

# Federal Trade Commission

September 2025

Presented by:

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Division of Marketing Practices

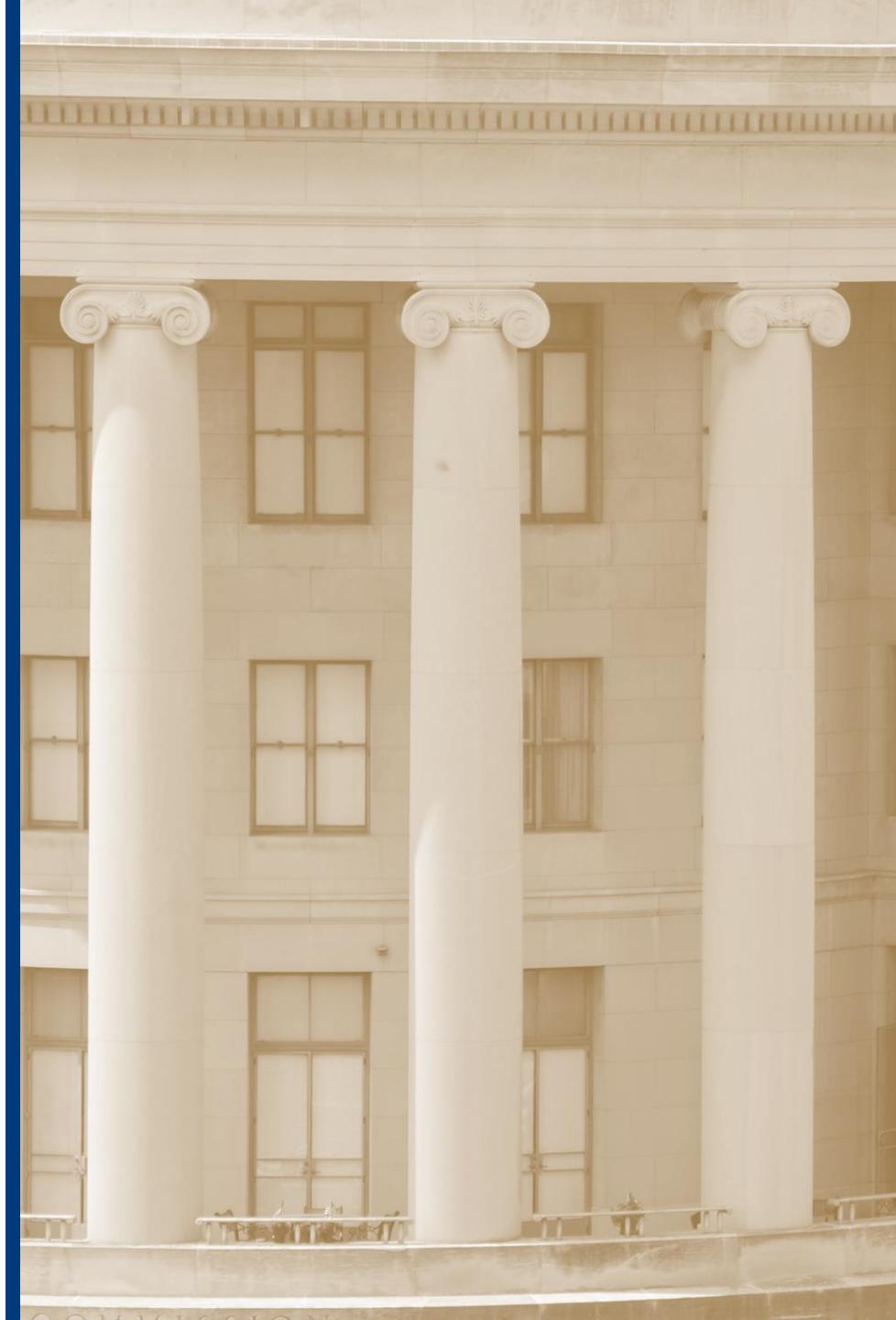


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Prepared for:  
**SIPNOC**

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- The views expressed today are my own and not necessarily those of the Federal Trade Commission, any individual Commissioner, or any other component of the agency.

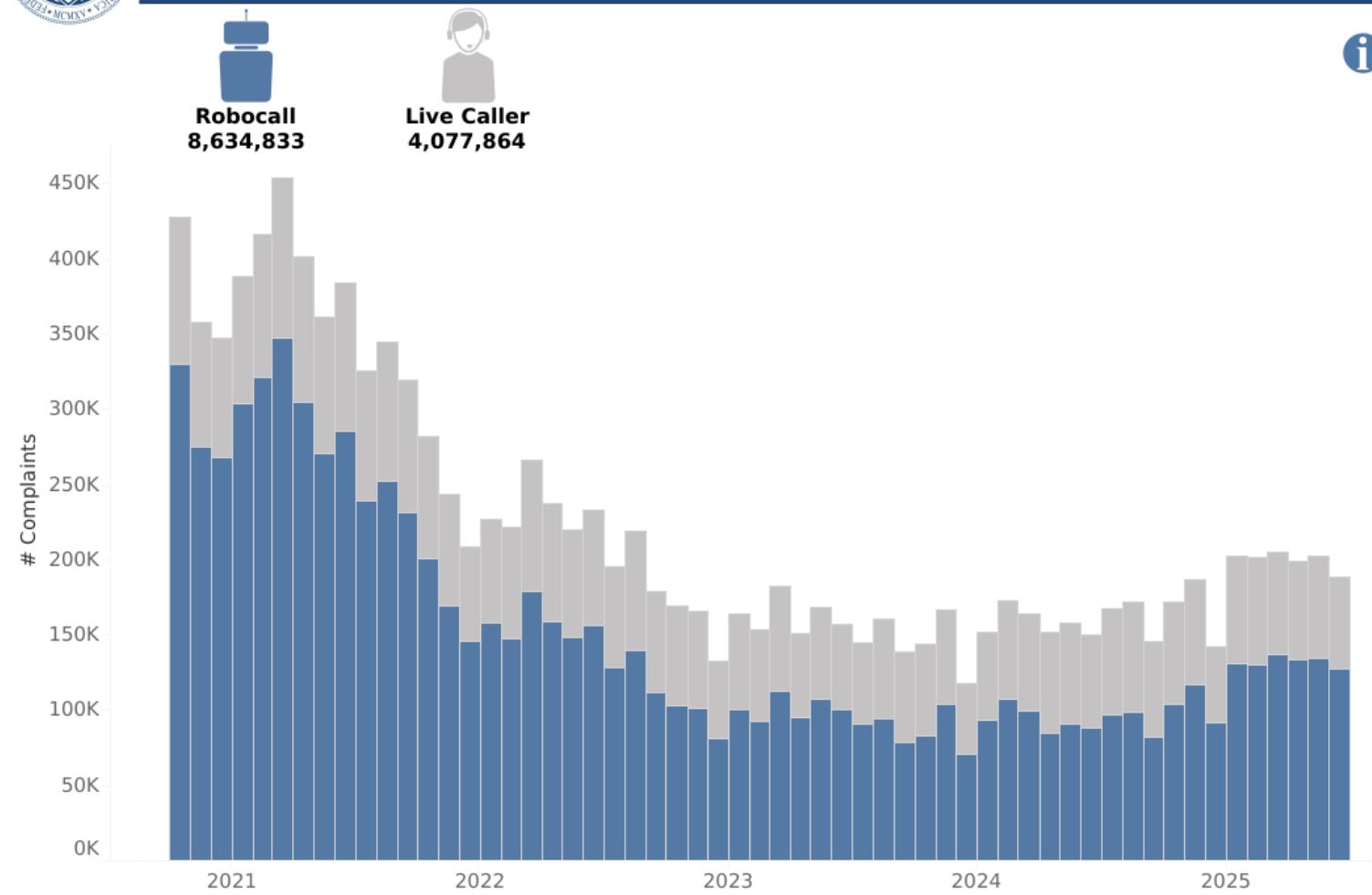


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# Authority in the Telecom Space

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- Created by the Federal Trade Commission Act of 1914
- “[U]nfair or deceptive acts or practices in or affecting commerce, are hereby declared unlawful.”
- Began suing telemarketing fraudsters in federal court under the FTC Act in the 1980s
- Gained new powers to regulate telemarketing under the Telemarketing and Consumer Fraud and Abuse Prevention Act of 1994, which authorized the Commission to promulgate the Telemarketing Sales Rule



*Complaints where the call type was not reported is relatively small every year and is not included.*

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Published: August 12, 2025  
(data as of June 30, 2025)

## Complaint Trends

- Complaints about DNC and robocalls are down 60% from 2021
- But robocalls are still one of our top complaints



# What Calls Are Covered?

- Calls that are part of a campaign or plan to get consumers to purchase a product or service
- Charitable solicitation calls by for-profit fundraisers
- Hybrid calls, e.g., “survey” calls that include a sales pitch
- Sellers are liable for calls made by their dealers / affiliates
- Doesn’t matter how the call is made (autodialer) or the type of device (cell phone, landline, etc.)

“telemarketing”

# Prohibits Deceptive and Abusive Telemarketing Practices

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- Deceptive
  - Misrepresenting any material aspect of the product or service.
  - Failing to disclose the cost to purchase, material restrictions on the use of the product, or the refund policy.
- Abusive
  - Calling numbers on the —National DNC Registry without consent.
  - Making “Robocalls”—calls delivering prerecorded messages, regardless of DNC registration without consent.
  - Spoofing—using deceptive caller ID numbers.

# DNC and Robocall Exceptions

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## Do Not Call Registry

- Established business relationship
  - Transactional within the last 18 months
  - Inquiry or application within the last 3 months
- Seller must obtain the call recipient's express agreement, in writing:
  - that "**clearly evidence such person's authorization** that calls made by or on behalf of a **specific party** may be placed to that person."
  - Must include consumer's telephone number and signature
  - 16 CFR 310.4(b)(1)(iii)(B)

## Robocalls

- Express written agreement that "**the seller has obtained from the recipient of the call**"
  - "only after a clear and conspicuous disclosure that the purpose of the agreement is to authorize ... prerecorded calls"
  - "obtained without requiring ... that the agreement be executed as a condition of purchasing"
  - "evidences the willingness of the recipient of the call to receive calls that deliver prerecorded messages by or on behalf of a specific seller"
  - "includes such person's telephone number and signature" (can be electronic)
  - 16 CFR 310.4(b)(1)(v)



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# Robocall Consent Under TCPA and TSR

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## TCPA

- “Prior express consent of the called party”
- Proposed 1:1 Consent Rule
  - 11<sup>th</sup> Circuit vacated the 1:1 consent rule in January 2025
  - FCC officially removed the One-to-One Consent Rule from the Federal Register in July 2025

## TSR

- Express written agreement that “***the seller has obtained from the recipient of the call***”
  - “only after a clear and conspicuous disclosure that the purpose of the agreement is to authorize ... prerecorded calls”
  - “obtained without requiring ... that the agreement be executed as a condition of purchasing”
  - “evidences the willingness of the recipient of the call to receive calls that deliver prerecorded messages by or on behalf of a specific seller”
  - “includes such person’s telephone number and signature” (can be electronic)
  - 16 CFR 310.4(b)(1)(v)



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# Guidance on Consent

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- Complying with the Telemarketing Sales Rule

May a seller obtain a consumer's written permission to receive prerecorded messages from a third-party, such as a lead generator? No. The TSR requires the seller to obtain permission directly from the recipient of the call. The seller cannot rely on third-parties to obtain permission.

- Q&A for Telemarketers & Sellers About DNC Provisions in the TSR

a good or service. Third, the seller must have obtained express consent directly from the consumer to place the calls. This means that a seller cannot place calls with prerecorded messages to consumers whose information the seller obtained from third-parties. For more information, please see the [Exemptions to the National Do Not Call Registry Provisions](#) section and the [Telemarketing Calls that Deliver Prerecorded Messages](#) section of [Complying with the Telemarketing Sales Rule](#).



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# KYC under the TSR: Assisting and Facilitating

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- VoIP service
- Consent Farms
- Dialing software

## § 310.4

(b) *Assisting and facilitating.* It is a deceptive telemarketing act or practice and a violation of this Rule for a person to provide **substantial assistance or support** to any seller or telemarketer when that person **knows or consciously avoids knowing** that the seller or telemarketer is engaged in any act or practice that violates §§ 310.3(a), (c) or (d), or § 310.4 of this Rule.

- Failure to know your customer despite warning signs
- Communication from your customer
- Subpoenas
- Tracebacks
- Complaints



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# *Summary of Actions*

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- We've targeted every level of participant
  - Lead generators
  - Telemarketers
  - VoIP Providers
- Since 2003 we've filed more than 170 lawsuits alleging DNC and robocall violations
  - 570 companies
  - 449 individuals
  - We've collected over \$407 million

# Cases Against Consent Farms

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- ***FTC v. MediaAlpha, Inc., and QuoteLab, LLC, 2:25-cv-07263 (Aug. 6, 2025)***
  - Operated dozens of deceptive lead generation websites, such as ObamacarePlans.com, GovernmentHealthInsurance.com, and KentuckyHealthPlans.org, and sold customer information to telemarketers who deceptively marketed healthcare products.
- ***U.S. v. Response Tree, 8:24-cv-0001 (Jan. 24, 2024)***
  - 50 websites, one patriotrefi.com lead to 85,000 calls
  - 10,000 live leads a day, prices from less than \$.01 to more than \$100.
- ***U.S. v. Fluent, 9:23-cv-81045 (S.D. Fla. July 17, 2023)***
  - Thousands of lead generation websites
  - 900,000 registrations per day
  - Sold 620 million leads

# MediaAlpha

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[obamacare-plans.com](https://www.obamacare-plans.com)

<https://www.obamacare-plans.com/open-enrollment/2025> ::

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Talk to an agent!  
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Estimated wait time: 1 m

### Step 5 of 5: Contact Information

First Name

Last Name

Address

Zip Code

Phone

 ####  ####  ####

Email

### Household Information

What is your expected 2023 annual household income?

 \$

By entering a phone number and email address and submitting this form, you represent that you are at least 18 years old and agree to our [Privacy Policy](#) and [Terms of Use](#). You also authorize Quotefab, LLC, and one or more of Kaiser Permanente, and/or their [marketing partners](#) to contact you for marketing/telemarketing purposes at the number, email address and address provided above, including your wireless number if provided, using live operators, automated telephone dialing systems, pre-recorded messages, artificial voice, text messages and/or emails, even if the number you provide is on a state or Federal Do Not Call registry. You are not required to consent as a condition of purchasing goods or services. Message and Data rates may apply. You may revoke consent at anytime.

[See Plans and Prices](#) >

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# Cases Against VoIP Providers

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- Globex (9/20); Alcazar (12/20); VoIP Terminator (4/22); Stratics (2/23); Xcast Labs (5/23); and Hello Hello Miami (7/23).
- Many of these cases allege that the VoIP Providers were entry points for overseas calls.
  - Globex was a point of entry for credit card interest rate reduction robocalls from the Dominican Republic.
  - VoIP Terminator was a point of entry for tech support scam robocalls.
- Our cases allege substantial assistance to illegal telemarketing and knowledge or conscious avoidance. The complaints explain the level of knowledge typically tracebacks, subpoenas, communications with customers.
- Our orders impose detailed KYC requirements. Screen your customers, verify the information you've been given, and monitor their activities.

# TSR Recordkeeping

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- 16 CFR § 310.5
  - Amended in April 2024
  - Effective 10/15/2024
- Modify existing requirements:
  - 5 years instead of 2 years
  - Specify that records of consent include a copy of the consent requested and a copy of the consent provided in the same manner and format

# TSR Recordkeeping

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- New requirements
  - A copy of each unique prerecorded message used in telemarketing.
  - Call Detail Records: calling number, called number, date time and duration, disposition, the telemarketer, the seller, the good or service being sold, the script, the caller ID transmitted.
  - Records of all service providers used to deliver outbound calls.
  - Records of entity-specific DNC and access to the DNC.
  - Records of employees and fictitious names used.
  - Records of customers. Date, time, and amount of purchase.
- Penalties
  - Each failure to keep records is a TSR violation.
  - Sellers and Telemarketers can allocate this responsibility, but sellers must have practices to ensure telemarketers are complying.



# Thank You!

Please reach out with questions, or if you'd like to further discuss the FTC's DNC program.

**Simon Barth**

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