



The Association of Business Media Companies

**September 29, 2003**

**CLARIFICATIONS ON "DO-NOT-CALL" RULES**

Several ABM members have recently inquired whether the new "do not call" list for telemarketers applies to home-based businesses. Based on research by David Straus, ABM's postal counsel, it appears safe to conclude that home business phones are exempt from the Telemarketing Sales Rule's "do not call" provisions.

The Federal Trade Commission (FTC) confirmed that the Rule exempts "telephone calls between a telemarketer and any business, except calls to induce the retail sale of nondurable office or cleaning supplies... Calls to home businesses would not be subject to the amended Rule's do-not-call requirements."

Additionally, American Business Media members should keep in mind that under both the FTC's and the FCC's definitions, phone calls seeking requesters for controlled-circ publications do not fall within the definitions of "telemarketing" propounded by these agencies. For example, the FCC's regulations define "telemarketing" to mean "the initiation of a telephone call or message for the purpose of encouraging the purchase or rental of, or investment in, property, goods, or services, which is transmitted to any person." A potential requester is not being asked to purchase, lease or invest in anything.

If you have further questions about any of these issues, please contact David Straus at [dstraus@thompsoncoburn.com](mailto:dstraus@thompsoncoburn.com) or call 202.585.6900.