



TEXT MESSAGE MARKETING
- **THE RULES** -

BEFORE WE GET STARTED

Congratulations on your decision to implement text messaging for your business or organization!

- Important to understand rules for business text messaging.
- Failure to comply may result in financial penalties

THE BASICS

Mobile marketing and communication for businesses is governed by:

- **Federal Law (TCPA)**
- **Industry Organizations (CTIA / MMA)**
- **The Wireless Carriers**

** Each of these groups has different requirements that you must follow*



HOW WILL YOU USE TEXT MESSAGING?

- **Will you be doing marketing campaigns?**
 - Loyalty Programs
 - Digital Coupons
 - Text to Wins & Alerts
- **IF the answer is YES, will this communication be ongoing?**

If you answered **YES** to marketing and **YES** to ongoing
You must abide by the Federal Law (TCPA)

THE FEDERAL LAW - TCPA

- **TCPA** - “Telephone Consumer Protection Act”
- There are two pieces to this law:
 1. You must have prior express consent from consumers prior to texting them
 2. Consumers’ consent is not required to purchase goods or services

FAILURE TO COMPLY MAY RESULT IN SEVERE FINANCIAL PENALTIES AND POTENTIAL CLASS ACTION LAWSUITS



TCPA - PRIOR EXPRESS WRITTEN CONSENT

- You must tell consumers:
 - They are “**opting into ongoing/automated alerts**”.
 - & their “**consent is NOT required to purchase goods or services.**”
- This must be shown BEFORE they opt-in, *not* after.
- Must have verifiable proof of consent. Proof can be:
 - **Written** (sign-up sheet)
 - **Digital** (kiosk, web form, or text-in)

ONLY REQUIRED FOR *ONGOING MARKETING*



CARRIER GUIDELINES - ALL MUST FOLLOW

You **must** disclose to consumers **BEFORE** they opt-in:

1. What they are opting into - “**Joes Pizza Mobile Club**”
2. The frequency of the alerts - “**Up to 4 msgs/month**”
3. STOP/HELP instructions - “**Reply STOP to cancel. Reply HELP for help**”
4. Potential carrier costs - “**msg & data rates may apply**”
5. Link to a privacy policy & terms of service page

REQUIRED FOR *ALL* MOBILE CAMPAIGNS



EXAMPLES OF MOBILE PROMOTIONS



SAVE AN EXTRA 10%*
Sign up for Mobile Sale Alerts

We'll text you a Promo Code to save on your next Kohls.com purchase.
Text **SAVE01** to **KOHL'S (56457)**.

Msg&Data Rates May Apply. You will get 5 messages per month. You must be 18 years old or older to participate or have parent/guardian permission. Text HELP for help, STOP to cancel. Terms & Conditions: <http://www.Kohls.com/sms>

Call to Action

Disclaimer



WANT SUBWAY® DEALS SENT DIRECTLY TO YOUR PHONE?

TEXT OFFERS TO 782929 (SUBWAY) TO START RECEIVING WEEKLY OFFERS

Subway

Limited Time Only. Message and data rates may apply. Max 10 msg/mo. Msgs may be auto dialed from SUBWAY Restaurants. Consent not required to buy goods/svcs. Terms and conditions at subway.com/termsOfUse.aspx and Privacy Policy at subway.com/subwayroot/PrivacyPolicy-FWH.aspx. For help, text HELP to 782929. To opt-out, text STOP to 782929. Valid at participating restaurants. Additional charges for extra and deluxe. Plus tax. May not be combined with other offers, coupons or discount cards. SUBWAY® is a Registered Trademark of Subway IP Inc. © 2016 Subway IP Inc. submat 26184

Call to Action

Disclaimer



Pizza Royalty

ENTER FOR A CHANCE TO WIN A CAR!

TEXT CAR TO 86677

for a chance to win a 2018 Subaru Impreza Sedan

LEARN MORE

Message and data rates may apply. Max 10 msg/mo. T6Cs mobivty.com/86677. Privacy Policy mobivty.com/privacy. For help, text HELP to 86677. To stop, text STOP to 86677. No purchase necessary. 18+. Open only to residents of AK, AZ, CA, HI, NV, OR, or WA. Ends 12/31/18. See Official Rules for Details

Call to Action

Disclaimer



EXAMPLE OF A COMPLETE DISCLAIMER

By joining **Joe's Pizza Mobile Club**,
I agree to receive **ongoing messages**.

Consent is not required to buy.

Up to **4 msgs/month**.

Reply HELP for help, STOP to cancel.

Message & Data rates may apply.

Ts & Cs / Privacy Policy @

www.website.com/terms

- ★ CAMPAIGN NAME
- ★ Messages are "Ongoing"
- ★ "Consent not required to buy"
- ★ Frequency of messaging
- ★ **Help & Stop instructions**
- ★ Messaging rates
- ★ Terms & Conditions / Privacy Policy

PROHIBITED MOBILE CAMPAIGNS

You **cannot** do any of the following on our short codes:

- ★ Promote or endorse hate/violence
- ★ Federally illegal drug content
- ★ **Cannabis & CBD messaging is NOT ALLOWED**
 - *Contact us to discuss alternative channels for Cannabis & CBD messaging*

WILL RESULT IN IMMEDIATE ACCOUNT SUSPENSION



AGE VERIFICATION CAMPAIGNS

You must use proper age verification for the following types of alerts:

- Alcohol - **21+** in US (19+ in Canada)
- Tobacco / Vape - **18+**
- Firearms - **18+**

ASK A TEAM MEMBER FOR SUPPORT WITH AGE VERIFICATION

BEST PRACTICES TO FOLLOW

- Ask our team to review your promotional material to ensure it is compliant
- Be extra conservative with your mobile initiatives
- Use a **Double Opt-in** for added protection
- If you are unsure, just ask our team members for assistance!