

Faxing Unsolicited Advertising Is Illegal

Editorial Staff

There have been many responses to the "Stop Unwanted Faxes" article (DC, January 25, or see www.chiroweb.com/archives/18/03/05.html). We have reports that Access Publishing appears to be cooperating with DCs who wish to stop unwanted faxes. Unfortunately, it has also been reported that Edith Roman has apparently not been as cooperative.

We've learned that the Telephone Consumer Protection Act of 1991 (Title 47, Chapter 5, Subchapter II, S 227 - see www.terabyte.net/title47.htm) prohibits faxing of unsolicited advertisement.

It states: "It shall be unlawful for any person within the U.S. ... to use any telephone facsimile machine, computer, or other device to send an unsolicited advertisement to a telephone facsimile machine."

That same subsection also states what private right of action you have:

"(B) an action to recover for actual monetary loss from such a violation, or to receive \$500 in damages for each such violation, whichever is greater, or:

"(C) If the court finds that the defendant willfully or knowingly violated this subsection or the regulations prescribed under this subsection, the court may, in its discretion, increase the amount of the award to an amount equal to not more than 3 times the amount available under subparagraph B."

According to this law, you warn anyone who sends you an unsolicited fax advertisement once. If they don't take you off their list, then you can take legal action. You may want to create a warning page that you can immediately fax back to the people who send unwanted faxes. This will save time and put them on notice.

Editor's note: If there is anyone who has taken action on an unsolicited fax, please contact us at don@mpamedia.com.

MARCH 2000