

A Guide to Text Message Marketing Compliance



With overall engagement rates of 98%, and the fact that 90% of people respond to new text messages within 30 minutes, text message marketing offers unparalleled effectiveness.

But before you can add this incredible growth engine to your marketing toolbox you need to know a thing or two about compliance.

A scary word, we know, but if you can brave learning two or three simple rules and best practices the riches of text marketing await!

This brief book will walk you through the ins and outs of compliance in the text marketing space, from opt ins and opt outs to age gating and how EZ Texting's built-in safety features can help keep you compliant.

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What Regulations Are in Place?

The most important thing to understand is that texting is a form of permission-based marketing.

In other words, consumers should only receive your messages if they provide explicit written consent. According to the Telephone Consumer Protection Act (TCPA) and the Cellular Telecommunications Industry Association (CTIA), which manages compliance on behalf of the carriers (and is sometimes referred to as “the Wireless Association”), a consumer who wants to receive text messages from a business **MUST** give express permission to be contacted. The message you advertise to grow your contact list must explicitly say that you’ll be texting them in the future. If you text people without their explicit permission you are spamming them, which is bad for everybody.

Specifically, a user must click a checkbox that lists terms and conditions about the program to actively opt in. EZ Texting’s own terms and conditions require that all of your contacts have compliantly opted in to receive messages from your business and that you periodically maintain your contact lists.

Using a service or making a purchase does not constitute permission to text a consumer. Neither does the fact that you already have their name and number on a separate contact list.

In brief, there are no shortcuts to compliant permission – it takes time and effort to grow your list – but there are ways to make the travelling lighter.

We’ll be covering both opt ins and opt outs over the following pages, but let’s start with how to get opt-in permission.

Making Your Terms & Conditions Clear

It's important to add your text message marketing terms and conditions and privacy policy in as many places as possible. Post it anywhere a keyword call-to-action (CTA) is listed, on your website, and on any landing page that you use to collect opt ins.

Complaints sometimes arise when consumers forget that they've signed up for text message marketing from a business. To prevent this, you should send a monthly text that reminds your consumers that they have opted in to your marketing campaign. Keep your messages consistent, remember to add your company name and opt-out instructions in each message, and don't send messages outside of normal business hours unless there's a significant need.

Keep in mind that these standards apply no matter how you advertise your texting program. You could take out a TV or radio ad, for example, to get more opt ins, but you still need to include everything noted in the CTIA requirements.



How To Get Permission

The good news is that it's not difficult to grow your opt-in list if you use the right strategies.

One of the easiest ways to grow your contacts is to tie a keyword and short code to a unique offer and cross-promote using your current marketing strategies.

Creating ads that leverage a keyword – a unique term (comprised of letters and/or numbers) that people can use to communicate with you via text – paired with a common-use EZ Texting short code (such as 313131 or 484848), is the single best way to grow your list. Bait the hook with a special sale or exclusive offer and then spread your keyword/short code combo across your social channels, email newsletters, and in-store signage to watch your list grow!

This strategy makes it easy for people to reach out to you via text and has the added benefit of being an opt-in channel.

Other ways to get compliant opt ins and grow your contact list include putting your opt-in info on menus, business cards, and register receipts.



The Double Opt In

EZ Texting values both the needs and concerns of businesses as well as the privacy and desires of consumers. Successful text marketing, and its massive potential, relies on both. That's why we recommend using a Double Opt In when building your contact list.

A Double Opt In is a two-part method for ensuring a consumer wants to receive text messages from you. Here's how it works. After the initial sign up, or first opt in, the consumer receives a second text that says something akin to: "Thanks for reaching out to EZ Texting. Respond 'YES' if you want to learn more about EZ Texting's services."

When the consumer responds "YES" they will have completed the second opt in. Why is this important?

The Double Opt In works best when the method of the opt in is a non-text medium, like a web form or sign-in sheet. Although a Double Opt In is not a requirement we consider it a best practice, especially for those who opt in to a text campaign in person, which is why EZ Texting offers this service to users to ensure they have the right level of comfort in designing their opt-in strategy.



Opt-In Rules For Age-Gated Content

Outside of concerns regarding spam and unwanted messages, the CTIA have strict opt-in rules for those under the age of 21.

If you're going to start leveraging text messaging's amazing engagement "S.H.A.F.T." is an acronym worth unraveling. It stands for Sex, Hate, Alcohol, Firearms, and Tobacco, and it's essentially a list of everything that requires special consideration while promoting via text marketing - with the exception of hate speech, which is always forbidden.

As an example, if a restaurant sends out a dinner special text that includes a wine coupon we may initially block that text from being sent due to the inclusion of wine in the offer, which triggers S.H.A.F.T. protections. If this occurs a member of our client success team would then reach out to the client and help them get up to speed on the ins and outs of compliant age-gating.

EZ Texting has also added additional layers of protection into the security chain with the inclusion of an auto-append opt-out reply message and an automatic age-gated opt-in message for end users to confirm their date of birth, sent to end customers who receive age-gated material - after the end user confirms their date of birth and agrees to receive the age-gated content the original offer is released. Age-gating is automatically set at 21+, but can be manually changed to 18+ on a case-by-case basis.

How Do Consumers Opt Out?

EZ Texting's robust solution handles opt outs for you!

If a consumer texts "STOP," "QUIT," "END," "CANCEL," or "UNSUBSCRIBE" in response to a text message you've sent, that number will automatically be opted out of your contacts list and will not be sent any further messages. This is a regulatory requirement.

It's worth noting that the acceptable average opt-out rate is 2% or below. If you're seeing campaigns you've sent getting an opt-out rate higher than 2%, it's time to rethink your marketing strategy and ensure the value of the messages you're sending. High-value offers will see your opt-in list grow while low-value offers will guarantee opt outs.

Our compliance team monitors for high opt-out rates and is here to help guide you in re-evaluating your marketing strategy and ensuring your messages are of high value to subscribers.



Requirements For Sending Financial Offers

If you offer financial services and want to text customers about an offer which promotes new business, you must use a dedicated short code. A dedicated short code is a 5-6 digit number used exclusively by your company.

There are two kinds of dedicated short codes: a Random Short Code, which is a randomly generated group of numbers, and a Vanity Short Code, which is a customized group of numbers. All short codes – common-use and dedicated – are managed by the Common Short Codes Administration, who simply provide the number.

Financial services messages cannot be sent on a common-use short code due to carrier policies. Loan offers can only be made from the financial institution that will be providing and managing the loan, but cannot be made by a third-party company.



An exception to this is if you're working for a financial institution and are sending information to existing customers such as payment reminders, low-balance notifications, or information about an existing service; these are OK to send from one of our common-use short codes.

If, however, your company plans to offer a new financial service, please contact us at (877) 945-9268 to talk about setting up your own dedicated short code.

FINANCIAL OFFERS INCLUDE:

- ▶ **LOAN ORIGATION AND MATCHING**
 - PAYDAY LOANS
 - SHORT-TERM LOANS
 - AUTO LOANS
 - MORTGAGE LOANS
 - STUDENT LOANS
 - BUSINESS LOANS
- ▶ **DEBT CONSOLIDATION AND REDUCTION**
- ▶ **INVESTMENT OPPORTUNITIES**
- ▶ **CREDIT REPAIR**
- ▶ **CREDIT APPLICATIONS**
- ▶ **DEBT COLLECTIONS**
- ▶ **TAX RELIEF PROGRAMS**
- ▶ **WORK FROM HOME PROGRAMS**
- ▶ **AFFILIATE LEADS**

Built-In Compliance Safety Features

As mentioned earlier, successful text marketing, and its huge potential, relies heavily on balancing both the necessities of businesses and the needs and desires of customers.

To that end, we maintain deep partnerships with major mobile carriers and industry alignments with highly respected organizations such as CTIA and CWTA.

Our platform safety features include a highly secure infrastructure, world-class data centers, stringent account protections, and intelligent internal monitoring. And our built-in compliance features offer a premium level of customer protections such as support for consumer-driven consent, opt-out capabilities, and phishing monitoring.

EZ Texting's internal compliance team monitors the service for high opt-out messages and is here to help guide users in creating effective, high-value text messaging campaigns. We've also recently begun to roll out an Auto-Append "STOP" Message that makes it easy to show the unsubscribe message, "STOP to end," following a message. (If you are sending the message to more than 100 recipients, the option will automatically be enabled.)



Best Practices for Your Text Marketing Campaign

When you advertise your text message campaign, make your intentions as clear as possible. Let people know specific details, such as:

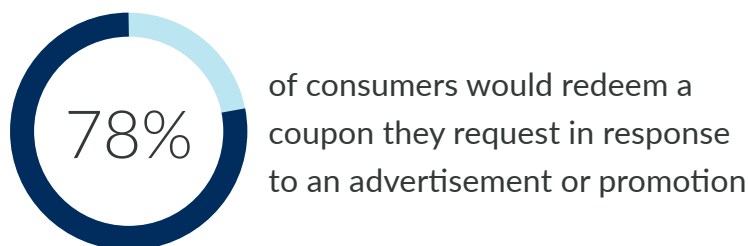
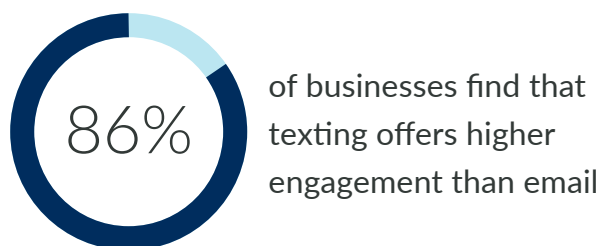
- What types of messages you'll send (special offers, discount codes, exclusive events, etc.)
- Your text campaign frequency (daily or weekly)
- Which days you send text messages (if you have a consistent schedule)
- How consumers can learn more (by texting a word like "help" or calling a support number.)
- How consumers can opt out from receiving future texts.

ACCORDING TO CTIA BEST PRACTICES, A COMPLIANT CALL TO ACTION WILL INCLUDE THE FOLLOWING:

1. MESSAGE FREQUENCY
2. SERVICE DESCRIPTION
3. **BOLDED** HELP AND STOP COMMANDS
(OR EMAIL ADDRESS OR PHONE NUMBER)
4. PRIVACY STATEMENT
5. THE TERM "MESSAGE & DATA RATES MAY APPLY"
6. TERMS OF THE PROGRAM

Conclusion

At EZ Texting we do our best to help our customers remain compliant while they build their subscriber lists and improve ROI with text message marketing. If you're unsure about any aspects of your text strategy or campaigns we recommend ["Guide to Text Message Marketing Compliance and Best Practices"](#).



[Try for Free](#)

Sign up now for a no-risk trial to see why EZ Texting is the right partner for you.



EZ Texting is the #1 SMS marketing software. We deliver the smartest, fastest, easiest, and most reliable ways to connect with your mobile audience. Learn more at eztexting.com

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eBook-Compliance-2/2020

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