

Associate Gonzalo E. Mon Quoted in Telephone Consumer Protection Act Article

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In a *Mobile Marketer* article titled "Court finds Twentieth Century Fox SMS campaign violates Telephone Consumer Protection Act," associate [Gonzalo Mon](#) was quoted. The article discussed the recent decision made by the United States District Court for the Northern District of Illinois' Eastern Division that a Twentieth Century Fox SMS campaign violated the Telephone Consumer Protection Act (TCPA).

Twentieth Century Fox sent text messages to various consumers advertising the release of a new movie. Twentieth Century Fox initially contended that the court must dismiss the plaintiff's complaint because a text message is not a call under the TCPA. The TCPA applies to certain types of calls. Although the term "call" is not defined, the FCC has opined that the statute covers both voice calls and text "calls" using SMS.

Gonzalo explained that "the TCPA generally prohibits the use of an automatic telephone dialing system to place calls to a mobile number without the prior express consent of the recipient." Gonzalo warned "the lesson is clear." He advised that mobile marketers must get consent before sending text messages to consumers. "Without consent, lawsuits are sure to follow and, as the recent decisions suggest, an argument that text messages aren't subject to the TCPA is likely to fail," he said.

Click [here](#) to read the full article.