

Telemarketing Sales Rule Review Forum
July 27-28, 2000

AGENDA

Thursday, July 27, 2000

- | | |
|-----------------|--|
| 8:30-8:45am | Registration (Federal Trade Commission Headquarters, 4 th Floor) |
| 8:45-9:00am | Welcome
Eileen Harrington, Associate Director for Marketing Practices, Federal Trade Commission |
| 9:00-9:15am | Brief introduction by participants (please limit to one minute) |
| 9:15-10:45am | Technology: Its Effect on Telemarketing Since 1995 <ul style="list-style-type: none">• <i>Is transmission of Caller ID information by telemarketers feasible; what are the costs and benefits to industry and consumers?</i>• <i>Has the use of predictive dialers increased over the past 5 years?</i>• <i>What effect has technology had on target marketing in the past 5 years? If changes have occurred, do they necessitate changes in the TSR?</i>• <i>What technological changes are likely to occur in the next 5 years and how, if at all, should the TSR be changed in response?</i> |
| 10:45-11:00am | Break |
| 11:00am-12:30pm | Marketing Tools and Techniques <ul style="list-style-type: none">• <i>To what extent do telemarketers use pre-acquired account information? How is such information obtained (e.g., purchased from affiliated or non-affiliated entity, culled from telemarketer/seller's own files, etc.) and how is it used?</i>• <i>Does the use of pre-acquired account information</i> |

lend itself to fraud or deception?

- *Are cross-selling and up-selling more prevalent than they were 5 years ago? Why, or why not, and what ramifications does this have on the effectiveness of the TSR?*
- *When transactions involve recurring billing (negative option plans, some buyer's clubs, etc.), are the TSR's required disclosures sufficient to protect consumers? If not, what can be done to improve consumer understanding?*

12:30-1:30pm

Lunch (on your own)

1:30-3:15pm

Payment Systems - What Has Changed and What Changes are on the Horizon?

- *Has the way consumers pay for items they buy through telemarketing changed in the past 5 years? Are consumers increasing their use of debit cards to pay for items purchased through telemarketing?*
- *Are debit card transactions sufficiently protected under the TSR? Under the EFTA? Under the ACH rules?*
- *How has the express verifiable authorization provision worked for telemarketers? Which methods are most commonly used? How has the provision worked for consumers?*
- *What has been the impact of the increased use of non-traditional billing methods (such as billing through consumers' utility or mortgage accounts) for consumers and business?*
- *What payment mechanisms are likely to emerge in the next 5 years, and will the TSR need to be modified to address these changes?*

3:15-3:30pm

Break

3:30-4:15pm

Cross Border Issues

- *What changes, if any, could be made to the TSR to*

make it a more effective tool to combat cross border fraud?

- *Is the knowledge standard for the “assisting and facilitating” provision too high to allow for effective enforcement? If so, what would be more appropriate; if not, why?*

4:15-5:00pm

Open Mike

Friday, July 28, 2000

8:45-9:00am

Registration (4th Floor)

9:00-10:30am

Are the Current Exemptions to the TSR Still Adequate and Appropriate?

- *Should the exception to the business-to-business exemption be expanded to cover additional goods or services?*
- *Has the general media advertisement exemption provided adequate protection for consumers?*
- *Has the face-to-face exemption provided adequate protection for consumers ?*
- *Has the direct mail exemption provided adequate protection for consumers?*

10:30-10:45am

Break

10:45am-12:30pm

Disclosures

- *Has the requirement that disclosures be made promptly, clearly, and conspicuously been burdensome to telemarketers? Are disclosures being made promptly, clearly, and conspicuously? Have the required disclosures been beneficial to consumers?*
- *In dual-purpose calls, when are disclosures given?*
- *When a telemarketing transaction will be billed in multiple payments, how has the disclosure of “total*

costs” been made? How should it be made?

- *Are the disclosures for refund and cancellation policies adequate?*

12:30-1:30pm

Lunch (on your own)

1:30-3:15pm

Abusive Practices

- *Should the sale or use of lists of victims of telemarketing fraud be an abusive practice?*
- *Should the practice of employing prison inmates to conduct telemarketing be an abusive practice?*
- *Are there additional products, services, or practices so commonly the subject of telemarketing fraud complaints that they merit inclusion in § 310.4?*
- *Can self-regulation improve compliance with Section 310.4(b), (c), and (d)?*

3:15-3:30pm

Break

3:30-4:15pm

Consumer Education: What Else Can Be Done?

- *What strategies for informing the public about their rights under the TSR would be most effective?*

4:15-5:00pm

Open Mike