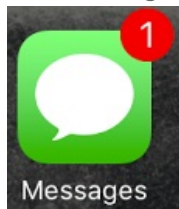


iHeartMedia Doesn't Heart the TCPA

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iHeartMedia has agreed to pay \$8.5 million to resolve allegations that the company sent unsolicited text messages to radio station listeners, in



violation of the TCPA. According to the complaint, the company would invite listeners to send text messages in order to request songs or enter contests. Listeners who submitted requests or entries would receive messages from the company in return.

But rather than simply confirm receipt of the listener's text, the plaintiffs alleged that the messages frequently included ads for the company's partners. For example, when the plaintiffs sent a text message to enter a contest, they received a response inviting them to "play us in the brand new version of Words With Friends." The text message included a link that led the recipient to the Words With Friends download page on their phone's app store.

It's tempting to think that a person's text to your company constitutes consent to text them back, but it's not that easy. While you may be able to send a simple confirmation of receipt, in order to send an ad, [you need prior express written consent](#). Without that, you could be liable for statutory damages of up to \$1,500 per text sent without consent. As this settlement demonstrates, those numbers can quickly add up.