

LOSS CONTROL BULLETIN



*We Take A Personal
Interest - Protecting
What You Value Most®*

For more information or
to locate an agent near
you call 1 (877) 840-4400
or visit www.anpac.com

Do Not Fax

Business Advertising - Do Not Fax Rules

Are you familiar with Do Not Fax and Do Not Call provisions that may apply to marketing for your business? If you are sending unsolicited fax advertising, you may be violating rules set out by the Federal Communications Commission (FCC) and the Telephone Consumer Protection Act. A consumer may be able to file TCPA-related complaints with state authorities, your local or state consumer protection office, a state Attorney General's office or the FCC.

Are You Transmitting Unsolicited Fax Advertising?

The FCC establishes several rules to identify whether a fax is prohibited:

- Is your fax unsolicited?
- Is your fax sent as part of an established business relationship?
- Are you providing notice and contact information to allow recipients to 'opt-out'?
- Is your opt-out notice clear, conspicuous, and on the first page of your advertisement?
- Does it state that the recipient may make a request to the sender not to send any future faxes and that failure to comply with the request within 30 days is unlawful?
- Does your opt-out notice include a telephone number, fax number, and cost-free mechanism (including a toll-free telephone number, local number for local recipients, toll-free fax number, website address, or e-mail address) to opt-out of faxes? These numbers and cost-free mechanisms must permit consumers to make opt-out requests 24 hours a day, seven days a week.
- Are you familiar with, and do you follow, opt-out procedures that comply?
- Do you have a way to honor opt-out requests within the shortest reasonable time (not to exceed 30 days)?
- Do you have a control in place to prevent future fax advertisements to the recipient unless the recipient subsequently provides prior express permission to you?¹

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The information printed herein was obtained from sources believed to be reliable. American National, its affiliates and employees assume no liability in connection with the information or the safety suggestions provided. These recommendations are general in nature. Unique circumstances may not require implementation of some or all of the safety suggestions. There may be additional available safety procedures that are not referenced in this handout.

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1-877-840-4400

AM 655 (08-10)



FAMILY OF COMPANIES

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As defined in FCC rules, an “unsolicited advertisement” is “any material advertising the commercial availability or quality of any property, goods, or services which is transmitted to any person without that person’s prior express invitation or permission, in writing or otherwise.”

An “established business relationship” or EBR is “a prior or existing relationship formed by a voluntary two-way communication between a person or entity and a business or residential subscriber with or without an exchange of consideration [payment], on the basis of an inquiry, application, purchase or transaction by the business or residential subscriber regarding products or services offered by such person or entity, which the relationship has not been previously terminated by either party.” There are several advertising outlets that allow your business to reach hundreds of thousands of potential customers. But, when you think of advertising options, does the fax machine really come to mind immediately? You are a business owner. How do you handle the inevitable fax for the \$199 Jamaica vacation? You read it, determine it to be spam, and then toss the paper in the trash or the recycle bin. On the flip side, do you expect customers to look at your unsolicited fax and handle it in a different manner? Sending an unsolicited fax is against FCC rules and regulations, and, overall, a poor investment for your marketing campaign. The next time you plan to fax an advertisement, think about how you handle similar unsolicited pieces of paper. If you feel that a fax is the best advertising option for your company, follow the rules the FCC has put in place. This will protect you and your investment.



No one wants to think about suffering a loss. In the unfortunate event you do have a loss, our **ANPAC Five Star Claim ServiceSM** is designed to provide assurance and confidence to our policyholders throughout the claims process.

24-Hour Claims Hotline 1-800-333-2860