



Leave Me Alone!

How to Slow the Flow of Unwanted Communications

Many people feel overwhelmed by the unsolicited sales offers they receive at all hours of the day and night. You may not be able to stop the flow of spam, telemarketing calls, or junk mail, but you can reduce it. You can also get off junk-generating lists and avoid getting on them in the first place.

Email Spam

- Never respond to spam. Never buy anything advertised in spam. Protect your email address as you would other personal information. Do not post your email address on your Web site. Use a separate email address for newsgroups.
- Sign up with the Direct Marketing Association's Email Preference Service at www.dmachoice.org. It's free and it's good for five years. This is a voluntary industry program that will not stop all junk email.
- Report spam to your Internet service provider (ISP). California law allows ISPs to sue those who send spam from its network or to its subscribers in violation of its policy.¹

Text Spam

- Be very careful where, and with whom, you share your cell phone number. Make sure your cell phone is in the Do Not Call Registry (see under Telemarketing Calls on next page).
- Do not respond to texts from questionable sources.
- Most unsolicited texts from companies, political campaigns and scammers violate Federal Communications Commission regulations² and California law.³
- Report text spam to your wireless provider by forwarding the text to 7726 (or "SPAM").
- Check with your mobile service provider about options to block future text messages from specific senders.
- File a complaint:

California Attorney General's Office
www.oag.ca.gov/contact/general-comment-question-or-complaint-form



Federal Communications Commission
https://esupport.fcc.gov/ccmsforms/form1088.action?form_type=1088C

Junk Faxes

- Federal law bans sending unsolicited advertisements to a fax machine without first getting the consent of the receiver, unless the sender has an established business relationship with the recipient. It also requires senders of fax advertisements to include a notice and contact information informing the recipient of how to opt out of future such faxes.⁴
- Because of the many exceptions to the fax rules, it can be very difficult to stop junk faxes. You can file a complaint about unwanted faxes with the Federal Communications Commission at www.fcc.gov/cgb/complaints.html or by calling 1-888-225-5322. Also see the Federal Communications Commission's information sheet at www.fcc.gov/cgb/consumerfacts/unwantedfaxes.html.
- For more information, see Privacy Rights Clearinghouse Fact Sheet 5a at www.privacyrights.org.

Junk Mail

- Call 1-888-5OPTOUT (567-8688) to stop most unsolicited pre-approved credit offers. Or opt out online at www.optoutprescreen.com. This is good for five years, or you can make it permanent.
- Sign up for the Direct Marketing Association's DMAchoice™. In 90 days, you should receive less junk mail. This is a voluntary industry program that will not stop all junk mail. Sign up online at www.dmachoice.org. It's free and it's good for three years.
- For more information on stopping junk mail, see Privacy Rights Clearinghouse Fact Sheet 4 at www.privacyrights.org.

Telemarketing Calls

- Sign up your residential phone and cell phone for the national Do Not Call Registry. Most telemarketers should not call your number once it has been on the registry for three months. If one does, you can file a complaint at the Do Not Call Web site. You can register your home or mobile phone for free. Register by phone at 1-888-382-1222. Or register online at www.donotcall.gov.
- Political and charitable organizations may still call you even if you've signed up for the Do Not Call Registry. If you tell them not to call you again, they are required to honor your request. If not, you can complain to the Federal Trade Commission at the Web site above.



- Get an unlisted and unpublished phone number. Unlisted numbers usually get fewer unwanted calls. Or call your telephone company's business office and ask to have your name removed from its street address directories. Companies typically charge a monthly fee for these services.

Staying Off Marketing Lists

- Do not fill out consumer surveys or marketing surveys.
- Do not fill out surveys attached to product "warranty registration cards." You do not have to complete and return the cards to enjoy your warranty rights. Just keep a copy of the sales receipt.⁵
- Do not fill out sweepstakes entry forms.
- When you give money to a charity or other group, enclose a note asking them not to share, sell or rent your name to any other organization. Do the same when you order from a catalog.
- Exercise your opt-out rights wherever you can. Your financial institutions are required to notify you of your right to stop them from sharing your personal financial information with outside companies.⁶ Read the privacy policies of Web sites. They often give you an opportunity to opt out of receiving email ads or having your information shared with other companies.

This fact sheet is for informational purposes and should not be construed as legal advice or as policy of the State of California. If you want advice on a particular case, you should consult an attorney or other expert. The fact sheet may be copied, if (1) the meaning of the copied text is not changed or misrepresented, (2) credit is given to the California Department of Justice, and (3) all copies are distributed free of charge.

Notes

¹ California Business and Professions Code §§ 17529 and following and 17538.45 regulate "spam," unsolicited commercial email. Section 17529.5 concerns unsolicited commercial emails with misleading or falsified headers or information, and includes penalties. It applies to email sent to or from a California email address. It authorizes the recipient, an email service provider, or the Attorney General to bring an action for actual damages and liquidated damages of \$1,000 per email ad sent in violation, up to \$1 million per incident. It also authorizes attorney's fees and costs to a prevailing plaintiff. Section 17538.45 gives an email service provider the right to sue those who send spam from its network or to its subscribers. Service providers can get civil damages up to \$25,000 per day plus attorney fees. For the text of California and federal spam laws, see the Privacy Laws page at www.oag.ca.gov/privacy.



² See guidance from the Federal Communications Commission at www.fcc.gov/guides/spam-unwanted-text-messages-and-email

³ California Business and Professions Code § 17538.41. (a) (1) Except as provided in subdivision (b), (c), (d), or (e), no person, entity conducting business, candidate, or political committee in this state shall transmit, or cause to be transmitted, a text message advertisement to a mobile telephony services handset, pager, or two-way messaging device that is equipped with short message capability or any similar capability allowing the transmission of text messages. A text message advertisement is a message, the principal purpose of which is to promote the sale of goods or services, or to promote a political purpose or objective, to the recipient, and consisting of advertising material for the lease, sale, rental, gift offer, or other disposition of any realty, goods, services, or extension of credit, or advertising material for political purposes.

⁴ The federal Telephone Consumer Protection Act (including the 2005 Junk Fax Prevention Act amendments), 47 U.S. Code § 227.

⁵ California Civil Code § 1793.1(a)(1) requires a warranty or product registration card to contain a statement that failure to complete and return the card does not diminish a consumer's warranty rights. For text of the law, see the Privacy Laws page at www.oag.ca.gov/privacy.

⁵For more information, see the Financial Privacy page on the California Department of Justice's Web site at www.oag.ca.gov/privacy.

⁶For more information, see the Financial Privacy page on the California Department of Justice's Web site at www.oag.ca.gov/privacy