



PEW INTERNET PROJECT DATA MEMO

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RE: The impact of CAN-SPAM legislation

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THE CAN-SPAM ACT HAS NOT HELPED MOST EMAIL USERS SO FAR

**DISILLUSIONMENT IS GROWING AS 29% OF EMAIL USERS SAY THEY
ARE USING EMAIL LESS BECAUSE OF SPAM**

The distress of Internet users at spam has increased in recent months and growing numbers of Internet users are becoming disillusioned with email, despite the first national anti-spam legislation which went into effect on January 1.

A new survey by the Pew Internet & American Life Project between February 3 and March 1, 2004 shows the following:

- 29% of email users say they have reduced their overall use of email because of spam. That figure is an increase from last June, when we found that 25% of emailers were reporting a reduction in their email use.
- 63% of email users said that the influx of spam made them less trusting of email in general. That figure is higher than the 52% of email users who reported declining trust in email in June.
- 77% of emailers said the flood of spam made the act of being online unpleasant and annoying. That is an increase from the 70% of those who said in June that spam was making online experiences unpleasant and annoying.
- In all, 42% of email users said they were aware that Congress and the Administration had approved anti-spam legislation and that it had gone into effect at the beginning of the year.

In all, 86% of email users reported some level of distress with spam.

The impact of the CAN-SPAM legislation is mixed, but not very encouraging so far. The vast majority of email users report no change in the volume of spam arriving in the in-boxes of either their personal or work-related accounts. A slightly larger percentage of email users report their volume of incoming spam has actually increased rather than decreased since January 1. At the same time, some email users say they are getting less spam both in their personal email accounts and in their work accounts.

Since January 1, have you noticed any change in the amount of spam you receive?		
	<i>Those with personal email accounts (N=1,099)</i>	<i>Those with work-related email accounts (N=576)</i>
Getting more spam	24%	19%
Getting less spam	20%	11%
Haven't noticed a change	53%	53%
Never got spam or don't know	3%	18%

Source: Pew Internet & American Life Project February 2004 tracking survey. Margin of error is ±3% for personal email and ±5% for work email.

Fully 71% of those with email accounts report that they have received pornographic spam. And the one area where the CAN-SPAM Act seemed to be having a somewhat clearer effect involved porn. Of those who had gotten pornography in the past, 25% say they are getting less porn spam now. That compares to 16% who say they are getting more and 56% who say they notice no change. The CAN-SPAM Act explicitly states that pornographic spam must be identified by the subject line as containing adult content in the message.

The CAN-SPAM Act was approved by Congress last year and signed into law on December 16. It went into effect on January 1, 2004. The law attempts to regulate rather than ban the practice of spamming by requiring email marketers to include legitimate return addresses and opt-out information in all the unsolicited messages that they send. The statute outlaws fraudulent spam, where spammers lie about who is sending a message, what material the message contains, and from where the email originates. It is common for spammers to commandeer others' computers to send their messages. Those who commit such frauds can now be punished with prison terms and heavy civil penalties. Several major Internet Service Providers just filed suit against alleged spammers using these provisions of the law.

The Pew Internet Project survey showed that in behavioral terms most demographic groups felt the impact of spam equally. For example, equal proportions of men and women, whites and blacks, young and old, rich and poor say they use email less because

of spam. But in attitudinal terms, the problems with spam are not evenly distributed. Women are more likely than men to report serious levels of declining trust in email and say that the influx of spam made being online unpleasant or annoying for them. At the same time, younger Internet users (those between ages 18 and 29) were the least likely age group to report a lower level of trust in email.

There is new evidence in the survey, though, that spamming remains sustainable as an “industry” because people continue to respond, although we find here that some figures have actually dropped a bit since our last survey. Some 9% of email users say they had responded at one time or another to an email offer only to find out it was phony or fraudulent. Online minorities and those with lesser amounts of household income and education were the most likely to report this. In addition, 5% of email users said they had ordered a product or service that came to them through an unsolicited email. That translates into more than six million people. Furthermore, 3% of email users said they had provided personal information to those who sent them unsolicited emails.

The national phone survey covered 2,204 American adults, of whom 1,371 are Internet users. The margin of error on data involving Internet users is plus or minus 3 percentage points.

The Pew Internet & American Life Project is a non-profit, non-partisan research organization that is funded by the Pew Charitable Trusts to examine the social impact of the Internet. It does not advocate policy outcomes.

The spam-related questions that were asked in the survey

SP1 Thinking about your email... Do you have... (INSERT)?

Based on Email users [N=1,253]

	YES	NO	DON'T WORK/ NOT EMPLOYED (VOL)	DON'T KNOW/ REFUSED
a An email account for work				
Current	46	46	8	*
June 2003 ¹	41	59	n/a	*
b A personal email account				
Current	88	12	n/a	*
June 2003	85	15	n/a	*

SP2 We'd like to know if unsolicited email, or spam has affected you in any of the following ways. Has unsolicited email or spam ... (INSERT)? (IF YES: Has it had a BIG effect in this regard, or only a small effect?)²

Based on Email users [N=1,253]

	YES, BIG EFFECT	YES, SMALL EFFECT	NO	DON'T KNOW/ REFUSED
a Reduced your overall use of email				
Current	18	11	69	2
June 2003	15	10	75	*
b Made you less trusting of email in general				
Current	36	26	36	1
June 2003	27	25	47	1
c Made being online unpleasant or annoying				
Current	40	38	21	1
June 2003	33	37	28	1

¹ In June 2003 this question was asked only of email users currently employed full or part-time. Trend figures are based on all email users, with those not currently employed included in the "no" response category.

² In June 2003 question was "We'd like to know if *spam or junk email* has affected you in any of the following ways. Has *spam* ... (INSERT)?"

SP3 Thinking about all of the times you've received unsolicited email, have you ever... (INSERT)?

Based on Email users [N=1,253]

	YES	NO	DON'T KNOW/ REFUSED
a Received an unsolicited email containing adult content or pornography			
Current	71	27	2
b Ordered a product or service that was offered in an unsolicited email			
Current	5	95	*
June 2003	7	93	*
c Provided personal information requested in an unsolicited email			
Current	3	96	1
June 2003	4	95	*

SP4 Have you ever responded to an email offer, only to find out later it was phony or fraudulent?

Based on Email users [N=1,253]

	CURRENT		JUNE 2003
%	9	Yes	12
	90	No	88
	1	Don't know/Refused	*

SP5 Thinking about your PERSONAL email account...Since January 1st of this year, have you noticed any change in the amount of spam you receive in your PERSONAL email account? (IF YES: Are you getting MORE or LESS spam in your PERSONAL email since that date)?

Based on those with personal email account [N= 1,099]

	CURRENT	
%	24	Yes, getting more spam
	20	Yes, getting less spam
	53	No, haven't noticed a change
	1	Never got spam in my personal account/accounts (VOL)
	2	Don't know/Refused

SP6 Thinking about your WORK email account...Since January 1st of this year, have you noticed any change in the amount of spam you receive in your WORK account? (IF YES: Are you getting MORE or LESS spam in your WORK email since that date)?

Based on those with work email account [N=576]

		<u>CURRENT</u>
%	19	Yes, getting more spam
	11	Yes, getting less spam
	53	No, haven't noticed a change
	16	Never got spam in my work account/accounts (VOL)
	2	Don't know/Refused

SP7 And since January 1st of this year, have you noticed any change in the amount of PORNOGRAPHIC spam you receive? (IF YES: Are you getting MORE or LESS pornographic spam since that date)?

Based on those who received pornographic spam [N=873]

		<u>CURRENT</u>
%	16	Yes, getting more pornographic spam
	25	Yes, getting less pornographic spam
	56	No, haven't noticed a change
	4	Don't know/Refused

SP8 The United States Congress recently passed "anti-spam" legislation to reduce the amount of unsolicited email being sent on the Internet. Were you aware that this anti-spam legislation had taken effect?

Based on Email users [N= 1,253]

		<u>CURRENT</u>
%	42	Yes, aware of it
	57	No
	*	Don't know/Refused