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MEMORANDUM

December 15, 2010

To Our Clients and Friends

Re: FTC Solicits Comments Regarding Changes to the Telemarketing Sales Rule

The Federal Trade Commission (“FTC”) is requesting comment on whether changes should be made to the Telemarketing Sales Rule (“TSR”) regarding caller identification services. The TSR currently requires telemarketers to transmit the telephone number and, when made available by the carrier, the name of the telemarketer to a recipient of the call if the recipient is using a caller ID service. The Federal Communications Commission has a similar rule in place. The FTC indicated that technological advancements that enable parties to manipulate the name and contact information displayed by Caller ID services are being employed to thwart the intent of the TSR. As a result, the FTC is requesting comment on whether the TSR should be amended to reflect the current use and capabilities of caller ID technologies:

- Enable consumers and law enforcement to use caller ID information to identify entities responsible for illegal telemarketing practices
- Regulate services that misrepresent, conceal or obscure the identity of telemarketers or sellers
- Require additional oral disclosures regarding the identity of the seller or charitable organization on whose behalf a call is being made

The comment period closes on January 28, 2011.

A copy of the FTC’s request can be found on our website at <http://www.schwartzandballen.com/news.html>.

If you have any questions, please call Gilbert Schwartz, Robert Ballen, Tom Fox, Heidi Wicker, or Lauren Bianchini at (202) 776-0700.