Think Twice Before Marketing with Robocalls

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Sales and marketing professionals in companies are usually energetic, vivacious and creative. That’s what makes them so good at their jobs. But it’s also these excitable folks who can get companies in trouble when it comes to the Do Not Call List and the Truth in Caller ID Act.

In addition to the Telephone Consumer Protection Act, these laws require companies that are marketing products to follow rules before calling consumers, including (with exceptions) not to call people who have placed themselves on the Do Not Call List, to obtain prior express written consent to call them to market products or services, and not to lie about where you are calling from or spoof someone else’s telephone number. All of these seem like reasonable rules to protect consumers from those irritating and unwanted robocalls.

Unfortunately, sometimes telemarketing campaigns are launched without knowing what laws must be followed, or in some circumstances, shady telemarketers choose to ignore the laws.

This week, the Federal Communications Commission (FCC) announced that it was proposing the single largest settlement against several pesky telemarketers in the amount of $225 million.

The telemarketers are accused of making over 1 billion (yes, that is with a “b”) illegally spoofed robocalls to consumers in the first four months of 2019 on behalf of health insurers who sell short-term, limited-duration health insurance policies. According to the FCC’s press release, the robocalls falsely offered health insurance...
plans from well-known health insurance brands, when in fact they were not affiliated at all with those companies.

The FCC stated “The Truth in Caller ID Act prohibits manipulating caller ID information with the intent to defraud, cause harm or wrongfully obtain anything of value. The FCC’s investigation found that the robocalls made by Raising Eagle were spoofed in order to deceive consumers, targeted millions of Do Not Call list participants, and were received on many wireless phones without prior consumer consent.”

Although the allegations in this case allege that the laws were purposefully disregarded, it is a good time for companies to remind their sales and marketing departments to continue to be cognizant of, and follow, strict guidelines around texting, calling, and using robocalls for sales and marketing campaigns.

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