

SPAM: Unwanted Email and Text Messages

Spam – or unwanted messages to email accounts and texts to mobile phones and other mobile devices – can be intrusive and costly. FCC rules protect consumers under the Telephone Consumer Protection Act (TCPA) and the Controlling the Assault of Non-Solicited Pornography and Marketing (CAN-SPAM) Act.

Unwanted texts and TCPA

FCC rules ban text messages sent to a mobile phone using an autodialer unless you previously gave consent to receive the message or the message is sent for emergency purposes. The ban applies even if you have not placed your mobile phone number on the national Do-Not-Call list (<https://consumercomplaints.fcc.gov/hc/en-us/articles/202916660>).

Unwanted texts and email under the CAN-SPAM Act

Federal rules require the following for commercial email sent to your mobile phone:

- **Identification** – The email must be clearly identified as a solicitation or advertisement for products or services.
- **Opt-Out** – The email must provide easily-accessible, legitimate, and free ways for you to reject future messages from that sender.
- **Return Address** – The email must contain legitimate return email addresses, as well as the sender's postal address.

Giving your consent

For email and texts sent to your mobile phone:

- For commercial texts, your consent must be in writing.
- For non-commercial, informational texts (such as those by or on behalf of tax-exempt non-profit organizations, those for political purposes, and other noncommercial purposes, such as school closings) your consent may be oral.

For commercial email:

- Your consent may be oral or written.
- Senders must tell you the name of the entity that will be sending the messages and, if different, the name of the entity advertising products or services.
- All commercial email messages sent to you after you've given your authorization must allow you to "opt out" of receiving future messages. You must be allowed to opt out the same way you opted in, including by dialing a short code. Senders have 10 days to honor requests to opt out.

What you can do

To reduce the number of unwanted email and texts you receive, use these tips:

- Be careful about giving out your mobile phone number, email address, or any other personal information.
- Read through commercial web forms. Some websites allow you to opt out of receiving email from partners – but you may have to uncheck a preselected box if you want to do so.

- Check for a privacy policy when submitting your wireless phone number or email address to any website. Find out if the policy allows the company to sell your information.
- Do not respond to unwanted texts or emails from questionable sources. Several mobile service providers allow you to forward unwanted texts by simply texting it to 7726 (or "SPAM") to block the sender. Check with your provider about other options.
- Use a "junk mail" or "spam" email filter.
- Consider using two email addresses – keeping one for personal messages only.

Filing a complaint

You can file a complaint with the FCC if you receive:

- An unwanted commercial email message sent to your mobile phone.
- An autodialed or prerecorded voice message or text message sent to your mobile phone if you didn't consent to the message previously (or it doesn't involve an emergency).
- Any autodialed text message on your wireless device, or an unwanted commercial message to a non-wireless device from a telecommunications company or advertising a telecommunications company's products or services, if sent without your prior consent.

You have multiple options for filing a complaint with the FCC:

- File a complaint online at <https://consumercomplaints.fcc.gov>
- By phone: 1-888-CALL-FCC (1-888-225-5322); TTY: 1-888-TELL-FCC (1-888-835-5322)
- By mail (please include your name, address, contact information and as much detail about your complaint as possible):

Federal Communications Commission
 Consumer and Governmental Affairs Bureau
 Consumer Inquiries and Complaints Division
 445 12th Street, S.W.
 Washington, DC 20554

Commercial email on non-wireless devices

Federal Trade Commission (FTC) rules restrict sending unwanted commercial email messages to computers. To find out more, visit www.ftc.gov/bcp/edu/microsites/spam/rules.htm. To file a complaint with the FTC or get more information, visit www.ftc.gov/spam or call 1-877-382-4357 voice; 1-866-653-4261 TTY.

State anti-spam laws

The CAN-SPAM Act is intended to preempt – or replace – state anti-spam laws, but states may enforce CAN-SPAM Act restrictions on non-wireless SPAM. State laws prohibiting fraudulent or deceptive acts and computer crimes remain in effect.

Accessible formats

To request this article in an accessible format - braille, large print, Word or text document or audio - write or call us at the address or phone number above, or send an email to fcc504@fcc.gov.

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Last Reviewed: 1/22/15

