

## Victoria's Secret Sued Over Marketing Text Program

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Victoria's Secret faces a purported consumer class action over its marketing text message program after a California resident filed suit claiming the retailer sent significantly more autodialed messages than indicated in disclosures made at the time participants opted in.

Michael Hannegan claims that he opted into the promotional text campaign in May and agreed to receive six messages per month, based on the confirmation text sent as part of the program's automated double opt-in process. But Hannegan allegedly received at least 97 promotional texts from Victoria's Secret on a single day in November. According to the complaint, any autodialed messages beyond the first six received in any given month were unauthorized and sent without Hannegan's consent, in violation of the Telephone Consumer Protection Act (TCPA). The suit seeks an injunction requiring Victoria's Secret to stop "all wireless spam activities" and an award of attorneys' fees and costs.

**TIP: This case highlights the importance of carefully drafted consent language and the potential for litigation if any information in the disclosures/requests for consent is inaccurate.**

1 Min Read

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