

CONSUMER ALERT

**MIKE COX
ATTORNEY GENERAL**

The Attorney General provides Consumer Alerts to inform the public of unfair, misleading, or deceptive business practices, and to provide information and guidance on other issues of concern.

CELL PHONE SPAM

Stop Receiving Unwanted Text Messages!

More than one billion text messages are sent everyday in the United States and studies show that more and more of those messages are spam, or unwanted, unsolicited junk mail, delivered to the consumer's wireless phone text message inbox. Not only is text message spam annoying, but it can also slow down your phone by taking up your phone's memory and, unlike spam e-mail, lead to unwanted charges on your wireless service bill. Many carriers will charge you simply for receiving a text message, regardless of whether you requested it. Additionally, if you use a smart phone or personal digital assistant (PDA) that functions like a personal computer, spam could put you at risk for viruses or "smishing," a scam where consumers are directed via text message to a website that unknowingly collects their personal information or downloads software that allows the cell phone to be controlled by hackers. The government has recognized that text message spam is bothersome and has enacted legislation specifically addressing the problem. This alert provides information about the law and helpful tips to protect yourself from receiving unwanted spam on your cellular phone.

THE CAN-SPAM ACT

In 2003, Congress passed the Controlling the Assault of Non-Solicited Pornography and Marketing (CAN-SPAM) Act, which makes it illegal to send unsolicited commercial e-mail messages to wireless devices, including cell phones and pagers, without first receiving the consumer's permission. The CAN-SPAM Act works together with the Telephone Consumer Protection Act, which created the National Do Not Call Registry. The Registry contains a list of phone numbers that telemarketers are prohibited from calling unless they have an established business relationship with the consumer or are otherwise exempt, such as tax-exempt non-profit organizations. For more information on the National Do Not Call List, visit the Federal Communications Commission's consumer alert at www.fcc.gov/cgb/consumerfacts/tcpa.html.

HOW TO STOP CELL PHONE SPAM

There are a number of simple steps you can take to prevent spam from controlling your cell phone.

- If you receive a spam text message, act fast and contact your wireless service provider right away. This can sometimes help avoid unwanted charges on your cell phone bill and make sure that they are aware of the problem.
- Activate spam filters. Contact a customer service representative from your service provider about blocking spam through your account's messaging preferences. Many carriers enable you to block specific addresses from contacting you, reducing the chance that spam will ever reach your inbox. It may even be possible to block all messages sent from a personal computer while still receiving messages sent from another cell phone. It is usually also possible to configure these account settings by logging into the service provider's website.
- Register your cell phone number with the National Do Not Call Registry. You can register your cell phone by visiting www.donotcall.gov or calling 1-888-392-1222 from the number you wish to have registered. While the Do Not Call Registry is designed to stop telemarketers from *calling* you, not text messaging you, it will limit the ability of telemarketers to contact you without your permission.
- Change your cell phone's default e-mail address. Most cell phones come with an e-mail address that allows messages to be sent to your phone from a computer. The default user name is usually your phone number, but you can change this by logging on to your service provider's website and changing your account configurations. By changing the user name from your phone number to something spammers are less likely to guess, you will be able to reduce the amount of spam you receive.
- Limit who has access to your wireless number and e-mail address. Distribute both cautiously and do not display your phone number or e-mail address publicly, including in chat rooms, newsgroups, websites or membership directories.
- Know where your information can go. Before submitting your wireless phone number or e-mail to any website, be sure to carefully read the entire submission form and the privacy policy. Some web sites allow you to opt out of receiving e-mails or messages from partners. You may also want to know if the website's policies allow them to share or sell your personal information, as this may increase the chances of receiving unwanted spam. Do not give your wireless number, e-mail address or any other personal information to a questionable website.
- Be careful what you agree to. Although free or inexpensive ring tones or downloads may look appealing, they may unwittingly put you at risk for more spam. The CAN-SPAM Act does not apply if you establish a "business relationship" with a telemarketer. These downloads can also put you at risk for fraudulent charges on your account or even identity theft. Only download from a service you know and trust. If you do purchase

something with your cell phone, make sure you know if it is a one-time purchase or a subscription, the terms, how to cancel, and how much you will be billed.

- File a complaint. If you receive an unwanted commercial text message on your wireless phone, you can also file a complaint with the Federal Communications Commission by filing out Form 1088, available online at www.fcc.gov/cgb/complaints or calling 1-888-CALL FCC (1-888-225-5322).

CONTACT THE ATTORNEY GENERAL'S CONSUMER PROTECTION DIVISION

If you have a general consumer complaint, or if you become aware of a text message advertising-related scam operating in your area, please report this to the Attorney General's Consumer Protection Division at:

Consumer Protection Division
P.O. Box 30213
Lansing, MI 48909
517-373-1140
Fax: 517-241-3771
Toll free: 877-765-8388
www.michigan.gov/ag (online complaint form)