gives a similar list of options, in all categories of spam given for selection, the number of people finding such emails objectionable or upsetting was higher than the number of people who thought children should be protected from it. These results might be explained by the fact that a lot of respondents felt that parents were responsible for their children's activities, "As far as children are concerned - I feel it is entirely up to parents to monitor what children view." (female, Belgium)

On the other hand, there were many comments from parents expressing their concerns, especially about the effects of pornography, "One is invaded with pornography more and more...and the photographs presented can be traumatic for children." (Male, Belgium) "The sending of email with links to pornography should carry a minimum sentence of ten years in jail due to the risk of it being sent to children." (Male, UK)

Q.15 How concerned are you about children being exposed to spam?

Options given:	Response (percent)
very concerned	58%
somewhat concerned	34%
not concerned	6%
No answer	2%

While some respondents gave examples of the problems that spam presents for parents (for example, a father from Luxembourg who gave a particularly ugly story about his son's 'encounter' with pornography on the Internet), others did not think that there is a need to treat children specially, "All consumers must be protected from SPAM, w.o. [without] exceptions. Children are not a specific focus group." (Lithuania)

Q.16 Who do you feel should be most responsible for protecting children from spam?

Options given:	Response (percent)
a. the government	18%
b. ISPs/email service providers	43%
c. chambers of commerce/other business associations	5%
d. parents	32%
no answer	2%

There were many comments about this question, some saying that they should have been given the option of making more than one selection. Many of these people shared the sentiments expressed by a Greek lady, "All people share responsibility for the children's protection" and an Australian father who commented, "Spams are an intrusion into a sensitive family arena where it is almost impossible for parents to always protect their family members from the worst in unsolicited often subversive and amoral advertising."

Comments

In the section on overall results, we have tried to include the gist of many of the relevant comments we received. The comments quoted represent the views of people from all the nationalities that took part in this survey. It would have been impossible to include all of them. There were also many, many remarks about individual email providers, but it is not within the remit of this study to make a comparison of them.

Many European respondents commented that most of the spam they receive comes from the US. In contrast, a comment from the US included, "Nearly all of it [spam] now comes from foreign sources ..." Two people who commented from the Netherlands provided full details of advertisements they had seen selling email lists to be used as a tool for increasing business. One of the adverts clearly stated that it offered 10 million Dutch email addresses and both of them gave return addresses in the Netherlands. A respondent from Cyprus emphasised the global scale of spam when he said, "I wish the governments of this world would do something to eliminate it completely!!!!"

Although many people said that 'spamming' must be made illegal, some said that technical solutions were possible and gave descriptions of what is being done or how it could be done. Another solution, suggested by more than a few respondents in different countries, is encompassed in this comment from Slovenia, "Maybe each

mail should cost 1 USDcent or 1 Eurocent. All regular senders wouldn't even notice that cost, but spammers would! Income could be used by ISOC [The Internet Society (ISOC) is the main umbrella organisation for Internet governance] or maybe for some independent agency, which would control spam." The respondent then went on to say how this could work.

There were many more comments which expressed the view that a multi-pronged 'attack' on spam was the only solution, " In my view, our government has let us down by failing to work out a timely and effective response which would have put a stop to the spammers' activities once and for all. I sincerely hope, meanwhile, that the continued efforts of consumers, the authorities and in particular of institutions which single-mindedly represent the consumers' interests will serve to get a grip on this problem and help in developing a solution. With regards, a student of computer sciences." (Germany)

A very few respondents said that the survey questions were subjective and would not prove anything. Some people felt that there should have more options given for some of the questions. The most frequent complaint (about 60 respondents) was that it should have been possible to select more than one option, especially for question 16 about who should be most responsible for protecting children from spam. Lastly, a number of respondents pointed out that they had more than one email provider, which made it difficult to answer some of the questions because they implied only one provider.

All 3,177 comments have been read. Some of the comments, that were submitted in languages other than English and that expressed a viewpoint shared by many, have been translated for the purposes of this report.

Conclusions

It is very clear that the majority of citizens are very troubled by unsolicited commercial emails. It is also clear that bona fide businesses are losing money because the disreputable image of spam is making consumers uneasy about engaging in e-commerce.

Many of the respondents recognised that the solution to getting rid of unsolicited commercial email is not within the hands of one authority.

- Internet access and service providers need to use all appropriate technological and legal measures to block unsolicited commercial electronic mail. One challenge is to do this without blocking wanted messages.
- Governments need to work cooperatively to bring existing laws regulating unsolicited commercial electronic mail into harmony to provide the strongest protection for email users, and should actively promote common legislative approaches based on respect for the fundamental right of privacy of everyone in the world. A broad majority of consumers favour an opt-in approach meaning that commercial messages are only allowed with the prior explicit consent of the recipient. Members of the direct marketing industry should respect the clear privacy preferences that consumers expressed in this survey by adopting opt-in policies and practices in the use of unsolicited commercial email, even if such policies and practices go further than what is required by national law.
- Effective means need to be implemented to enforce the legal requirements relating to unsolicited commercial electronic mail nationally, regionally, and on a transatlantic basis, and effective global enforcement mechanisms need to be promoted. This should include strong sanctions against those who do not respect anti-spam and privacy laws.

Many respondents asked for advice on how they can stop spam from flooding their email inboxes.

- Internet access and service providers should provide consumers with user-friendly filter software (preferably free of charge), and inform them about their options and rights in respect to unsolicited commercial electronic mail.

Repeatedly, parents said that they felt powerless in trying to protect their children from spam.

- Governments need to work in close cooperation with consumer organisations, Internet access and service providers, online marketers, educators, parents and others to provide children and younger people with more effective protection from unsolicited commercial electronic mail.

The words of one respondent from Canada summed how many people feel about spam, "Spam...wastes a lot of people's time. It needs to be regulated in some way."

The recommendations made to governments as a result of this survey can be found at www.tacd.org/docs/?id=224. Although this is TACD's first survey on this issue, the Dialogue has been considering the issue of Spam for several years, and you can find recommendations from 2001 here - <http://www.tacd.org/docs/?id=98>.

Annex 1

TACD spam survey questionnaire

Gender: Male Female

Country: (please state)

1. How many unsolicited commercial emails (spam) do you receive each day?

- a. 0
- b. 1 - 5
- c. 6 - 15
- d. 16 - 30
- e. 31 - 50
- f. more than 50
- g. I don't know

1a. What percentage is this of the number of email messages you receive each day?

- a. under 10
- b. between 10% - 20%
- c. between 21% - 30%
- d. between 31% - 40%
- e. between 41% - 50%
- f. more than 50%
- g. I don't know

2. How do you feel about receiving spam (unsolicited commercial emails)?

- a. I like to receive them
- b. I tolerate them
- c. They annoy me
- d. I hate receiving them

3. Of the spam you receive, which kind do you find objectionable or upsetting?
(Please check all which apply)

- a. advertising/selling products
- b. adult/porn
- c. chain letters
- d. credit financing
- e. get rich schemes
- f. health issues
- g. website/PR listing
- h. none of the above

4. Do you believe that most of these spam emails are fraud or deception?

- a. yes
- b. no
- c. I don't know

5. What effect does spam have on your willingness to shop online?

- a. I don't worry about spam when I shop online
- b. I worry about spam but it doesn't effect my shopping online
- c. I shop online less than I would because I'm worried about spam
- d. I don't shop online at all because I'm worried about spam

6. Do you feel that dealing with spam costs you or your employer significant time or money? (For example, lost productivity, network overload, computer system damage, etc)

- a. yes
- b. no
- c. I don't know

7. Have you ever complained about spam to: (please check all which apply)

- a. your email service provider
- b. the ISP from which the spam came
- c. the sender
- d. a 'Spam buster' for example, Spamcop
- e. a government agency
- f. a hotline
- g. other

8. Does your email service provider offer a spam filter?
- a. yes, it is an option
 - b. yes, automatically
 - c. no
 - d. I don't know
9. Do you use:
- a. a filter provided by your email service provider
 - b. a filter offered from another source
 - c. I don't use a spam filter
 - d. I don't know
10. If you have used spam filters, how well do you feel they work?
- a. they generally work very well
 - b. they block messages I want
 - c. they let too many messages I don't want come through
 - d. both b. and c
 - e. I don't know
11. Do you think that all unsolicited commercial emails should be banned?
- a. yes
 - b. no
 - c. I don't know
12. What do you think government should do regarding spam (unsolicited commercial emails)?
- a. nothing
 - b. allow unsolicited commercial emails to be sent but require them to provide an effective removal mechanism (opt-out)
 - c. only allow commercial emails to be sent if the recipient has agreed in advance to receive them (opt-in)
13. Do you think that it would help if unsolicited commercial emails were required to be labelled as advertisements?
- a. yes
 - b. no
 - c. I don't know

14. Do you think that children should be protected from spam about:
(please check all which apply)

- a. advertising/selling products
- b. pornography
- c. chain letters
- d. credit financing
- e. get rich schemes
- f. health issues
- g. website/PR listing
- h. all spam
- i. none of the above

15. How concerned are you about children being exposed to spam?

- a. very concerned
- b. somewhat concerned
- c. not concerned

16. Who do you feel should be most responsible for protecting children from spam?

- a. the government
- b. ISPs/email service providers
- c. chambers of commerce/other business associations
- d. parents

17. Who is/are your Internet Service Provider(s) or email service provider(s)?

18. Please add any other comments: