

Re: Beta anti spyware

Source: <http://www.derkeiler.com/Newsgroups/microsoft.public.security/2005-02/0947.html>

From: Philly lawyer (*Phillylawyer_at_discussions.microsoft.com*)

Date: 02/20/05

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Did you take a look at the Microsoft page that is directed toward the average consumer? Well, check it out:

<http://www.microsoft.com/athome/security/spyware/software/default.mspx>

This is the page that the original e-mail had a link to. If this is not intended to induce trust in Microsoft's product, then I don't know what is. And isn't that what marketing is all about? The fact that there is the brief paragraph to which you refer on the actual download page does nothing to change my opinion of how Microsoft is presenting this product to the average consumer. That paragraph is not detailed enough to act as a sufficient counterweight to what has gone before.

And excuse me, but telling me to "check your credit reports to see who else is you," telling me to look things up in the dictionary, etc. is indeed gratuitously and personally nasty, not argumentative. And you were not the only one. I'm really amazed that you and others are so defensive of Microsoft or maybe you take my comments as a personal attack on computer people in general. I don't get it.

Anyway, enough of this—I've got better things to do than continue to argue about whether Microsoft is negligently or deliberately misleading its customers, whether I'm just stupid, whether you and others are nasty and oh so superior to us non-computer folk, etc. I'm throwing in the towel on this one.

"Shenan Stanley" wrote:

> *Philly lawyer wrote:*

> > *I just went back and went through the entire download site again,
> > including clicking on and reading every single link to additional
> > information. As an attorney, I perform critical, close reading of
> > documents on a daily basis and I'm good at it. As a matter of fact,
> > the site in fact does not ever explain that this is a test program,
> > does not specifically invite feedback from consumers, and in no way
> > suggests that the software is anything other than a finished product
> > similar to other free software often provided by Microsoft to its
> > users. (I know, I know, there's that "Beta" thing, but I discussed
> > that in my previous message.) I now realise that since when I went*

> > *back the second time (contrary to your implication, I had gone
> > through it thoroughly before I downloaded the software) I had the
> > inside info about the meaning of "Beta," I could pick up on the very
> > few references in the literature that suggest not that there is some
> > testing going on, but only that some additional "tweaking" is going
> > on with the product. You can throw some more nasty comments about my
> > failings and flaws in this whole episode if you wish, but I stand by
> > my critique of Micorsoft's conduct in all of this.*
>
> *The comments were not "nasty", they were argumentative and only stated the
> situation based off my opinion – in a way that a discussion should continue.*
>
> *As you say – you are a lawyer.. You are telling me that we, as non-lawyers,
> understand all the legal mumbo jumbo in the contracts we sign when we first
> see them? I know I have not on most of them and I have – before I signed
> them, had each part I don't understand explained to me in full – before I
> signed them. It is a foolish thing (as anyone will tell you) to sign
> something before you read and comprehend what you are signing. Otherwise,
> you may have just handed something to someone else without intending to. Do
> most people practice this? No. Should most people practice this? Yes.
> Should the rules be ammended to protect people who do not practice this?
> That is an argument for another time – but my opinion is "No".*
>
> *Not knowing what the word "Beta" means is nothing more than an excuse – a
> term we will get to later –given that the very page where you download from
> has a whole paragraph:*
>
> *"This is pre-release (beta) software distributed for feedback and testing
> purposes. Microsoft does not provide technical support for beta releases
> (see below for information about how to gain access to newsgroups). If
> Windows AntiSpyware (Beta) is causing an issue with your system, we
> recommend removing it by using Add or Remove Programs and even using System
> Restore if the problem persists."*
>
> (
>
> <http://www.microsoft.com/downloads/details.aspx?FamilyID=321cd7a2-6a57-4c57-a8bd-dbf62eda9671&displayl>
>)
> (Short version of the link above: <http://snipurl.com/btif>)
>
> *The first sentence of that paragraph pretty much would throw me a hint at
> what "Beta" means. The second pretty much tells me I am in this boat all
> alone if I decide to download it.*
>
> *Personally – I always look for the warranty/support section of anything I am
> going to buy/use before I buy/use it. After all – where do I go if the
> tires fall off, the motor starts smoking or the thing just won't work at all
> is pretty important to me. So I would not miss the part above labeled
> clearly in bold print on the download page itself titled "Beta Support
> Policy". Even if I thought BETA was just part of the product name – here is
> the "Support Policy" of said-named product. What do I do when things go*

- > wrong?
- >
- > *This brings up one of the more interesting statements in law and it should*
- > *apply to life as well as law:*
- > *"Ignorance of the law by a person who commits an offence is not an excuse*
- > *for committing the offence."*
- > *It does get shortened a lot to the more generalized (albeit true) :*
- > *"ignorance is no excuse".*
- >
- > *Seeing as the very page where you download the software (whether the word*
- > *Beta is unfamiliar to you or you assume it is part of the name of the*
- > *product) has a paragraph about its support policy clearly marked and the*
- > *first two sentences of said paragraph are not written in technical jargon of*
- > *any type: "pre-release" is before released, no matter who you are and*
- > *"distributed for feedback and testing purposes" is pretty clear, this is for*
- > *people to tell us how it works and test on their own time.. And finally –*
- > *the most clear: "Microsoft does not provide technical support for beta*
- > *releases" – Even if I do not know what the word BETA is and I assume it is*
- > *part of the name of this product – that sentence tells me that Microsoft is*
- > *NOT providing support for this product.*
- >
- > *Does that imply in any way I should know what I am doing before I get this*
- > *and use it? Yes. Admittedly – I suppose the argument could be made that*
- > *stating "no support for this product is provided" does not exclusively say*
- > *"you should know what you are doing before getting this product".. but*
- > *neither is telling someone that "that coffee is hot, be careful" do anymore*
- > *than imply one should not spill it in their lap. It never ceases to amaze*
- > *me the lack of common sense that causes warning labels that are larger than*
- > *the product itself to be added to everything. And why is that? Because*
- > *there is money in claiming ignorance.*
- >
- > *Enough down that legal road, back to the simple facts.*
- >
- > *Not knowing what "Beta" means – one should assume a person would look it up*
- > *before agreeing to it, bringing it into their home and giving it full access*
- > *to everything in their computer. Assuming the person gathered that "beta"*
- > *was instead simply a part of the name of the product, thus not caring any*
- > *more about what it meant than any other name of any other product – one*
- > *should then safely assume that before bringing such an unknown product into*
- > *their computer where it has full access to everything they digitally own –*
- > *even if their own mother highly recommended it – one would go to other*
- > *sources for advice and/or investigate further as to what this product does*
- > *ad what support would be provided after the fact – even if the extent of*
- > *that research was simply fully reading and comprehending the page from which*
- > *they are attaining said product.. Where there is a clearly marked section*
- > *about the "Support Policy" that clearly has the words "feedback" and*
- > *"testing" in the first sentence and the phrase "does not provide technical*
- > *support" in the second sentence. These two sentences alone should be enough*
- > *to dissuade the normal user from attempting something they do not understand*
- > *based solely of an email they received or a suggestion they got from*
- > *someone – no matter how much they trust them.*

>
> *However, if their trust in said person/entity is still so great that they do*
> *not read carefully, or read it and assume they will still be okay because of*
> *who recommended it – is it now the "fault" of the original recommending or*
> *supplying entities to take responsibility for that person's actions given*
> *that disclosure is provided?*
>
> --
> <- Shenan ->
> --
> *The information is provided "as is", it is suggested you research for*
> *yourself before you take any advice – you are the one ultimately*
> *responsible for your actions/problems/solutions. Know what you are*
> *getting into before you jump in with both feet.*
>
>
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