

## **SMS Terms and Conditions**

**Effective: September 23, 2016**

These SMS Terms and Conditions sets forth more detail regarding both Yiftee and Yiftee Merchants (collectively, “Senders”) communicating with you via text message regarding Gifts and certain other products and services offered by such Senders. Remember that your use of Yiftee’s Services is at all times subject to the [Terms of Use](#), which incorporates these SMS Terms and Conditions. Any terms we use in these Terms and Conditions without defining them have the definitions given to them in the [Terms of Use](#).

### **What do I need to know about sending text messages within the Services?**

As part of the Services, you may be able to send Gifts to Recipients through the use of short message service (“SMS”) or text messages (collectively referred to as “Messages”). You must have permission from each Recipient to send such Recipient an automated text message via the Services before you send any Gifts to such Recipient through the Services. If you do not have such permission to send messages to a Recipient, you must not send any Messages through the Services to such Recipient.

The Telephone Consumer Protection Act (the “TCPA”) may apply to any Gifts you send through the Services that are received by a Recipient in a Message. You will be responsible for complying with the TCPA, all regulations promulgated under the TCPA, and with any applicable state laws. You may not use the Services to send Gifts via Messages to telephone numbers that may not legally receive such Messages under the TCPA and/or applicable state law.

### **What do I need to know about receiving text messages within the Services?**

As part of the Services, Senders may send you text messages if you opt in to receiving such text messages. If you opt into receiving marketing text messages from a Sender by following the directions with respect to each such Sender (for example, by texting a particular word seen in an advertisement to the number provided by such Sender), you understand you will receive marketing text messages from such Sender, which may include gifts, coupons, event notifications, product information or other promotional content. Once you opt in, you will have an opportunity to confirm your interest in receiving these messages via a reply to an initial text message you receive. Your consent is not a condition to purchase goods or services from any Sender. Opting in to receive messages from one Sender does not automatically opt you in to receive messages from other Senders.

**With respect to texts from Merchants, you understand and agree that though the Merchant uses the Yiftee Services to send you these text messages, and that they may relate to the Gifts or other Yiftee Services, these messages are sent by the Merchant, and not by Yiftee.** Yiftee may also contact you via the phone number you provide, as described in the [Privacy Policy](#). As described in the Terms of Use, any dispute you may have with the Merchant is between you and the Merchant, and you release Yiftee from any liability in connection therewith.

Yiftee does not charge an additional fee for your opting in to receive text messages from

Senders; however, **message and data rates may apply** from your mobile carrier. Yiftee does not have any control over these rates, nor any other obligations you may have to your mobile carrier in connection with your text messaging service. By opting in to receive messages from a Sender, you are accepting any such charges from your mobile carrier. Yiftee does not control how these fees are charged to or collected from you.

As with all Yiftee Services, we reserve the right to terminate the text messaging program, in whole or in part, at any time without notice, and is not responsible for any content you may receive in any text message. The information in any message may be subject to certain time lags and/or delays. Yiftee does not promise that this Service is available across all carriers, and is not liable for delayed or undelivered messages.

To stop receiving text messages from an individual Sender, text **STOP, STOP ALL, END, QUIT, CANCEL** or **UNSUBSCRIBE** to the number from which you received the last text message from such Sender. **Please note that opting out of receiving text messages from a Sender will only unsubscribe you from messages sent by *that* Sender; other Senders may still send you messages if you have opted in to receive them, and you must unsubscribe from each such Sender's text messaging program separately. You agree that following a request to unsubscribe from a particular Sender's texts, you will receive one (1) final message from that Sender confirming that you have been inactivated with respect to texts from that Sender.**

For more information, call: 1-650-564-4438 or contact [sms@yiftee.com](mailto:sms@yiftee.com).