

## Texting spam – “Smishing”

“Great news! Your requested cash advance is now available! Get up to \$5000 now! Visit our website.”

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

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

Text spam is very annoying since consumers often have to pay for the incoming messages, messages may have to be opened in order to be deleted and there seems to be no way to stop it.

### Federal laws

The Controlling the Assault of Non-Solicited Pornography and Marketing (CAN-SPAM)

Act was enacted federally in 2003 to curb spam.

CAN-SPAM, administered by the Federal Communications Commission (FCC), works in association with the National Do Not Call list to prohibit telemarketers from soliciting those on the Do Not Call list.

Certain exceptions do apply, to No Call, such as:

- *collection agencies*
- *businesses contacting existing customers*
- *individuals who have requested information*
- *nonprofit organizations*
- *research polls*
- *political purposes*

The FCC's ban does cover messages that are autodialed or those sent in mass quantities (usually from an internet address that includes an internet domain name)

Excluded from the FCC's ban are messages sent from one cellphone to another.

### Federal rules

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)
- 4) Use an accurate subject line

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 quick as possible. This may help you avoid charges for the message and makes your cell phone provider aware of the problem.
- Activate built in 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.
- Change your cell phone's default e-mail address. Most cellular phones also have an email address associated with it so that your phone may receive emails in the form of text messages.

Contact your service provider to find out if it is possible to change your default email address, which is most likely "your ten digit number @carrier domain name."

Once your default email is changed, provide it only to people you know.

- Be careful of who you give your information out 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.

The CAN-SPAM act does not apply if you establish a "business relationship." Only download from trusted sources and know if it is a one-time purchase or a subscription.

- File a complaint with both the FCC online at <http://esupport.fcc.gov/complaints.htm> or call toll free at: 1-888-CALL FCC (1-999-225-5322) and the Bureau of Consumer Protection online at [datcp.wisconsin.gov](http://datcp.wisconsin.gov), or call toll free in Wisconsin at: 1-800-422-7128.

## Additional suggestions

In order to reduce unsolicited calls, it is always a good idea to register your cell phone number with both the Wisconsin Do Not Call List at [nocall.wisconsin.gov](http://nocall.wisconsin.gov) or by calling 1-866-9NO-CALL (1-866-966-2255) and the National Do Not Call list at [donotcall.gov](http://donotcall.gov) or by calling 1-888-392-1222.

## Complaint forms and information

For more information or to file a complaint, visit our website or contact the Bureau of Consumer Protection. Topic specific complaint forms can also be found by selecting Consumer in the main header menu bar of our website.

**Bureau of  
Consumer Protection  
2811 Agriculture Drive  
PO Box 8911  
Madison WI 53708-8911**

**E-MAIL:  
DATCPHotline@Wisconsin.gov**

**WEBSITE:  
datcp.wisconsin.gov**

**Toll-free in WI: (800) 422-7128**

**(608) 224-4976**

**FAX: (608) 224-4939**

**TTY: (608) 224-5058**