



Electronic Retailing Association
Leaders in Direct-to-Consumer Commerce

NEWS

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Data Pass Issue Takes Center Stage

ERA actively lobbies to improve original draft of the Restore Online Shoppers' Confidence Act

On Wednesday, June 9, the Senate Commerce Committee approved a modified version of the Restore Online Shoppers' Confidence Act, the legislation dealing with online data pass, for consideration on the Senate floor. The [Electronic Retailing Association](#) (ERA) has been actively lobbying to improve the original draft, which included several onerous provisions that would have harmed many in the direct response marketing industry.

There have been several positive changes to this version of the bill, including a major victory on the removal of the "10-day notice" provision. Some of the major changes in the [latest version](#) include:

- **10-Day Notice:** Rather than requiring a company to provide a billing confirmation with cancellation instructions every month, companies would only need to provide initial notification including information on how to stop recurring charges through a simple process.
- **Modified Cancellation Requirements:** The cancellation requirements have been improved to allow for customer cancellation via Internet or e-mail. However, cancellation via telephone has been dropped as an option in this version, which is of concern to many in the industry.

ERA continues to work to improve provisions of concern. Unfortunately, this draft has not limited the scope of the bill's application to types of offers that are of particular concern. It has also failed to limit the Federal Trade Commission's authority. Finally, it includes burdensome requirements that the purchasers re-enter billing information rather than having the information conveniently passed from one merchant to another.

On the whole, there has been a major improvement in the text of the legislation and the final text may change again during the amendment process. ERA encourages members to stay alert for

further updates and to support our advocacy through membership dues and by attending our government affairs events.

For more information on this issue, [read this](#) article from the February 2010 issue of *Electronic Retailer* magazine. You can also go to the [ERA Government Affairs](#) website for the most current information.

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About the Electronic Retailing Association

Representing a more than \$300 billion market, the Electronic Retailing Association (ERA) is the only trade association in the U.S. and internationally that represents leaders of the direct-to-consumer marketplace, which includes members that maximize revenues through electronic retailing on television, online and on radio. ERA strives to protect the regulatory and legislative climate of direct response while ensuring a favorable landscape that enhances e-retailers' ability to bring quality products and services to the consumer. ERA members include some of the industry's most prominent retail merchants, including Allstar Products Group, eBay, Discovery Communications, Gaiam, Google, Guthy-Renker Corporation, HSN, Oak Lawn Marketing, QVC, Telebrands, ShopNBC and Thane. For more information about ERA, please visit www.retailing.org.