

Consumer Files Lawsuit Over Pittsburgh Penguins Text Message Campaign

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A consumer recently filed a [class action lawsuit](#) against the Pittsburgh Penguins alleging that the team's text message campaign violates federal law. The consumer claims that when he signed up to receive text messages, the terms and conditions governing the promotion stated: "By subscribing, you consent to receiving, from time to time, further text messages from us which may include offers from us, our affiliates, and partners. Available on participating carriers. Maximum of 3 messages a week."

Although the terms stated that subscribers would receive a maximum of three messages per week, the consumer claims he received five messages in the week between March 11 and March 17, 2012, and four messages in the week between March 18 and March 24, 2012. The consumer argues that the two additional messages he received during the first week and the one additional message he received during the second week were sent without consent and, thus, in violation of the Telephone Consumer Protection Act.

Companies need to ensure they carefully draft the terms for their text message campaigns and that their campaigns are run in a manner that conforms with those terms. This case demonstrates that even a small deviation can result in a lawsuit.