SWELL COUNTRY

GROWTH GUIDE FOR BUSINESSES

SMS Marketing & Compliance Guide

Text messages get read, which is exactly why they have to be **earned**, and why the rules are strict. Here is how to build your list compliantly and launch your first campaign.

FREE GUIDE

25 minutes to read, one week to launch

What you are actually optimizing

Most businesses think of SMS as email with a better open rate. It is a different channel with different rules. People read nearly every text, so every text has to earn its place, and every text has to be legal.

Done well, SMS is one of the most direct ways to reach a customer. Done carelessly, it costs you subscribers, deliverability, and in the worst cases real money, because texting rules carry statutory damages of $500 per message, rising to $1,500 if a violation is found willful. Compliance is not a legal footnote here. It is the foundation of the program.

PILLAR 1

Permission

Proper written consent, collected honestly and recorded.

PILLAR 2

Value

Messages people want, at a pace they accept.

PILLAR 3

Protection

Registration, opt-outs, quiet hours, and records.

Every successful SMS program stands on all three. Strong permission with weak value gets you opt-outs. Strong value with weak protection gets you blocked or sued.

So the work breaks into three separate jobs:

1. **Build the list the right way.** Collect clear, documented consent from people who actually want your texts.
2. **Set up the sending side.** Register your numbers, choose a platform that handles opt-outs, and protect deliverability.
3. **Design the program.** Write messages worth receiving, send them at sensible times, and launch with a small, measurable first campaign.

> **A smaller list of people who said yes will outperform a bigger list of people who never did.**

PART 1 Build your list compliantly

Email lets you get away with a lot. Text messaging does not. For marketing texts sent with automated technology, the federal standard is prior express written consent, and several states add rules of their own.

What valid consent looks like

Consent has to be specific, documented, and given before the first marketing text. A phone number typed into a contact form is not consent. Your sign-up should make all of this clear:

- Who is texting: your business name.
- What they are agreeing to: recurring, automated marketing text messages to that number.
- That consent is not a condition of any purchase.
- How often you will text, that message and data rates may apply, and how to stop (STOP) and get help (HELP).
- Links to your terms and privacy policy, and a clear action from the person, such as an unchecked box they tick.

Sample consent language (adapt it with your counsel)

"[ ] Yes, text me offers and updates from [Business Name] at the number above. I agree to receive recurring automated marketing texts from [Business Name]. Consent is not a condition of purchase. Up to [X] messages per month. Message and data rates may apply. Reply STOP to cancel or HELP for help. See our Terms and Privacy Policy."

Where to collect it

- **Checkout or booking form.** A separate, unchecked box, apart from the email opt-in.
- **Pop-up or landing page.** A phone field with the full disclosure under the button.
- **Text to join.** People text a keyword to your number and receive a confirmation. Display the disclosure wherever the keyword is promoted.
- **In person.** A QR code or signed form at the counter, front desk, or table.

What does not count

- Buying, renting, or scraping a list.
- Pre-checked boxes, or consent buried in terms of service.
- Assuming an email subscriber or past customer agreed to texts.
- Adding someone to the list because they texted or called once.

Keep the proof

If anyone ever challenges your consent, the burden is on you. For every subscriber, save the time, the exact wording they saw, the source, and the phone number. Old lists with no proof should be asked to opt in again before you send them anything.

THE RULES AT A GLANCE

RULE	WHAT IT MEANS	SAFE PRACTICE
Consent	Written consent before automated marketing texts	Unchecked, separate box with full disclosure
Identification	People must know who is texting	Put your business name in every message
Opt-out	STOP must work, and be honored	Process it immediately and confirm once
Quiet hours	Federal limit is 8 a.m. to 9 p.m. recipient time, and some states are tighter	Send 10 a.m. to 7 p.m. recipient time
Frequency	Some states cap similar texts per day	Stay at 2 to 4 texts a month
Records	You must be able to prove consent	Log time, wording, source, and number
Registration	**Carriers require registered traffic**	**Register before your first send**

The opt-out rules just changed, so verify the current version

In September 2026 the FCC revised its consent revocation rules. For marketing texts, a stop request now ends consent for all marketing texts from that sender, and senders may name certain methods, such as replying STOP, as the way to opt out. The changes take effect 30 days after publication in the Federal Register. Rules keep moving, so confirm the current version before you launch.

Treat every STOP as final and immediate. Even where the law allows a short processing window, carriers expect you to stop quickly, and a subscriber who gets a text after replying STOP is the likeliest source of a complaint.

Layers on top of federal law

- **State laws.** Several states, including Florida, Oklahoma, and Maryland, add stricter consent rules, tighter send windows, and in some cases the right for individuals to sue. If you text across state lines, assume the strictest rule applies.
- **Carrier rules.** Industry standards from the carriers' trade group govern whether your messages get delivered at all, and they are enforced by filtering.
- **Health care.** Keep protected health information out of marketing texts, and ask counsel about HIPAA before you text patients.

PART 2 Set up your sending

Before the first message goes out, three practical pieces have to be in place: a number, a registration, and a platform.

Choose and register your number

- **Local 10-digit number (10DLC).** Familiar and trusted by customers. Businesses must register their brand and each campaign with the carriers through their messaging provider, declaring the use case, a sample message, and how people opt in.
- **Toll-free number.** Quick to set up and works nationwide, but it needs its own verification before you send at volume.
- **Short code.** A five or six digit number built for high volume. It costs more and takes longer to approve.

Unregistered marketing traffic is routinely filtered or blocked, so registration comes first, not last. Your messaging provider will walk you through it, and approval can take days or weeks, so start early.

Pick a platform that protects you

Look for a provider that handles the dull but critical work for you:

- Automatic STOP and HELP replies, and a shared suppression list.
- Consent capture with stored timestamps and wording.
- Send windows that follow each recipient's local time zone.
- Segmentation, link tracking, and revenue reporting.
- Integrations with your store, booking system, or email tool.

Protect deliverability

- Use your own domain for links. Public link shorteners are often filtered.
- Do not text from a number you did not register, and do not rotate numbers to dodge filters.
- Some categories, such as cannabis, firearms, and certain lending offers, face carrier restrictions. Ask your provider before you plan around them.
- Keep transactional texts (order updates, appointment reminders) separate from marketing, and never slip promotions into them.

> **Two kinds of messages, two kinds of consent**
>
> Informational texts, such as order confirmations and appointment reminders, need a lower standard of consent than marketing texts. The moment a message contains a promotion, it counts as marketing, so keep the two streams clean.

PART 3 Write messages people want

The message has about 160 characters to say who you are, what is in it for the reader, and what to do next. That discipline is the point.

Anatomy of a good marketing text

- **Name first.** Start with your brand name so there is never a question about who is texting.
- **One idea, one link.** Each message does one job and sends people to one place.
- **A real reason to act.** A true deadline, a real low stock count, or news worth having. Never invented urgency.
- **Opt-out language.** Include “Reply STOP to opt out” on promotions, and always in the welcome message.
- **Plain language.** No ALL CAPS, no stacked exclamation points, no mystery.

Aim for 160 characters or fewer. Emojis and some special characters can cut the limit to 70 per segment, which splits messages and raises your cost.

Weak versus better

> WEAK **No name, shouting, no opt-out**
>
> FLASH SALE!!! 50% OFF EVERYTHING TODAY ONLY CLICK NOW

> BETTER **Named, specific, easy to leave**
>
> Harbor Kitchen: Taco Tuesday is back. Show this text for a free side of guac with any entree today. Reply STOP to opt out.

> BETTER **For an appointment based business**
>
> Harbor Dental: We have two Saturday openings this month. Book at harbordental.com/book. Reply STOP to opt out.

Timing and frequency

Send between 10 a.m. and 7 p.m. in the recipient’s local time, which sits inside the federal limit and the stricter state windows most often cited. Never send overnight.

Published benchmarks show the typical brand sends about two marketing texts per subscriber per month, while strong performers send four to six when the messages are relevant and segmented. Opt-outs climb noticeably past about eight a month. Tell people your frequency at sign up, then keep the promise.

PART 4 Structure your first campaign

Launch small and plain. A short welcome flow and one broadcast will teach you more than a month of planning.

1. **Pick one goal.** A first purchase, a booking, or a reorder. One goal, one number to watch.
2. **Collect consent properly.** Use the sign-up language from Part 1, and start with people who opted in fresh.
3. **Send a welcome text immediately.** Confirm the sign-up, repeat the key terms, and deliver what you promised.
4. **Follow up twice in the first week.** One message of value, one of proof.
5. **Send your first broadcast.** To your engaged list, at a sensible hour, about something real.
6. **Review within 48 hours.** Clicks, orders or bookings, and opt-outs.

Copy you can adapt

> WELCOME **Send immediately**
>
> [Brand]: You are in! Expect up to [4] texts a month with offers and news. Msg and data rates may apply. Reply HELP for help, STOP to opt out. Here is your [offer]: [link]

> DAY 2 OR 3 **Proof**
>
> [Brand]: Our most loved item is [Product], rated [X.X] by [number] customers. Take a look: [link] Reply STOP to opt out.

> FIRST BROADCAST **Real news or a real offer**
>
> [Brand]: [Offer or news] runs through [date]. [link] Reply STOP to opt out.

> CART REMINDER **Automated, to opted-in shoppers only**
>
> [Brand]: You left [Product] in your cart. Finish checking out here: [link] Reply STOP to opt out.

What to automate next

Once the welcome flow is steady, add the automations that are triggered by what people do: abandoned carts, back-in-stock alerts, post-purchase check-ins, and win-back messages. Appointment reminders are informational, so confirm you hold the right consent for them and keep promotions out.

PART 5 Measure and maintain

Open rates are not a useful SMS metric, since nearly every text is seen. Judge the program by clicks, orders or bookings, revenue per recipient, and opt-outs.

CAMPAIGN BENCHMARKS (KLAVIYO, ECOMMERCE SMS CAMPAIGNS)

METRIC	GOOD, LOW END	GOOD, HIGH END
Click rate	8.9%	14.5%
Placed order rate	1.0%	2.0%
Unsubscribe rate	**0.6%**	**1.4%**

Compare like with like

Platforms calculate rates differently, with different denominators and attribution windows. Use these as a rough guide, and benchmark against your own earlier sends.

Reading your numbers

- High opt-outs: the cause is almost always frequency, relevance, or a mismatch with what you promised at sign up.
- Low clicks: look at the offer, the timing, and whether the message names a clear next step.
- Clicks but few orders: the problem is the landing page, the checkout, or the offer itself.
- Falling delivery: check registration, link domains, and complaint rates.

Keep the list healthy

Remove numbers that bounce or go inactive, sync every STOP across all your tools, and re-ask consent from older contacts before you text them. Review each send for the opt-out rate, and review the whole program every quarter. Old numbers also get reassigned to new people, so a stale list is a risk, not an asset.

Two honest caveats

This guide is not legal advice. Texting law is a layered mix of federal rules, state statutes, and carrier standards, and it changes often. The FCC rewrote its opt-out rules in 2026 alone. Have a qualified attorney review your consent language, your opt-out process, and your state exposure before you send your first message.

SMS is a channel, not a strategy. It works best alongside email, your website, and good service, and it punishes anyone who treats the inbox like a megaphone. Protect the list you earn. A subscriber who feels respected stays, and a subscriber who feels spammed leaves, and often tells others.

WORK THROUGH THIS BEFORE YOUR FIRST SEND

The SMS launch checklist

PERMISSION

- [ ] Consent box is unchecked by default and separate from email opt-in
- [ ] Disclosure names the business, frequency, rates, STOP, and HELP
- [ ] Sign-up says consent is not a condition of purchase
- [ ] Every opt-in is logged with time, wording, source, and number
- [ ] No purchased, rented, or scraped lists

SETUP

- [ ] Brand and campaign registered, or toll-free number verified
- [ ] Platform handles STOP and HELP automatically
- [ ] Send window follows recipient time zones, 10 a.m. to 7 p.m.
- [ ] Links use your own domain, not a public shortener
- [ ] Informational and marketing messages are kept separate

MESSAGE

- [ ] Every marketing text names the business
- [ ] Promotions include “Reply STOP to opt out”
- [ ] One message, one goal, one link
- [ ] No fake urgency or misleading offers
- [ ] Frequency matches what you promised at sign up

LAUNCH AND MAINTAIN

- [ ] Welcome message tested on staff phones
- [ ] First campaign has one goal and one success number
- [ ] STOP requests are honored immediately and synced everywhere
- [ ] Clicks, orders, and opt-outs reviewed after every send
- [ ] Attorney review and quarterly compliance check on the calendar

WORKSHEET

Plan your SMS launch

Five answers give you the brief for your program. Work through these four, then write the fifth.

1. Where will people opt in: checkout, a pop-up, a keyword, in person?

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2. What will they get for joining, and is that promise true?

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3. How often will you text, and about what?

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4. What is your one goal and the one number that measures it?

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5. Now write your welcome text, under 160 characters, with the opt-out.

Your SMS program is one channel. We build the rest.

Swell Country builds growth systems: compliant SMS and email flows, local search, reviews, and follow up that turn first visits into repeat customers. If this guide was useful, the free audit goes considerably deeper.

GET YOUR FREE GROWTH AUDIT

swell.country 833-887-9355 hello@swell.country Orange County, California

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