

# Understanding Your Telemarketing Rights and Avoiding Fraud

This guide from **Consumer Federation of America** provides basic information to help you know your telemarketing rights and recognize when a telemarketing call might be a scam. Generally, these rights apply when someone is calling to try to sell or rent something to you or when a for-profit telemarketer calls asking for a donation on behalf of a charity. This guide does not describe all of consumers’ telemarketing rights, just the main ones. It also does not include businesses’ rights when they get telemarketing calls, which are more limited. The links in the guide will take you to sources for more detailed information.

Your Do Not Call Rights	Doesn't Apply To	More You Should Know
<p>You can stop unwanted sales calls by putting your number on the National Do Not Call Registry.</p> <p>Call 1-888-382-1222 from the phone that you wish to register, or go to <a href="http://www.donotcall.gov">www.donotcall.gov</a>.</p> <p>On the website you can register more than one phone number at the same time.</p> <p>You can put <a href="#">cell phone numbers</a> as well as landline numbers on the National Do Not Call Registry.</p> <p>In addition to making sure that they don't call numbers on the National Do Not Call Registry, companies must keep their own "no call" lists. Even if you don't put your number on the National Do Not Call Registry, you <i>always</i> have the right to tell a company "put my number on your no call list."</p> <p>Learn more: <a href="http://www.consumer.ftc.gov/articles/0052-stopping-unwanted-sales-calls">www.consumer.ftc.gov/articles/0052-stopping-unwanted-sales-calls</a></p> <div data-bbox="94 1242 226 1356"> </div> <p>Are you getting calls that violate your Do Not Call Rights? Stop – it's a danger sign of fraud! Legitimate telemarketers follow the rules. Scammers don't. Don't do business with any company that is calling you when it shouldn't.</p>	<p>Political calls, calls made by charities, and calls to take surveys are not covered.</p> <p>However, if a telemarketer is hired by a charity to call seeking donations, the telemarketer must keep a "no call" list and you can ask for your number to be put on that list to stop further calls on behalf of that charity.</p> <p>Calls from a <a href="#">debt collector</a>.</p> <p>Putting your number on the National Do Not Call Registry does not stop a company from making sales calls to you if you have an "established business relationship" with it or you gave it written permission to call. An established business relationship means that you purchased or rented something from the company within the last 18 months or you asked it about a product or service within in the last 3 months. But remember, you can stop further sales calls from a company <i>any</i> time you wish, <i>even</i> there is an "established business relationship" or you gave it written permission to call you, by simply saying "put my number on your no call list."</p> <p>Some states have their own Do Not Call registries. Check with your <a href="#">state or local consumer protection agency</a>.</p>	<p>The National Do Not Call Registry is a free government service for consumers.</p> <p>It takes up to 31 days from registering a phone number for companies to remove it from their telemarketing lists.</p> <p>When you put your number in the National Do Not Call Registry, it stays there until and unless you remove it. But if your number changes, you'll need to register the new number if you want to have the Do Not Call protections for it.</p> <p>Pay attention when you fill out applications and order forms to make sure that you're not agreeing to get sales calls if you don't want them.</p> <p>You can say "put my number on your no call list" over the phone – your request does <i>not</i> need to be in writing. Keep a list next to the phone and note the company name and the date that you made the request. That way you'll have the information you need to report violations if the company calls again.</p> <p>It never hurts to ask – even though charities that make their own calls, political organizations and pollsters are not covered by the Do Not Call rules, if you ask them not to call you again, they may agree to honor your request.</p>

## Your General Telemarketing Rights

No sales calls are allowed before 8 a.m. and after 9 p.m.

When you answer the call, the telemarketer must promptly tell you:

- That it is a sales call or a call on behalf of a charity.
- The name of the seller or charity.
- What it is selling or that it is asking for a donation.

The telemarketer must tell you the total cost of the product or service before asking for payment, and can't charge your account until you have agreed to make a purchase or donation and to have that account charged for it.

Telemarketers are not allowed ask for any payment in advance for services to help you settle or reduce your debts, repair your credit record, get a loan, or recover money you lost to another telemarketer.

Learn more: [www.ftc.gov/phonefraud](http://www.ftc.gov/phonefraud) and [www.consumer.ftc.gov/articles/0198-telemarketing-sales-rule](http://www.consumer.ftc.gov/articles/0198-telemarketing-sales-rule)



Are you getting calls that violate your general telemarketing rights? Stop – it's a danger sign of fraud! Legitimate telemarketers follow the rules.

Scammers don't. Don't do business with any company that is calling when it shouldn't, or that doesn't provide clear information about what it's selling or how much it costs, or that is pressuring you to buy something that you don't want.

## Doesn't Apply To

Political calls, calls made by charities, and calls to take surveys are not covered.

However, if a telemarketer is hired by a charity to call seeking donations, it is covered by these rules.

Calls *you* make in response to ads on TV or the Internet, in magazines and other publications, or on the radio, are generally not covered. Neither are calls *you* make in response to a letter, email or catalogue, as long as they provide complete and accurate information. But the telemarketing rules *do* apply if:

- You call in response to a recorded message and a sales pitch is made.
- You call a company for one purpose – for instance, to ask about a bill or to buy a particular product or service – and during the call the company tries to sell you something that you weren't calling about.

The telemarketing rules also apply even when *you* make the call to the company in response to an advertisement or mailing if it's about:

- [Credit card loss protection](#) services.
- [Credit repair](#) services.
- Services to [recover money](#) you've lost to fraud.
- Offers to help you [get a loan](#), for a fee upfront.
- [Investment](#) opportunities.
- [Debt relief services](#).
- Certain types of franchises and other [business opportunities](#).

A purchase that is completed in a face-to-face meeting is not covered by the telemarketing rules even if the transaction began with a phone call.

## More You Should Know

If a sweepstakes or prize is part of the sales pitch, the telemarketer must tell you:

- The odds of winning or if that can't be determined in advance, how odds are calculated.
- That you don't have to pay a fee or buy something to win.
- If you ask, how to enter without buying or paying anything.
- Any costs, such as shipping, or conditions, such as being over a certain age, to receive a prize.

If it's a "negative option" sale where you'll be charged at a later date unless you notify the seller that you want to cancel, the telemarketer must tell you the date you'll be charged and exactly what to do to avoid the charges.

It's illegal for telemarketers to call you repeatedly or continuously with the intent to annoy, abuse, or harass you. They are also not allowed to use threats, intimidation, or profane or obscene language.

Telemarketers can't send sales pitches via [text message](#) to your cell phone using automated dialing equipment unless you previously agreed to receive them. You may not be able to tell if an "autodialer" was used, but the authorities can, so if you get a text sales message from a company without your permission, report it.

Your general telemarketing rights are the same regardless of whether your number is in the National Do Not Call Registry or not.

### Your Robocall Rights

A robocall is a call that uses a prerecorded message or is made with an autodialer (or both).

A telemarketer can *only* call your landline or cell phone using a prerecorded message to try to sell you something if you gave the company prior written consent to make such calls to you. Prior written consent is also required for a telemarketer hired by a charity to call your landline or cell phone using a prerecorded message to ask for a donation, unless you have given to that charity before.

Prerecorded calls to your cell phone for other purposes (except for emergencies) also require prior consent, which can be written or verbal.

Learn more: [www.ftc.gov/robocalls](http://www.ftc.gov/robocalls) and [www.fcc.gov/guides/robocalls](http://www.fcc.gov/guides/robocalls)



Are you getting robocalls that violate your rights? Stop – it’s a danger sign of fraud!

### Doesn’t Apply To

Calls to your landline phone that use prerecorded messages don’t require consent if they are for:

- Informational purposes such as to notify you of a change in your flight, remind you about an appointment, or confirm an order.
- Political, emergency, or other purposes where the caller isn’t trying to sell you something.

A healthcare provider can make a prerecorded call to your landline phone without your prior consent *if* the message is related to your health benefits, treatment or case management – for instance, a message from your pharmacy reminding you that it’s time to refill a prescription or from your doctor’s office that flu shots are available. Such calls to your cell phone do require consent, which can be written or verbal. Prerecorded sales pitches for products or services that aren’t prescribed by health care providers as part of a plan of treatment, such as health club memberships, weight loss programs, or vitamins or minerals, require your prior written consent.

### More You Should Know

Calls that use prerecorded messages cannot be made to emergency lines and people’s rooms in hospitals, nursing homes, and similar places except for emergencies or with prior consent. If they’re made to try to sell something, that consent must be in writing.

At the beginning of the prerecorded message it must tell you on whose behalf it is being made.

A telemarketer that is using a prerecorded message to try to sell you something or to ask for a donation on behalf of a charity must provide an automated way for you to stop continuing to receive such calls, even if you had previously agreed to get them. Information about how to use the automated system must be provided early on during the call. This does not apply to prerecorded calls from healthcare providers as long as they are related to your health benefits, treatment or case management.

### Your Caller ID Rights

If you have Caller ID, a telemarketer must transmit its phone number and, if available to your telephone service provider, its name.

Learn more: [www.fcc.gov/guides/caller-id-and-spoofing](http://www.fcc.gov/guides/caller-id-and-spoofing) and [www.consumer.ftc.gov/articles/0198-telemarketing-sales-rule](http://www.consumer.ftc.gov/articles/0198-telemarketing-sales-rule)



Is it a sales call and your Caller ID says “blocked,” “private,” or “out of area?” Stop – it’s a danger sign of fraud!

### Doesn’t Apply To

Political calls, calls made by charities, and calls to take surveys are not covered.

But if a for-profit telemarketer is calling on behalf of a charity, Caller ID must be displayed.

It’s illegal for *anyone* to knowingly transmit misleading or inaccurate Caller ID with the intent to defraud, harm, or get money or something else of value from the person being called.

### Notes

If the telemarketer is calling on behalf of another company or a charity, it’s OK for the Caller ID to show the customer service phone number and name of that company or charity instead of the telemarketer’s.

The display must include a phone number that you can use to ask not to be called again.

Your Caller ID rights are the same regardless of whether your number is in the National Do Not Call Registry or not.

## Do you think that your telemarketing rights have been violated? Report it!

Two federal agencies regulate telemarketing, the [Federal Trade Commission \(FTC\)](#) and the [Federal Communications Commission \(FCC\)](#). Their job is to make sure that telemarketers follow the rules, and in some cases they take legal action to stop bad practices (usually when there are lots of complaints against a company). The **FTC** puts complaints about telemarketing in a database that other federal agencies and state and local agencies can use for their investigations as well. The information that consumers provide to the **FTC** and the **FCC** is crucial for law enforcement purposes, and it can also help show that new rules are needed to deal with new types of telemarketing problems. You may also want to contact your [state or local consumer protection agency](#). You can report telemarketing violations whether you lost money or not, but if you did lose money to a telemarketing scam, you should definitely report it!

Report **Do Not Call** violations to the **FTC** at 1-888-382-1222, TTY 1-866-290-4236, or go to [www.donotcall.gov](http://www.donotcall.gov). Report **general telemarketing, robocall and Caller ID rights** violations to the **FTC** by calling 1-877-382-4357, TTY 1-866-653-4261, or go to [www.ftccomplaintassistant.gov](http://www.ftccomplaintassistant.gov).

There are certain types of businesses that the **FTC's** jurisdiction does not cover, such as telephone companies, airlines, banks and credit unions, and insurance companies. If you are not sure if you should report something to the **FTC**, don't worry – it's better to report it than not to.

You can report violations of your **do not call, general telemarketing, robocall and Caller ID rights** by phone to the **FCC** at 1-888-225-5322, TTY 1-888-835-5322. You can also use the online form at [www.fcc.gov/complaints](http://www.fcc.gov/complaints) or fax the information to 1-866-418-0232. Or you can mail it to: **FCC**, Consumer and Governmental Affairs Bureau, Consumer Inquiries and Complaints Division, 445 12th Street SW, Washington, DC 20554.

### What information should you include when you report a possible violation?

If you have access to the Internet, that's the easiest and fastest way to report telemarketing abuses because the online form will prompt you to provide specific information. If you don't have some of the information, don't worry. But no matter how you report the problem, provide as much detail as you can, including the date of the call, the name of the telemarketer (and the name of any company or a charity on whose behalf it was calling, if different), the phone number that appeared on Caller ID or that was left in a message, a description of the "pitch, what happened after that and how much you paid, if anything.

### What should you expect when you report a possible violation?

The **FTC** and **FCC** don't contact companies about every incident that consumers report or take legal action in every case. You will get a response that explains what the agency does and does not do. No one can honestly guarantee to recover money you've lost to scammers, so if you have doubts about a telemarketing situation, ask your [state or local consumer protection agency](#), the [Better Business Bureau](#), or someone else that you trust for advice *before* you agree to anything. **Consumer Federation of America** provides more information to help you recognize and avoid fraud at [www.consumerfed.org/fraud](http://www.consumerfed.org/fraud).

### You can also sue to enforce your rights.

You can sue telemarketers in Small Claims Court for \$500 per violation under the Telephone Consumer Protection Act. No lawyer is needed. See [www.privacyrights.org/ar/Suing-a-Telemarketer.htm](http://www.privacyrights.org/ar/Suing-a-Telemarketer.htm). Small Claims procedures and fees vary from state to state; check with your local District Court.