

An unidentified Australian man is under investigation for allegedly sending more than 2 billion junk e-mails in one year to promote Viagra, authorities said.

## Online sex ads raise ethical, legal questions

### Replies to inquiries posted on the Web

By Anick Jesdanun  
Associated Press

NEW YORK — At first glance, the posting looked like any number of Internet classified ads explicitly seeking sex. But instead of the 27-year-old woman with long brown hair advertised, a male, Seattle-area graphic designer collected the replies and posted them online — with photos, names and contact information.

Privacy experts say the case treads the line legally but crosses it morally.

"It's a sad commentary overall," said Lauren Wein-

stein, a veteran computer scientist and privacy defender. "It's one of those situations where both sides look bad. ... From an ethical standpoint, this isn't brain surgery."

It all began with Jason Fortuny's posting on the online community Craigslist. According to his Web journal, Fortuny took a real ad and reposted it so that responses went straight to him. Among the 178 responses were 145 photos of men "in various states of undress." The replies included e-mail addresses, names and in some cases, instant-messaging accounts and phone numbers.

Fortuny then posted all the replies on a Web site devoted to parodies and satires online.

It's by no means the first time information thought pri-

vate gets posted online.

Internet vigilantes have engaged spammers and scam artists and posted results of their conversations online. Others expose sexual predators they purposely seek out in chat rooms.

In this case, however, the men who replied to Fortuny's posting did not appear to be doing anything illegal, so the outing has no social value other than to prove that someone could ruin lives online, said Jonathan Zittrain, a law professor at Oxford and Harvard universities.

Whether Fortuny violated any laws is less clear, he said.

"It's one of those questions that could find its way onto a law school exam because it is comparatively new territory,"

Zittrain said.

Fortuny did not immediately respond to e-mails, and calls last week to his telephone number generated a message saying the subscriber "is not in service."

Craigslist chief executive Jim Buckmaster said in an e-mail that Fortuny's actions violated the site's policies. He noted that the ad in question was removed several times, only to be reposted.

"Publishing private e-mails is something that decent people don't generally do without very good reason," Buckmaster said.

Kurt Opsahl, staff attorney with the Electronic Frontier Foundation, said Craigslist would be protected under federal law exempting service

providers from liability for what their users do. Fortuny's liability under Washington state law, he said, rests on whether the disclosures are of legitimate concern to the public.

"As far as I know, they (the respondents) are not public figures, so it would be challenging to show that this was something of public concern," Opsahl said.

Weinstein said the action potentially could make Internet users more likely to question the legitimacy of Craigslist ads and more reluctant to participate.

"Once you've lost that trust," he said, "a large part of the utility of what those services were there for in the first place is lost."