

Telemarketing Consent: Best Practices for Businesses

Smoother call and text campaigns start with getting consent right. Use this quick reference guide to help build clear, effective, and legally compliant consumer consent agreements.



Use Clear, Plain-Language Disclosures

- Don't bundle consent into a long block of legal text. Simple, consumer-friendly wording is best.
- Clearly name your company.
- Identify what forms of communications (calls, texts, or both) the consumer is agreeing to receive.
- Specify the use of autodialers, artificial/prerecorded voices, and marketing vs. informational purposes.
- Include the required TCPA disclosure that consent is not required as a condition of purchase.



Require an Affirmative Action to Obtain Consent

- Require the consumer to check a box, toggle a switch, or press a button that clearly indicates consent. For paper format, requires initials or a signature next to consent.
- Consider providing separate options for calls and texts.
- Don't use pre-checked boxes (this is not valid under the TCPA).
- If being collected electronically, consent must be obtained in compliance with the E-SIGN Act.



Display the Disclosure Clearly & Conspicuously

- Position the consent statement in close proximity to where the consumer has entered their contact information.
- Don't bury consent language in the footer or far-off sections like "Terms & Conditions" pages.
- Position consent text so consumers cannot miss it.
- Don't use hyperlink-only disclosures.
- Remember to test how an electronic consent form appears on both desktop and mobile screens.



Include Optional CTIA Recommended Language for Text Messaging

While not legally required, CTIA recommended language can improve carrier acceptance and reduce blocking. Consider including the following:

- "Msg & data rates may apply."
- STOP and HELP instructions.
- Identification of the short code or phone number used for text delivery.
- Links to your Privacy Policy and Terms of Use.