



# Texting Spam – “Smishing”

“Great news! You won a \$1,000 retail gift card!”

“Please call xxx xxx-xxxx to confirm your credit card account information.”

“You owe a fee/fine and a warrant for your arrest has been issued, but if you pay us now...”

If you have not received a text message similar to this one, chances are you will soon. Scammers have long used telephones and more recently emails, to “phish” personal information from unsuspecting consumers.

With the growing popularity of texting, phishers are using it as another means to gather consumers' personal information. This is known as “smishing.”

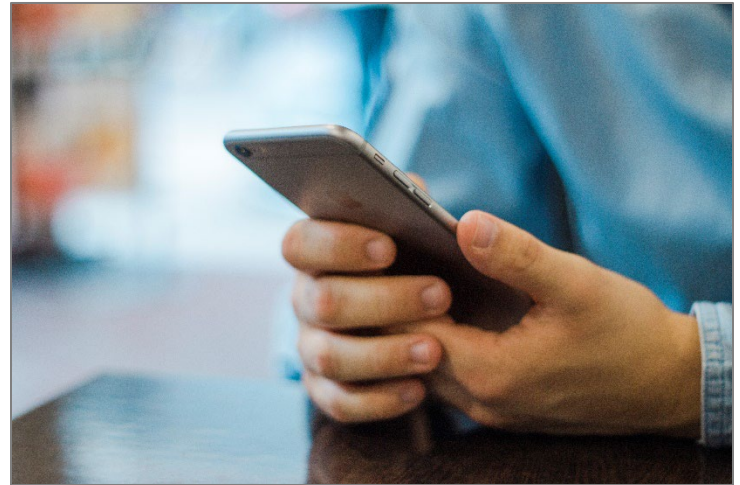
Text spam is very annoying because consumers may have to pay for the incoming messages, messages may have to be opened in order to be deleted, and texting back “stop” often invites more spam.

## State law

Wis. Stat. § 100.52 (1)(i) and Wis. Admin. Code ch. ATCP 127 protect cellular phone numbers from unsolicited text messages. This means that if your cell phone number is on the Wisconsin Do Not Call Registry, texts are treated the same as unwanted calls – you cannot be sent texts for the purpose of getting you to buy something.

This also means the same No Call law exceptions apply. Therefore, you may receive texts from:

- Collection agencies.
- Companies or businesses with which you are a current client.
- Companies you have asked for information.
- Nonprofit organizations.
- Research polls.
- Political organizations.



## Federal law

On the federal level, the Federal Communications Commission (FCC), working with the National Do Not Call List, also prohibits solicitations. Federal law 47 U.S.C. § 227 (b)(1)(A)(iii), bans text messages sent to a mobile phone using an auto dialer 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 number on the National Do Not Call List.

## Federal rules (15 U.S.C. § 103)

The Federal Trade Commission (FTC) has rules that indicate all unsolicited electronic messages must:

1. Identify it is a solicitation or advertisement.
2. Provide a way to reject future messages from the sender.
3. Provide a valid return address (email and physical).

The FCC can enforce the above rules if the complaint is a text message, an email from a communications company, or the message advertises or promotes a communications company.

All other electronic message solicitations are handled by the FTC.

## How to stop cell phone spam

- Contact your wireless service provider as quickly as possible. This may help you avoid charges for the message and makes your cell phone provider aware of the problem.
- If a certain phone number is contacting you repeatedly, most smartphones will allow you to automatically block that number in your phone settings.
- Activate built in junk mail or spam filters. Almost all cell phone providers have some built in means to block unwanted text messages. Contact your service provider for available filtering options or services.
- Several mobile service providers allow you to forward unwanted texts by simply texting it to 7726 (or "SPAM") to block the sender.
- Be careful whom you give your information to. When online, avoid posting your email address and cell number on public websites, forums, membership directories, and chat rooms.
- Before submitting any of your information to a web form, be sure to read the privacy policy, the entire submission form, and any other disclosures.
- Know where your information is going when filling out forms for businesses, memberships, or free trials.
- Do not give out your email or cell phone number, unless required, to reduce the chances of receiving spam.
- Be careful what you agree to. Companies offering free or unlimited ringtones and other phone add-ons or downloads may seem appealing, but you may be opening yourself up for increased spam.

## Do Not Call Registry

To help reduce unsolicited calls and text messages, register your home and mobile residential numbers on the National Do Not Call Registry at no cost by visiting:

[NoCall.Wisconsin.gov](http://NoCall.Wisconsin.gov)

888-382-1222

You must call from the phone number you wish to register.

*For more information or to file a complaint, visit our website or contact:*

Wisconsin Department of Agriculture,  
Trade and Consumer Protection  
*Bureau of Consumer Protection*  
2811 Agriculture Drive, PO Box 8911  
Madison, WI 53718-8911

Email: [DATCPHotline@wi.gov](mailto:DATCPHotline@wi.gov)

Website: [datcp.wi.gov](http://datcp.wi.gov)

PHONE: (800) 422-7128

TTY: (608) 224-5058

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