

FTC FACTS for Consumers

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FOR THE CONSUMER

FEDERAL TRADE COMMISSION

1-877-FTC-HELP

You Make the Call: The FTC's Telemarketing Sales Rule



NATIONAL DO NOT CALL REGISTRY

The Federal Trade Commission's (FTC) Telemarketing Sales Rule (TSR) puts consumers in charge of the number of telemarketing calls they get at home. The TSR established the National Do Not Call Registry, which makes it easier and more efficient for consumers to reduce the number of unwanted telemarketing sales calls they get.

How can I put my number on the National Do Not Call Registry?

You may register online at donotcall.gov, provided you have a working email address, or by phone, by calling toll-free **1-888-382-1222** (TTY: 1-866-290-4236) from the number you wish to register. Registration is free.

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What does registration entail?

If you register by phone, you must call from the number you want to register. If you register online, you must provide an email address for confirmation. The system will send you a confirmation email that you will have to open. Click on the link in it within 72 hours for your online registration to be complete. You can expect fewer calls within 31 days of the date you sign up for the registry. The only identifying information that will be provided to telemarketers and other companies accessing the registry will be the phone number you register.

How does the National Do Not Call Registry work?

The law requires telemarketers to search the registry every 31 days and avoid calling any phone numbers that are on the registry. If you receive telemarketing calls after you have registered your telephone number and it has been in the registry for 31 days, you can file a complaint at donotcall.gov or by calling toll-free **1-888-382-1222** (TTY: 1-866-290-4236). You will have to know the date of the call and the company's name or phone number to file a do not call complaint. A telemarketer who disregards the National Do Not Call Registry could be fined up to \$16,000 for each call.

Telephone numbers on the registry will only be removed when they are disconnected and reassigned, or when the consumer chooses to remove a number from the registry.

When did the National Do Not Call Registry take effect?

The FTC, the Federal Communications Commission (FCC) and the states began

enforcing the National Do Not Call Registry on October 1, 2003. Consumers should notice a reduction in the number of telemarketing calls they get within 31 days after placing a number on the registry.

Does the National Do Not Call Registry cover all telemarketing calls?

Placing your number on the National Do Not Call Registry will stop most telemarketing calls, but not all. Calls from or on behalf of political organizations, charities and telephone surveyors are still permitted.

Organizations with which you have an established business relationship can call you for up to 18 months after your last purchase, payment or delivery — even if your number is on the National Do Not Call Registry. And companies to which you've made an inquiry or submitted an application can call you for three months. Therefore, carefully read any questionnaires or surveys you submit; they may be an attempt to establish a business relationship. Also be careful to read anything you sign, such as sweepstakes forms or requests for "free" products; they may be attempts to get your written permission.

If you place your number on the national registry, you still can give written permission for particular companies to call you. Alternately, if you have an established business relationship, you still can ask the company not to call you. The company must honor your request, regardless of any prior written permission. And if you don't put your number on the national registry, you still can prohibit individual telemarketers from calling, by asking each to put you on their company's do not call list. You should keep a record of the date you make the request.

One more important point: Although callers soliciting charitable contributions do not have to search the national registry, a for-profit telemarketer calling on behalf of a charitable organization must honor your request not to receive calls on behalf of that charity.

Are there other protections against unwanted telemarketing calls?

The TSR prohibits deceptive and abusive telemarketing acts and practices and sets forth standards of conduct for telemarketing calls:

- Calling times are restricted to the hours between 8 a.m. and 9 p.m.
- Telemarketers must promptly tell you the identity of the seller or charitable organization and that the call is a sales call or a charitable solicitation.
- Telemarketers must disclose all material information about the goods or services they are offering and the terms of the sale. They are prohibited from lying about any terms of their offer.

In addition to creating the National Do Not Call Registry, the amended TSR:

Restricts unauthorized billing.

Before submitting your billing information for payment, telemarketers must get your express informed consent to be charged — and to charge to a specific account. If a telemarketer has your account

information before the call — known as “preacquired account telemarketing” — and offers you goods or services on a free trial basis before charging you automatically, the telemarketer must get your permission to use a particular account number, ask you to confirm your desire to approve a charge by giving the telemarketer at least the last four digits of the account number and, for your protection, create an audio recording of the entire phone transaction.

Reduces abandoned calls.

Telemarketers are required to connect their call to a sales representative within two seconds of the consumer’s greeting. This will reduce the number of “dead air” or hang-up calls you get from telemarketers. These calls result from the use of automatic dialing equipment that sometimes reaches more numbers than there are available sales representatives. In addition, when the telemarketer doesn’t have a representative standing by, a recorded message must play to let you know who’s calling and the number they’re calling from. The law prohibits a recorded sales pitch in a cold call. And to give you time to answer the phone, the telemarketer may not hang up on an unanswered call before 15 seconds or four rings.

Requires caller ID transmission.

Telemarketers must transmit their telephone number and, if possible, their name to your caller ID service. This protects your privacy,



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increases accountability on the telemarketer's part and helps in law enforcement efforts.

Reins in robocalling.

Most businesses need your written permission before they can call you with prerecorded telemarketing messages, or robocalls. In fact, a business has to make it clear it's asking to call you with these kinds of messages, and it can't require you to agree to the calls in order to get any goods or services. If you agree, you also have the right to change your mind. Businesses using robocalls have to tell you at the beginning of the message how you can stop future calls, and must provide an automated opt-out you can activate by voice or keypress throughout the call. If the message could be left on your voicemail or answering machine, businesses also have to provide a toll-free number at the beginning of the message that will connect to an automated opt-out system you can use any time.

Some prerecorded messages still are permitted under these rules — for example, messages that are purely informational. That means

you'll still receive calls to let you know your flight's been cancelled, reminders about an appointment or messages about a delayed school opening. But the business doing the calling still isn't allowed to promote the sale of any goods or services. Political calls, calls from certain healthcare providers and messages from a business contacting you to collect a debt also are permitted. Prerecorded messages from banks, telephone carriers and charities also are exempt from these rules if the banks, carriers or charities make the calls themselves. Read *New Rules for Robocalls* at ftc.gov to learn more.

The FTC works to prevent fraudulent, deceptive and unfair business practices in the marketplace and to provide information to help consumers spot, stop and avoid them. The FTC manages the National Do Not Call Registry, which gives consumers a choice about getting telemarketing calls at home. To register a number, log on to donotcall.gov, or call toll-free, **1-888-382-1222** (TTY: 1-866-290-4236).