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CLASS ACTIONS FILED AGAINST TWITTER AND MYSPACE FOR SENDING TEXT MESSAGES CONFIRMING OPT-OUT

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Class action lawsuits have been filed against social networking sites [Twitter](#) and [MySpace](#) in federal district court, alleging violations of the [Telephone Consumer Protection Act](#) ("TCPA"). According to the [Twitter complaint](#), plaintiffs signed up to receive text messages from Twitter. Later, plaintiffs decided to terminate the text message program by texting "STOP" in response to one of the texts from Twitter. Twitter then sent a text message to plaintiffs confirming that they had opted-out of receiving future text messages.

The TCPA, as interpreted by the [Federal Communications Commission](#) and case law, prohibits sending a promotional text message unless the sender has obtained prior express consent from the recipient. The plaintiffs allege that they revoked their consent the instant they texted "STOP" to Twitter, and that the subsequent text message from Twitter confirming termination was therefore sent without consent. They also alleged that they incurred a charge for receiving Twitter's text message confirming termination.

The Mobile Marketing Association [U.S. Consumer Best Practices](#), which are widely followed by advertisers engaging in text message promotions, require marketers to send a text message confirming termination of a program.

The plaintiffs are seeking statutory damages in the amount of \$500 per message, and class certification, which could result in significant damages, as well as an injunction prohibiting such messages.



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A similar [complaint](#) was filed by the same lawyers against MySpace.

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