

(d) How would this modification affect the benefits to consumers?
2. As discussed above, the Rule tracks the CAN-SPAM Act in prohibiting the sending of commercial email to a recipient more than ten business days after the recipient opts out. Should the Commission modify the Rule to reduce the time-period for processing opt-out requests to less than ten business days?

(a) Why or why not?
(b) What evidence supports such a modification?
(c) How would this modification affect the costs the Rule imposes on businesses, including small businesses?

(d) How would this modification affect the benefits to consumers?
3. Should the Commission modify the Rule to specify additional activities or practices that constitute aggravated violations?

(a) Why or why not?
(b) What evidence supports such a modification?
(c) How would this modification affect the costs the Rule imposes on businesses, including small businesses?
(d) How would this modification affect the benefits to consumers?

IV. Request for Comment

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before August 31, 2017. Write "CAN-SPAM Rule, 16 CFR part 316, Project No. R711010," on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the public Commission Web site, at <http://www.ftc.gov>.

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comments online. To make sure that the Commission considers your online comment, you must file it at: <http://www.ftc.gov>, by following the instructions on the web-based form. If this Notice appears at <http://www.ftc.gov> / #!, you also may file a comment through that Web site.

If you prefer to file your comment on paper, write "CAN-SPAM Rule, 16 CFR part 316, Project No. R711010" on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC-5610 (Annex B), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the

Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610 (Annex B), Washington, DC 20024. If possible, submit your paper comment to the Commission by courier or overnight service.

Because your comment will be placed on the publicly accessible FTC Web site at <http://www.ftc.gov>, you are solely responsible for making sure that your comment does not include any sensitive personal information. In particular, your comment should not include any sensitive personal information, such as your or anyone else's Social Security number; date of birth; driver's license number or other state identification number; passport number, financial account number; or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, such as medical records or other individually identifiable health information. In addition, your comment should not include any "trade secret or any commercial or financial information which . . . is privileged or confidential"—as provided in section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2)—including in particular competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

Comments containing material for which confidential treatment is requested must be filed in paper form, must be clearly labeled "Confidential," and must comply with FTC Rule 4.9(c). In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. www.ftc.gov FTC Rule 4.9(c). Your comment will be kept confidential only if the General Counsel grants your request in accordance with the law and the public interest. Once your comment has been posted on the public FTC Web site—as legally required by FTC Rule 4.9(b)—we cannot redact or remove your comment from the FTC Web site, unless you submit a confidentiality request that meets the requirements for such treatment under FTC Rule 4.9(c), and the General Counsel grants that request.

Visit the FTC Web site to read this document and the news release describing it. The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The

Commission will consider all timely and responsive public comments that it receives on or before August 31, 2017. For information on the Commission's privacy policy, including routine uses permitted by the Privacy Act, see <http://www.ftc.gov/privacy>.

By direction of the Commission.
Donald S. Clark,

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FEDERAL TRADE COMMISSION

16 CFR Part 410

RIN 3084-AB44

Trade Regulation Rule Concerning Deceptive Advertising as to Sizes of Viewable Pictures Shown by Television Receiving Sets

AGENCY: Federal Trade Commission.
ACTION: Advance notice of proposed rulemaking (ANPR); request for public comment.

SUMMARY: As part of its systematic review of all current FTC rules and guides, the Commission requests public comment on the overall costs, benefits, necessity, and regulatory and economic impact of the FTC's Trade Regulation Rule concerning Deceptive Advertising as to Sizes of Viewable Pictures Shown by Television Receiving Sets ("Rule" or "Picture Tube Rule").

DATES: Comments must be received on or before August 31, 2017.

ADDRESSES: Interested parties may file a comment online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write: "16 CFR part 410—Picture Tube Rule Review, File No. P174200" on your comment, and file your comment online at <http://www.ftc.gov>.

by following the instructions on the web-based form. If you prefer to file your comment on paper, write "16 CFR part 410—Picture Tube Rule Review, Matter No. P174200" on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC-5610 (Annex B), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW.,

5th Floor, Suite 5610 (Annex B),
Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: John
Andrew Singer, (202) 326-3234,
Attorney, Division of Enforcement,
Bureau of Consumer Protection, Federal
Trade Commission, 600 Pennsylvania
Avenue NW., Washington, DC 20580.

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¹ 31 FR 3342 (Mar. 3, 1966).

² 16 CFR 410.1.

³ The Rule provides that “any referenced or footnote disclosure of the manner of measurement by means of the asterisk or some similar symbol does not satisfy the ‘close connection and conjunction’ requirement of this part.” . . . Note 2.

⁴ . . . Note 1.

⁵ . . . Note 2.

⁶ 71 FR 34247 (Jun. 14, 2006).

⁷ In the 50 years since the Rule’s adoption, marketers have come typically to advertise screen size based on a single-plane diagonal measurement of the screen’s viewable portion. The Commission, . . . , solicits comments and data on whether this practice is continuing with the relatively recently introduced curved display panel television sets.



In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. ¹ FTC Rule 4.9(c). Your comment will be kept confidential only if the General Counsel grants your request in accordance with the law and the public interest. Once your comment has been posted on the public FTC Web site—as legally requ17r-0.0s/

¹ 16 CFR 4.9(c) (2017). See also 16 CFR 4.9(b) (2017).