

Telephone Solicitation & Advertisement Explainer

The Telephone Consumer Protection Act (TCPA) prohibits most “telephone solicitations” without the recipient’s consent. A telephone solicitation is basically any telephone call or text message that tries to get you to buy, rent, lease, or invest in property, goods, or services.

Some calls or messages don’t mention a specific product or service directly, but still encourage you to buy something. For instance, a call or a text might offer you a “free” gift or service, but later on if you don’t opt out you’ll be automatically charged for using the product or service.

Calls like that are still subject to the TCPA because they encourage you to make a purchase, even though that purchase doesn’t happen immediately while you’re on the phone. As long as the caller’s ultimate goal is to get you to buy something, the call is probably a “telephone solicitation” covered by the TCPA.

Some other examples of calls that are probably “telephone solicitations” covered by the TCPA include:

- A call or text inviting you to watch a sales presentation, like a presentation about a time share;
- An offer of a discount on a product or a service;
- A call or text message providing an insurance quote;
- A “dual-purpose” call, such as one that has elements of both customer service and sales promotion.

Some examples of calls that are generally not telephone solicitations are:

- Calls or texts that attempt to collect a debt;
- Requests for a charitable donation;
- Requests to answer survey questions (unless it is a disguised attempt to sell you something);
- Offers of a job opportunity, as long as the offer does not require you to purchase job placement services at the same time.