



Telemarketing calls can be a nuisance, particularly when they interrupt your sleep, dinner, or time with family or friends. This fact sheet explains the rules that legislators and consumer protection agencies have created to make telemarketing calls less annoying and help reduce the number of unwanted sales calls you receive. It also provides tips for protecting yourself from fraud and for filing a complaint, if necessary.

## Recognizing a telemarketing call

- A telemarketing call is one that functions as an advertisement.
- Informational calls, calls from non-profit organizations, and calls from anyone with which you have an established business relationship (EBR) are not covered by telemarketing rules. An EBR exists if you've made a transaction with the company or a related company within the past 18 months or if you've made an inquiry or submitted an application within the past three months.
- Some telemarketing callers try to circumvent the rules by posing as a survey or a study, which is illegal.
- Prank or harassing phone calls don't fall under telemarketing rules, but may be illegal under other laws.

## Telemarketing rules

- The Telephone Consumer Protection Act (TCPA) provides some defense against telemarketers. For example, telemarketers calling your home must provide their and their organization's name and a contact number for getting on the company's internal do-not-call list.
- Telemarketing calls to your home are not allowed before 8 a.m. or after 9 p.m.
- Telemarketers are required to transmit "caller ID" information—in other words, they can't block their numbers.
- At least 97% of all auto-dialed calls that are answered by a consumer must be transferred to a live sales agent within two seconds, and not just disconnected.
- Telemarketers can't use auto-dialers to call cell phone numbers.
- Telemarketers cannot call you with prerecorded commercial messages (known as robocalls) unless you have given prior written permission. Report questionable robocalls to the Federal Trade Commission (FTC) at [www.ftc.gov](http://www.ftc.gov) or 877-FTC-HELP.
- Telemarketers cannot call numbers that are in the National Do-Not-Call Registry, on a state's do-not-call list, or on the company's own internal do-not-call list.

## Decreasing the number of telemarketing calls you receive

- The National Do-Not-Call Registry is a list of phone numbers that telemarketers are not allowed to call. You can add your home or cell phone number(s) to the list online ([www.donotcall.gov](http://www.donotcall.gov)) or by phone (888-382-1222 / 866-290-4236 TTY). (You must call from the phone number you wish to register.) There is no charge.
- Telemarketers subject to the rules of the National Do-Not-Call Registry have up to 31 days from the date that you register to stop calling you.
- Your number(s) remain on the list until you remove them or discontinue service.
- Some states also keep their own do-not-call list. Find out if your state is one of them by doing an online search for your state plus "do not call list" or by contacting your state's consumer protection agency (visit <http://consumeraction.gov/state.shtml> or find the number in the government pages of your phone directory).
- A telemarketer is not allowed to call you again if you make a direct do-not-call request, even if you have

an EBR (established business relationship). During the call, clearly state that you want to be added to the caller's own do-not-call list. The company must honor your request for five years—after that you would have to make another request. Your request should also stop calls from affiliated entities. (You may want to keep a list of which callers you have asked not to call you. Non-profit organizations are not required to keep do-not-call lists.)

- The do-not-call registry does not protect fax numbers or business phone numbers. Visit <http://www.fcc.gov/cgb/consumerfacts/unwantedfaxes.html> for FCC rules that prohibit unsolicited fax advertisements.
- For a small fee, your phone company will “unlist” your number from the phone directory and directory assistance, making it that much harder for telemarketers and fraudsters to get a hold of you. Your phone carrier may offer other services, such as “anonymous call rejection,” that help reduce unwanted calls. There may be a fee for these services, and they may only work on calls coming from your local area.

## Preventing telemarketing fraud

- Never give out your credit card, Social Security or bank account numbers or any other personal information to unfamiliar companies or if you have not initiated the call. If the product the caller is selling is something you're interested in buying, or the organization is one that you would like to donate to, ask the caller to send you detailed information by mail and/or provide you with a website address. Then, check out the company or organization yourself to determine whether it's legitimate. (If you never receive the information you requested, you can be pretty sure it's not.)
- Don't believe callers who say you have won a prize for which you have to pay a processing, shipping or other fee.
- Beware of telemarketers who say they are soliciting donations for a well-known charity. If you have doubts but you want to support the cause, contact the organization yourself via its website or a listing in the telephone directory.
- **Anytime you're suspicious, tell the caller not to call back**, and hang up. The longer you stay on the line, the more likely you are to become a victim.
- If you tell a company not to call you again, it is illegal for it to do so. However, crooks are unlikely to be concerned with obeying telemarketing laws. If a telemarketer is harassing you, gather as much information as you can (such as the name and number that appear if you have caller ID, or any names or other information the caller shares during the call) and file a complaint with the FCC and the FTC and notify your telephone carrier.
- Filing a complaint
- To file a complaint with the FCC, visit <http://esupport.fcc.gov/complaints.htm>, email [fccinfo@fcc.gov](mailto:fccinfo@fcc.gov), or call 888-225-5322 (888-835-5322/TTY). For the FCC to process your complaint, you must include information about the call you received, such as how the caller identified him/herself, what number appeared on your caller ID, whether any number was provided for you to opt out of future calls, and whether you have any business relationship (EBR) with the caller.
- The Federal Trade Commission works to prevent fraudulent, deceptive, and unfair business practices. To file a complaint about a telemarketer, visit the FTC's online Complaint Assistant ([www.ftccomplaintassistant.gov](http://www.ftccomplaintassistant.gov)) or call 888-382-1222 (866-290-4236 TTY).

*Consumer Action created the Empower U project under a grant from the California Consumer Protection Foundation. Consumer Action empowers low to moderate income and limited-English-speaking consumers nationwide to financially prosper through education and advocacy. To learn more, visit [www.consumer-action.org](http://www.consumer-action.org).*

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