

# FTC FACTS for Consumers

You Make the Call:

The FTC's New  
Telemarketing  
Sales Rule



NATIONAL  
DO NOT CALL  
REGISTRY



The Federal Trade Commission (FTC) has amended the Telemarketing Sales Rule (TSR) to put consumers in charge of the number of telemarketing calls they get at home. The amended TSR establishes 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](http://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.

## **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 three months 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?**

Your number will stay in the registry for five years, until it is disconnected, or until you delete it from the registry. After five years, you may renew your registration.

The law requires telemarketers to search the registry every three months 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 three months, you can file a complaint at [donotcall.gov](http://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 \$11,000 for each call.

## **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 three months after placing a number on the registry.

## **Will 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 be 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.

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.

## What if I'm on my state's do not call list?

The answer depends on where you live. Fifteen states have shared their data with the national registry (Alabama, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Kansas, Kentucky, Maine, Massachusetts, Minnesota, New York, North Dakota, and Oklahoma). If you registered your phone number on one of these state lists before June 26, 2003, you do not have to re-register with the national registry. Some state lists have shared or will share their data with the national registry after June 26, 2003. If you are at all uncertain about your registration, you may wish to visit [www.donotcall.gov](http://www.donotcall.gov) to verify your status.

## 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:

More information on the National Do Not Call Registry and the Telemarketing Sales Rule is available at [www.ftc.gov/donotcall](http://www.ftc.gov/donotcall).



### 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

## Facts for Consumers

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.**

Beginning January 29, 2004, telemarketers must transmit their telephone number and if possible, their name, to your caller ID service. This will protect your privacy, increase accountability on the telemarketer's part, and help in law enforcement efforts.

The FTC works for the consumer 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).



**NATIONAL  
DO NOT CALL  
REGISTRY**

Federal Trade Commission  
Bureau of Consumer Protection  
Office of Consumer and Business Education

December 2003