

**Statement of Commissioner Jon Leibowitz  
on TRUSTe's Trusted Download Beta Program<sup>1</sup>  
November 16, 2005**

I applaud TRUSTe and its partners for launching this program, which could become a powerful tool to help eliminate adware that is downloaded without proper notice or meaningful consent. **The dirty little secret about nuisance adware today is that legitimate companies fuel the problem, and TRUSTe's program promises to change that.**

E-commerce has grown dramatically in the past decade – but spyware and adware are proliferating in its wake. A study by America Online and the National Cyber Security Alliance found unauthorized software on 80 percent of the computers analyzed. The average computer had more than 90 of these types of software. We can't let spyware, nuisance adware, and other plagues of cyberspace undermine the promise of the Internet.

Everyone agrees that people who distribute malicious spyware should be prosecuted vigorously. **We need to be just as concerned about nuisance adware.** This software often generates a barrage of pop up ads, slows down people's computers, and causes other inconveniences – and can be practically impossible to remove. In some ways the **unauthorized adware problem is just as serious as the spyware problem**, because this software affects so many millions of consumers – in the aggregate, the harm can be enormous.

The **solution**? A combination of law enforcement, technology, consumer education and demand reduction. That's where TRUSTe's program comes in. **Too often, advertisers don't know – or don't want to know – how their intermediaries and affiliates distribute their ads.** Over the last few months, my office has been meeting with a handful of companies and trade groups that want to do something about this problem. If an advertiser can be sure that an ad distributor provides meaningful notice and consent, brands the ads, allows easy removal, and monitors its affiliates down the entire chain of command, it should make it easier for companies to advertise the right way. TRUSTe's certification program includes all of those elements.

Currently, too many advertisers are part of the adware problem. As of today, I'm more optimistic that they can become part of the solution. Thank you.

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<sup>1</sup> These comments are my own, and do not necessarily reflect the views of the Commission or of any individual Commissioner.