The popular app Whisper, which lets users post anonymous gossip and confessions, may have some fessing up to do about its marketing practices.

According to a lawsuit filed in San Jose, Whisper violated a federal anti-spam law by sending unsolicited text messages that read: “Someone you know has anonymously invited you to join Whisper, a mobile social network for sharing secrets” and included a link to download the app.

The Massachusetts man who filed the lawsuit is seeking damages on behalf of himself and everyone else who received the message under the Telephone Consumer Protection Act, which provides a minimum of a $500 fine for each spam violation.

The lawsuit comes at a time when Whisper is enjoying unprecedented buzz, including a celebrity scandal [http://www.buzzfeed.com/whitneyjefferson/did-whisper-leak-the-gwyneth-paltrow-vanity-fair-rumor], as a platform where people can sate their appetite for anonymous rumor-mongering.

In this context, Whisper’s aggressive marketing tactics could provide further grist for the debate over so-called “growth hacking [http://techcrunch.com/2014/01/03/when-growth-hacking-goes-bad/]” which typically involves apps that play fast and loose with a user’s address book. While such tactics are unpopular and can trigger legal backlash, they also provide the sort of user growth that investors,
who have valued Whisper at $100 million [https://gigaom.com/2013/09/04/whisper-a-private-social-platform-gets-21-million-from-sequoia-capital-others/], crave (the app reportedly has “millions” of users but has not disclosed specific numbers).

Whisper, which did not immediately respond to a request for comment, is not the only social messaging app to face legal trouble over its marketing. Path, the troubled “personal social network,” is facing a similar class action in Chicago over text spam, and was also forced to pay the FTC $800,000 [https://gigaom.com/2013/02/01/path-reaches-settlement-with-ftc-agrees-to-pay-800000-fine-for-coppa-violations/] in a related privacy controversy.

Here’s a copy of the lawsuit, which was filed in late January:

**Whisper Class Action** [http://www.scribd.com/doc/208153302/Whisper-Class-Action]
I hope they throw the book at them. This “growth hacking” crap is just another word for SPAM. There’s a whole generation being brought up to think spamming is a fine way to make money. It’s time someone introduced them to the law.