

**Before the  
Federal Trade Commission  
Washington, DC**

In the Matter of )  
 )  
Online Health and Pharmaceutical )  
Marketing that Threatens )  
Consumer Privacy and Engages )  
in Unfair and Deceptive Practices )  
\_\_\_\_\_ )

**Complaint, Request for Investigation, Public Disclosure,  
Injunction, and Other Relief:**

**Google, Microsoft, QualityHealth, WebMD, Yahoo, AOL, HealthCentral,  
Healthline, Everyday Health, and Others Named Below**

I. Introduction

1. As consumers increasingly go online seeking advice and information about possible forms of treatment for a variety of health and medical issues, they face an array of sophisticated and non-transparent interactive marketing applications. A far-reaching complex of health marketers has unleashed an arsenal of techniques to track and profile consumers, including so-called medical “condition targeting,” to eavesdrop on their online discussions via social media data mining; to collect data on their actions through behavioral targeting; to use viral and so-called “word-of-mouth” techniques online to drive interest in prescriptions, over-the counter drugs, and health remedies; and to influence their subconscious perceptions via pharma-focused “neuromarketing.”<sup>1</sup>

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<sup>1</sup> For insight into state-of-the-art pharmaceutical marketing, see the agenda for the 4th Annual Digital Pharma East conference, scheduled for October 2010, which included sessions on such topics as “Six Steps to Becoming a Social Brand,” “Understanding the Power of Fan Culture in Healthcare Marketing,” “How Smart Is Your Phone: Leveraging Smartphones To Help With Patient Adherence,” and “Engaging Physicians Through Online Social Media to Ensure Use and Interaction.” 4th Annual Digital Pharma East Agenda, <http://www.exlpharma.com/event-agenda/409>. The e-Patient Connections 2010 conference, scheduled for late September 2010, offered a similar overview of contemporary health marketing, where companies could learn how:

- Novartis created a fictitious character and tapped the power of story-telling to reach those with cystic fibrosis
- Auxilium leverages the power of patient ambassadors
- Johnson & Johnson manages pharma’s largest YouTube channel and moderates comments

2. The focus on consumer protection and health/pharma marketing has traditionally been to ensure adequate risk information on drug side effects and contraindications for use. But the emergence of powerful new digital marketing techniques designed to influence consumer behavior around health conditions and medications requires a new approach to informing and protecting the public.
3. Physicians, nurses and other health professionals are also the target of powerful digital marketing practices that have a direct effect on the health and financial costs born by consumers. The growth of online “e-detailing,” “e-samples,” and other digital ad practices designed to influence health professionals to order specific pharmaceuticals and treatments raises new concerns over the role of online advertising in the healthcare arena. Data collected via e-detailing and related methods also pose privacy concerns.
4. “According to recent surveys, some 60 to 80 percent of Americans have used the Internet to find health information, and as of January 2008, the Internet rivaled physicians as the leading source for health information.”<sup>2</sup> Pharmaceutical marketers are not unaware of these trends.<sup>3</sup>
5. Consumers increasingly rely on the Internet for their health information, in part to address issues connected to the increased costs they must bear to pay for medical services. The use of non-transparent, unaccountable, and unfair and deceptive marketing practices significantly adds to the financial and personal

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- Lundbeck uses social media to support rare disease communities
  - Gilead use “Levels of Evidence” to measure and optimize their video marketing
  - iGuard crafted a unique partner model to get over 2 million members in their program
  - LIVESTRONG manages their 900,000 Facebook page members.

e-Patient Connections 2010, Pharma Marketing News, 22 July 2010, [http://campaign.constantcontact.com/render?v=001hgLWFIFcpZ0BENJNkIu1Movp-B3humakFfiYsZJqrzpiXkfEJRKyTGDCjmwkUHIY4xSv919ke8o3pYrDBNmuqkFQhiWEhEqnz kOmA7irKH0HgH9Lt8aeXJ1WvKUQOXrZYvHt\\_HtdtjO0pA\\_NDpz9q0BkPYiVBfok4hMn2rd8Iviqzm0z8KajHH5ROGNMI7kQVGh2Scbk6M0gMpLWvlvY5e2\\_W7PmIm1Lsba3s8wN8YrBAAdcO2zwWtDigIsWf3qAd7mtsWMKz\\_ybI3V8EftgA%3D%3D#\\_jmp0\\_](http://campaign.constantcontact.com/render?v=001hgLWFIFcpZ0BENJNkIu1Movp-B3humakFfiYsZJqrzpiXkfEJRKyTGDCjmwkUHIY4xSv919ke8o3pYrDBNmuqkFQhiWEhEqnz kOmA7irKH0HgH9Lt8aeXJ1WvKUQOXrZYvHt_HtdtjO0pA_NDpz9q0BkPYiVBfok4hMn2rd8Iviqzm0z8KajHH5ROGNMI7kQVGh2Scbk6M0gMpLWvlvY5e2_W7PmIm1Lsba3s8wN8YrBAAdcO2zwWtDigIsWf3qAd7mtsWMKz_ybI3V8EftgA%3D%3D#_jmp0_) (both viewed 9 Sept. 2010).

<sup>2</sup> Sarasohn-Kahn, “The Wisdom of Patients: Health Care Meets Online Social Media,” p. 3.

<sup>3</sup> For lists of pharmaceutical and healthcare social media efforts (covering brand-sponsored patient communities, non-brand-controlled patient communities, Healthcare Professional communities, Facebook pages and apps, YouTube pages and videos, Twitter pages, blogs, MySpace pages, Wikis, and miscellaneous Web 2.0 tools and sources), see Dose of Digital Pharma and Healthcare Social Media Wiki, <http://www.doseofdigital.com/healthcare-pharma-social-media-wiki/> (viewed 30 Sept. 2010).

burden of consumers.<sup>4</sup>

6. Americans aged 50 and older are increasingly online seeking “information about a condition and treatment,” and are the subject of pharma-focused health marketing research. Such research tracks and analyzes how consumers seek information depending in “the stage of the condition,” and is being used to develop digital targeting strategies to take advantage of what the industry calls the “patient journey.”<sup>5</sup>
7. [The FDA held two days of hearings](#) in November 2009 on the role of the Internet and marketing for regulated drugs.<sup>6</sup> Pharmaceutical marketers purposely painted a sanitized, storybook image of social media and digital marketing. Missing were data and information related to the powerful capabilities of interactive marketing to promote relationships with specific brands, including the ability to foster what has been called consumer “micro-persuasion.” “Direct-to-Consumer Digital Marketing” of pharmaceutical and health-related products requires the FTC to develop safeguards for sensitive-data-related advertising practices, and also ensure that interactive ad techniques are truthful and non-misleading.<sup>7</sup>

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<sup>4</sup> Richard Meyer, “Online Health Research Behavior,” *Pharma Marketer*, 12 Oct. 2010, <http://www.pharma-marketer.com/online-health-research-behavior/>; “About.com 2010 Health Study,” *World of DTC Marketing.com*, 1 Sept. 2010, <http://worldofdctmarketing.com/healthy-study-2010/health-information-online/> (both viewed 18 Oct. 2010).

<sup>5</sup> Kantar Media, “Online Health Research Behavior Varies Based Upon Stage of Condition; Gender,” <http://kantarmediana.com/healthcare/press/online-health-research-behavior-varies-based-upon-stage-condition-gender> (viewed 10 Nov. 2010).

<sup>6</sup> Earlier in 2009, “the FDA’s Division of Drug Marketing, Advertising and Communications sent warning letters to 14 drug makers identifying 48 different brands as being in violation of the FDA’s fair balance guidelines. The letters stated that sponsored-link advertisements for specific drugs were misleading due to the exclusion of risk information associated with the use of the drug—even though the regulatory agency’s guidelines are for print and broadcast, not online or social media.” Rich Thomaselli, “Pharma Drops Search Advertising After FDA Warning,” *Advertising Age*, 6 Oct. 2009, [http://adage.com/article?article\\_id=139500](http://adage.com/article?article_id=139500) (viewed 7 Nov. 2010).

<sup>7</sup> Center for Digital Democracy, “Written Comments: Promotion of Food and Drug Administration-Regulated Medical Products Using the Internet and Social Media Tools,” Food and Drug Administration filing Re: Docket No. FDA-2009-N-0441, 28 Feb. 2010, <http://www.democraticmedia.org/files/u1/2010-02-28-FDAcomments.pdf>. See also Center for Digital Democracy, “CDD Tells FDA to Work with FTC on Digital Pharma Ads,” 10 May 2010, <http://www.democraticmedia.org/digital-pharma-ads>; Center for Digital Democracy, “CDD Asks FDA to Investigate Digital Marketing of Drugs and Health Products.” 1 Mar. 2010, <http://www.democraticmedia.org/press-release-drugs-and-health-marketing> (all viewed 7 Nov. 2010).

8. Digital marketing raises many distinct consumer protection and privacy issues, including an overall lack of transparency, accountability and personal control, which consumers should have over data collection and the various interactive applications used to track, target, and influence them online (including on mobile devices).<sup>8</sup> The use of these technologies by pharmaceutical, health product, and medical information providers that directly affect the public health and welfare of consumers requires immediate action.<sup>9</sup>
9. Both consumer spending on prescription drugs and the number of prescriptions ordered each year is growing significantly. “Spending in the US for prescription drugs was \$234.1 billion in 2008, nearly 6 times the \$40.3 billion spent in 1990.... The number of prescriptions dispensed in the US in 2009 increased 2.1% (from 3.8 billion to 3.9 billion).... From 1999 to 2009, the number of prescriptions increased 39% (from 2.8 billion to 3.9 billion), compared to a US population growth of 9%.... Prescription drug sales were \$300.3 billion in 2009, an increase of 5.1% over 2008.... HHS projects US prescription drug spending to increase... to \$457.8 billion in 2019, almost doubling over the 11-year period.”<sup>10</sup>
10. “US healthcare and pharmaceutical online advertising spending will reach \$1 billion this year, up 10.6% from last year,” according to eMarketer. “By 2014, online ad spending in the healthcare and pharmaceutical industry, which includes DTC and over-the-counter remedies, is expected to reach \$1.52 billion.”<sup>11</sup>

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<sup>8</sup> See, for example, Kathryn Montgomery and Jeff Chester, “Interactive Food and Beverage Marketing: Targeting Adolescents in the Digital Age,” *Journal of Adolescent Health* 45, no. 3 (2009): S18-S29.

<sup>9</sup> Online health marketers are even deploying strategies for identifying consumers who have upcoming doctor's appointments and can be targeted to ask for specific brand medication. Healthgrades, “Pre-Visit Patient Fact Sheet,” <http://www.healthgrades.com/business/img/PreVisitPatientFactSheet.pdf>. See also Healthgrades, “Advertising on Healthgrades,” <http://www.healthgrades.com/business/services/advertising/>; Wrong Diagnosis, <http://www.wrongdiagnosis.com/> (all viewed 31 Oct. 2010).

<sup>10</sup> Kaiser Family Foundation, “Prescription Drug Trends,” [http://www.kff.org/rxdrugs/upload/3057\\_07.pdf](http://www.kff.org/rxdrugs/upload/3057_07.pdf) (viewed 30 Sept. 2010).

<sup>11</sup> eMarketer, “Pharma Industry Ups Digital Ad Spending,” 26 Aug. 2010, <http://www.marketwire.com/press-release/Pharma-Industry-Ups-Digital-Ad-Spending-1310194.htm>. According to OMMA data, the top 50 digital advertisers include [Pfizer](#) (#22), [Johnson & Johnson](#) (#24), [AstraZeneca](#) (#29), and [Shire Pharmaceuticals Group](#) (#38). “Top 50 Digital Advertisers,” *OMMA Magazine*, 1 July 2010, [http://www.mediapost.com/publications/?fa=Articles.showArticle&art\\_aid=131889](http://www.mediapost.com/publications/?fa=Articles.showArticle&art_aid=131889). OMMA Awards finalists for 2010 in the “Health, Wellness” category include [Claritin](#), [Botox Severe Sweating](#), and Practice Fusion’s [Free, Web-based Electronic Health Records](#). OMMA Awards,

11. Health consumers are being told that by using digital media services they have become empowered “E-patients,” but they are not being informed about the privacy and potential health risks connected with the use of digital marketing of pharmaceuticals and health products.<sup>12</sup>
12. Online marketing poses fundamental new risks to consumers of health information and services, given its powerful data collection and targeting capabilities. Consumers are faced with wide-ranging online marketing tactics designed to trigger emotional responses, including those that lead to actions related to a particular health product. Such techniques for health marketing have emerged across several platforms.<sup>13</sup>
13. The dangers of online behavioral targeting as a threat to consumer privacy have been amply chronicled.<sup>14</sup> Online targeting, for example, enables health marketers to follow consumers online—without their knowledge and across

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<http://www.mediapost.com/events/?/showID/OMMAAwards.10.NYC/fa/e.awardVoting/it emID/1416/voting.html> (all viewed 30 Sept. 2010).

<sup>12</sup> A marketing field has emerged touting what is claimed to be the “liberated health consumer,” who, because of access to the Internet, can make more knowledgeable decisions. See, for example, “e-Patient Connections 2010,” <http://epatient2010.com/>; “A Consumer Segmentation Model for Empowered Patients,” World of DTC Marketing.com, 18 June 2010, <http://worldofdctmarketing.com/a-consumer-segmentation-model-for-empowered-patients/prescription-drug-dtc-marketing/> (both viewed 18 Oct. 2010).

<sup>13</sup> For example, Microsoft Advertising markets its “multi-screen” capabilities to drug and health advertisers (among others) as “a seamless experience” across mobile, online, gaming, search and other sites that “[c]reate[s] immersive brand experiences that deliver your message across all consumer touchpoints... [and] provides sophisticated analytics that show where and how your ad is most effective.” Microsoft Advertising, “Multi-screen Advertising,” <http://advertising.microsoft.com/multi-screen> (viewed 4 Oct. 2010).

<sup>14</sup> See, for example, Center for Digital Democracy and U.S. PIRG. Complaint and Request for Inquiry and Injunctive Relief Concerning Unfair and Deceptive Online Marketing Practices. Federal Trade Commission Filing; Center for Digital Democracy and U.S. PIRG, “Supplemental Statement In Support of Complaint and Request for Inquiry and Injunctive Relief Concerning Unfair and Deceptive Online Marketing Practices”; Center for Digital Democracy and U.S. PIRG. Complaint and Request for Inquiry and Injunctive Relief Concerning Unfair and Deceptive Mobile Marketing Practices; EPIC, Center for Digital Democracy, and U.S. PIRG, “In the matter of Google, Inc. and DoubleClick, Inc., Complaint and Request for Injunction, Request for Investigation and for Other Relief, before the Federal Trade Commission,” 20 Apr. 2007, [http://www.epic.org/privacy/ftc/google/epic\\_complaint.pdf](http://www.epic.org/privacy/ftc/google/epic_complaint.pdf); and EPIC, Center for Digital Democracy, and U.S. PIRG, “In the matter of Google, Inc. and DoubleClick, Inc., Second Filing of Supplemental Materials in Support of Pending Complaint and Request for Injunction, Request for Investigation and for Other Relief,” 17 Sept. 2007, [http://epic.org/privacy/ftc/google/supp2\\_091707.pdf](http://epic.org/privacy/ftc/google/supp2_091707.pdf) (both viewed 12 Oct. 2009).

many different websites—gathering details on their interests and activities (and now including offline databases and employing psychographic and demographic analysis), and then plying them with marketing messages precisely honed to a particular illness or condition.

14. As Google’s health industry marketing director recently wrote, “[O]nline health information is driving users to take action...,” citing a survey Google conducted showing that 52 percent of consumers who used search services to address health issues “made a self-diagnosis; 49% started an over-the-counter treatment; [and] 46% told a doctor about a symptom I/someone else had.” While Google claims such data illustrate that “patients are using the information they gather to make better, more informed health care conditions,” the digital health marketing system poses risks in terms of misinformation and the encouragement of consumers to seek out drugs and treatment whether they require them or not.<sup>15</sup>
15. The FTC must develop clear consumer protection safeguards for sensitive information that meaningfully protects consumers’ health- and medical-related information, and also addresses the myriad digital marketing techniques described below.
16. The commission must also address the personal costs to consumers who are encouraged to seek specific pharmaceutical brand medication or treatment based on unfair and deceptive digital marketing practices. There is significant evidence that the marketing and promotion of pharmaceuticals is contributing to unneeded expenditures by consumers and taxpayers.<sup>16</sup>
17. There is ample evidence that Direct-to-Consumer marketing of pharmaceuticals,

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<sup>15</sup> Mary Ann Belliveau, “Health Info Online: The Stakes are Higher,” *The Chart*, 4 Oct. 2010, <http://pagingdrugupta.blogs.cnn.com/2010/10/04/health-info-online-the-stakes-are-higher/>. For Ms. Belliveau’s pitch to health and pharma advertisers, claiming that they need to create “compelling content” to help make their “Web marketing strategy” “attract engaged viewers,” see Mary Ann Belliveau, “Taking Pharmaceutical Marketing Online: Making Relevant Connections,” *DTC Perspectives*, Mar. 2008, <http://www.dtcperspectives.com/content/editor/files/PharmaMarketingOnline.pdf> (both viewed 18 Oct. 2010).

<sup>16</sup> Health information portal WebMD explained in its annual 10K report to the SEC that “Healthcare consumers increasingly seek to educate themselves online about their healthcare-related issues, motivated in part by the continued availability of new treatment options and in part by the larger share of healthcare costs they are being asked to bear due to changes in the benefit designs being offered by health plans and employers.” <http://investor.shareholder.com/wbmd/sec.cfm>. For an analysis of how the marketing of drugs for depression, anxiety, and other forms of psychological conditions has contributed to increased costs to taxpayers and consumers, see, for example, Robert Whitaker, *Anatomy of an Epidemic: Magic Bullets, Psychiatric Drugs, and the Astonishing Rise of Mental Illness in America* (New York: Crown, 2010), pp. 147-171.

especially on television, has contributed to significant consumer expenditures for medications and drugs. A 2005 study published in *JAMA* “showed the influence of patients’ DTC prompted requests for antidepressants—one of the drug classes most heavily advertised to consumers.”<sup>17</sup>

18. There is growing evidence of the over-aggressive marketing of powerful drugs—as recent settlements made by major pharmaceutical companies such as Bristol-Myers Squibb, Eli Lilly, Pfizer, AstraZeneca, and Johnson & Johnson with the Department of Justice reflect. Among the drugs heavily marketed are those given to children and adolescents to treat psychological problems, and which generate about \$14.6 billion in sales.<sup>18</sup>
19. Online Health marketers are working to promote the adoption of powerful pharmaceuticals for the “pediatric and teen depression market,” taking advantage of vulnerable parents and caregivers. Through online surveys and analysis, information regarding “fears or concerns” about the use of drugs to treat depression and “specific medications used” is gathered. Pharmaceutical companies have adopted digital marketing strategies, including online “sequential messaging” to parents, to spur sales of specific drugs. Everyday Health, for example, is engaged in research designed to promote the use of

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<sup>17</sup> “Trained actors posing as patients were sent into clinics presenting signs of either major depression or adjustment disorder. ‘Patients’ with symptoms of depression requesting Paxil (the antidepressant chosen for the study) were more likely to receive Paxil than those making a general request for medication or no request... For symptoms of adjustment disorder, antidepressant prescribing rates were 36.7%, 10.2%, and 0%, respectively ( $p < 0.001$ ). Importantly, the authors report that no evidence supports the use of Paxil for adjustment disorder and minimal evidence for the use of the drug for minor depression. Thus, DTCA has the demonstrated potential to drive medically inappropriate use. This may be particularly true of ‘reminder ads,’ which mention a product, but not an indication.” “Comments of The Prescription Project, Community Catalyst and Prescription Access Litigation, Community Catalyst, Concerning Limitations and Risks of Direct-to-Consumer Advertising, Docket No. FDA-2008-N-0226, September 26, 2008,” [http://www.prescriptionproject.org/tools/initiatives\\_resources/files/0011-1.pdf](http://www.prescriptionproject.org/tools/initiatives_resources/files/0011-1.pdf) (viewed 30 Sept. 2010).

<sup>18</sup> Duff Wilson, “Side Effects May Include Lawsuits,” *New York Times*, 2 Oct. 2010, [http://www.nytimes.com/2010/10/03/business/03psych.html?\\_r=1&emc=eta1](http://www.nytimes.com/2010/10/03/business/03psych.html?_r=1&emc=eta1) (viewed 3 Oct. 2010). Wilson’s report highlighted abuses in the pharmaceutical industry, especially the over-aggressive marketing of anti-psychotic drugs: “The new generation of antipsychotics has also become the single biggest target of the False Claims Act, a federal law once largely aimed at fraud among military contractors. Every major company selling the drugs — Bristol-Myers Squibb, Eli Lilly, Pfizer, AstraZeneca and Johnson & Johnson — has either settled recent government cases for hundreds of millions of dollars or is currently under investigation for possible health care fraud.”

"pediatric and teen depression" branded pharmaceuticals.<sup>19</sup> Such marketing practices involving youth health concerns require special safeguards and immediate attention from the FTC.

20. While digital and social media play an important role in providing consumers with access to in-depth information and support concerning health products and issues, U.S. health consumers should not be subjected to hidden digital marketing techniques designed to amass detailed profiles of their behavior and then target them with ads for specific drugs and treatments. Digital marketing applications for selling cars, food, and financial products have already raised privacy and related concerns at the FTC. When applied to digital pharmaceutical and health marketing, such practices call for an even higher level of scrutiny and policy intervention.<sup>20</sup>
21. The growth of federal and private programs promoting personal electronic health records, such as the initiatives by Google and Microsoft, and their relationship to online health marketing and advertising tactics require FTC

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<sup>19</sup> Everyday Health, "Insights on the Pediatric and Teen Depression Market," Aug. 2009, <http://www.everydayhealth.com/advertise/wp-content/uploads/2010/08/insights-on-the-pediatric-and-teen-depression-market2.pdf> (viewed 31 Oct. 2010).

<sup>20</sup> The major online marketing networks all have a focus on the health market. See, for example, Microsoft Health & Fitness, "About MSN Health & Fitness," <http://health.msn.com/about.aspx>; Microsoft Advertising, "Advertise on MSN Health & Fitness," <http://advertising.microsoft.com/health-fitness?tab=profile>; Yahoo Advertising, "Advertising Opportunities on Yahoo Health," <http://advertising.yahoo.com/media-kit/health.html>; "Healthline Networks Announces Healthline Navigator, a New Medically Guided in-Text Content Navigation and Distribution Platform," 25 Oct. 2010, <http://finance.yahoo.com/news/Healthline-Networks-Announces-bw-2884353813.html?x=0&.v=1>; AOL Advertising, "AOL Health," <http://advertising.aol.com/brands/aol-health>; Google, "Account Executive, Healthcare Vertical—New York," <http://www.google.com/intl/en/jobs/uslocations/new-york/adsales/am/account-executive-healthcare-vertical-new-york/>; Google, "Online Sales Manager, Healthcare Vertical—Boston," <http://www.google.com/intl/en/jobs/uslocations/boston/adsales/manage/online-sales-manager-healthcare-vertical-boston/index.html>; Adify, "Publisher Case Study," <http://www.adify.com/publisher-case-study/>; Interevco, "Interevco I-Health Network," <http://interevco.com/JoinTheNetwork.html>; Tribal Fusion, Health Channel," <http://www.tribalfusion.com/channels/health/index.html>; Traffic Marketplace, "Audience profiles: Heather, Health Nut," <http://www.trafficmarketplace.com/target/profiles.php#8>; Burst Media, "Burst Network Advertiser Channels: Health & Fitness," [http://www.burstmedia.com/burstnetwork\\_advertiser/channels.asp?cat=content&c1=14](http://www.burstmedia.com/burstnetwork_advertiser/channels.asp?cat=content&c1=14); Advertising Age, "Ad Network + Exchanges Guide," <http://brandedcontent.adage.com/adnetworkguide10/network.php?id=1>; Adconion Media Group, "Brands," <http://www.adconion.com/us/publishers/brands.html>; Casale Media, "MediaNet Media Kit," <http://www.casalemedia.com/mediakit/> (all viewed 31 Oct. 2010).



analysis and appropriate action.<sup>21</sup> Patients and health consumers expect their health related information to be private and confidential, under such rules as HIPAA. But the online health targeting landscape has been deliberately structured to make such information available to marketers and other outside parties.

22. While the Food and Drug Administration has begun to explore and initially address issues related to digital and interactive marketing of regulated health products, it does not have the expertise and staffing to adequately protect the public from unfair and deceptive online practices.<sup>22</sup> Given the FTC's recent work on privacy and digital marketing, it is the federal agency best positioned to address health marketing and advertising practices harmful to consumers.

## II. The Parties

23. The Center for Digital Democracy (CDD) is a not-for-profit organization based in Washington, D.C. CDD works to protect the interests of both consumers and citizens in the online marketplace. Through a series of complaints and other actions at the FTC, CDD has played a leading role in encouraging the commission to investigate and address the privacy and consumer protection issues related to digital marketing and advertising.<sup>23</sup>

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<sup>21</sup> See, for example, Google Code, "Google Health Data API," [http://code.google.com/apis/health/third\\_party\\_overview.html](http://code.google.com/apis/health/third_party_overview.html); Google Health, "Google Health Developer Policies," <http://www.google.com/intl/en/health/about/devpp.html>; Google Advertising, "Solutions for Healthcare," [http://www.google.com/ads/metrics\\_health.html](http://www.google.com/ads/metrics_health.html); Google, "US Jobs: Account Executive, Healthcare Vertical—New York," <http://www.google.com/intl/en/jobs/uslocations/new-york/adsales/am/account-executive-healthcare-vertical-new-york/index.html>; Microsoft, "Welcome to Microsoft HealthVault," <http://www.healthvault.com/personal/index.aspx>; Microsoft, "Become a HealthVault Partner," [http://partners.mshealthcommunity.com/health\\_vault\\_partner\\_program/default.aspx](http://partners.mshealthcommunity.com/health_vault_partner_program/default.aspx); U.S. Department of Health and Human Services, "Health Information Technology: Electronic Health Records Workgroup," <http://www.hhs.gov/healthit/ahic/healthrecords/>; and Microsoft Advertising, "MSN Health & Fitness," <http://advertising.microsoft.com/health-fitness> (all viewed 18 Oct. 2010).

<sup>22</sup> Food and Drug Administration, Public Hearing on Promotion of FDA-Regulated Medical Products Using the Internet and Social Media Tools, 12-13 Nov. 2009, Washington, DC, <http://www.fda.gov/aboutfda/centersoffices/cder/ucm184250.htm> (viewed 15 June 2010). See also Robert Gellman, "Personal Health Records: Why Many PHRs Threaten Privacy," World Privacy Forum, 20 Feb. 2008, [http://www.worldprivacyforum.org/pdf/WPF\\_PHR\\_02\\_20\\_2008fs.pdf](http://www.worldprivacyforum.org/pdf/WPF_PHR_02_20_2008fs.pdf) (viewed 7 Nov. 2010).

<sup>23</sup> CDD's prior filings with the FTC include Center for Digital Democracy and U.S. PIRG. Complaint and Request for Inquiry and Injunctive Relief Concerning Unfair and Deceptive Online Marketing Practices. Federal Trade Commission Filing. November 1, 2006,

24. U.S. PIRG serves as the federation of non-profit, non-partisan state Public Interest Research Groups. PIRGs are public interest advocacy organizations that take on powerful interests on behalf of their members. For twenty years, U.S. PIRG has been concerned with privacy and compliance by governments and commercial firms with Fair Information Practices (FIPs). U.S. PIRG has published investigative reports, filed complaints, petitions and amicus briefs and testified before Congress, federal agencies and state legislatures on issues including compliance with FIPs by online and offline firms, credit bureau accuracy, identity theft, security breach notification, privacy disclosures and notices and other matters concerning the uses of consumer information.
25. The World Privacy Forum is a nonprofit, non-partisan public interest research group. The organization is focused on conducting in-depth research, analysis, and consumer education in the area of privacy. It is the only privacy-focused public interest research group conducting independent, longitudinal work. The World Privacy Forum has had notable successes with its research, which has been groundbreaking and consistently ahead of trends. World Privacy Forum reports have documented important new areas, including medical identity theft. Areas of focus for the World Privacy Forum include health care, technology, and the financial sector.
26. Established in 1985, Consumer Watchdog is a nationally recognized non-partisan, non-profit organization with offices in Santa Monica, CA, and Washington, DC, representing the interests of taxpayers and consumers. Its mission is to provide an effective voice for the public interest. Consumer Watchdog's programs focus on insurance, health care, political reform, and privacy protection.

III: Action Now Required by the FTC to Protect Consumers, Using its Enforcement Authority Under Section 5 of the FTC Act.

27. The FTC must conduct an investigation and public accounting of how pharmaceutical and online health services engage in data-collection practices,

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<http://www.democraticmedia.org/files/pdf/FTCadprivacy.pdf>; Center for Digital Democracy and U.S. PIRG, "Supplemental Statement In Support of Complaint and Request for Inquiry and Injunctive Relief Concerning Unfair and Deceptive Online Marketing Practices," Federal Trade Commission Filing, 1 Nov. 2007, [http://www.democraticmedia.org/files/FTCsupplemental\\_statement1107.pdf](http://www.democraticmedia.org/files/FTCsupplemental_statement1107.pdf); and Center for Digital Democracy and U.S. PIRG. Complaint and Request for Inquiry and Injunctive Relief Concerning Unfair and Deceptive Mobile Marketing Practices. Federal Trade Commission Filing. January 13, 2009, [http://www.democraticmedia.org/current\\_projects/privacy/analysis/mobile\\_marketing](http://www.democraticmedia.org/current_projects/privacy/analysis/mobile_marketing) (all viewed 18 Oct. 2010).

including behavioral tracking, used for profiling and targeting. Digital pharmaceutical and medical marketers use a variety of techniques to collect personal information and data from consumers, including via so-called “free” giveaways of products tied to user registration, the distribution of online discount coupons, as well as via cookies, IP addresses, and other tracking techniques.

28. Privacy policies on health and pharmaceutical sites fail to meaningfully inform consumers of how the data collected, including those related to medical conditions and ailments, are used.<sup>24</sup>
29. Health consumers are the subject of unfair and deceptive practices as they visit medical information sites, including the use of online video purportedly independent “testimonial endorsements” that are actually sponsored by drug companies and other marketers without proper disclosure; the mechanism and practice of “condition-targeting,” in which consumers are profiled without their knowledge or consent; the use of online “lead generation” techniques to stealthily identify consumers whose health-related information is shared with other parties, including marketers; and “buzz” or viral marketing designed to generate fans of drug brands and health treatments.<sup>25</sup>
30. Pharmaceutical and online marketing companies are using neuromarketing, “immersive,” and other subliminal-related techniques designed deliberately to bypass the rational, conscious decision-making process in order to promote health products.
31. African-American, Hispanic, and other multicultural groups are being targeted for health products and medical services based on information collected concerning their ethnicity or race. While some sites claim that they have received opt-in permission to target by ethnicity, the use of online racial profiling in digital health marketing without meaningful disclosure and consumer control poses potential new concerns about discrimination.

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<sup>24</sup> This complaint will provide evidence of the far-reaching data collection and targeting schemes used by pharma and health marketers to obtain user data while hiding behind the privacy notice “smokescreen.” In addition to the inadequacies of privacy policies, there is also evidence that health-related data can be “scraped” from websites. A recent *Wall Street Journal* article details the practice of automated scraping of consumer health information on social networking sites. Julia Angwin and Steve Stecklow, “Scrapers’ Dig Deep for Data on Web,” *Wall Street Journal*, 12 Oct. 2010, [http://online.wsj.com/article\\_email/SB10001424052748703358504575544381288117888-1MyQjAxMTAwMDEwMjExNDIyWj.html](http://online.wsj.com/article_email/SB10001424052748703358504575544381288117888-1MyQjAxMTAwMDEwMjExNDIyWj.html) (subscription required).

<sup>25</sup> See, for example, Good Health Media, “Good Health Media is a New Resource for Pharma and Consumer Brands to Connect with Health Audiences,” <http://ghmedia.com/advertisers.php> (viewed 18 Oct. 2010)

32. Ad exchanges and demand-side platforms are being used for the real-time auctioning of the right to target consumers based on their health and medical information and concerns.
33. Marketers are using forms of insurance data to target consumers without their awareness and prior consent.

#### IV: Practices that Threaten Consumer Protection and Privacy

##### **Data Collection**

34. Little information is currently provided on what is being collected from users of health-related sites and how such data are used. Health consumers are being targeted via “profiling systems” that serve to enable online “lead generation” for the pharma marketplace. QH Connect, for example, “continuously maintains data on 9 million members who have requested information about specific diseases, conditions, symptoms, or treatment regimens.” QH Connect conducts “continuous profiling” to help health marketers target and acquire the “most qualified consumers” using data involving:

- Diseases, conditions, and symptoms.
- Current treatments (Rx down to the brand level).
- Level of disease severity.
- Demographics.
- Geographic location.
- Lifestyle choices.<sup>26</sup>

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<sup>26</sup> “Using Healthographics, a proprietary algorithm of more than 250 individual demographic and health data points, each consumer is meticulously profiled on an ongoing basis, which gives our clients access to valuable data and insights that enrich their advertising efforts.” QH Connect also offers “High-Volume, Multichannel Solutions:

Our unique multichannel approach allows brands to connect with the Web’s largest pool of health-conscious consumers. Our growing reach includes:

- 9 million existing, prequalified members.
- 1 million new leads every month.
- 4 million page views per week.
- The industry’s highest index of 45+ visitors.

QH Connect, [http://www.mtscorp.com/qh\\_connect.html](http://www.mtscorp.com/qh_connect.html). See also Marketing Technology Solutions’ case study of a major pharmaceutical company’s use of QH Connect for lead generation, [http://www.mtscorp.com/cs\\_gerd.html](http://www.mtscorp.com/cs_gerd.html) (both viewed 4 Oct. 2010).

# Products and Services

## Data-Driven Lead Generation

Our unique QH Connect<sup>SM</sup> profiling system continuously maintains data on 9 million members who have requested information about specific diseases, conditions, symptoms, or treatment regimens. Using Healthographics<sup>SM</sup>, a proprietary algorithm of more than 250 individual demographic and health data points, each consumer is meticulously profiled on an ongoing basis, which gives our clients access to valuable data and insights that enrich their advertising efforts.

## Ask Your Doctor

Ask Your Doctor is a patent-pending program that allows you to reach patients just in time for their upcoming doctor's appointment. By enhancing communication at the most critical time during the treatment cycle—the initial prescribing visit—the program brings brands directly into the doctor/patient discussion and helps patients become active participants in their own health care.

## Display Advertising

Our QH Extend<sup>SM</sup> advertising solutions enable marketers to communicate their brand message to the world's largest audience of prequalified, health-conscious consumers. In the process, we enable our clients to enhance brand visibility, boost the effectiveness of their media campaigns, and build powerful relationships with new and existing customers.

## Branded Sponsorships

With MTS's branded sponsorships, you can leverage the power of fully customizable solutions that enhance patient awareness and associate brands with condition education. Our content-rich information guides, expert interviews, condition-specific videos, and interactive tools offer multiplatform visibility and 100 percent share of that condition's voice across the QualityHealth network.

## Email Marketing

Our email marketing solutions enable you to deliver your brand message straight to consumers' inboxes. Our list-rental database currently includes more than 9 million opt-in consumers, and our email offerings include content-rich newsletters, condition-specific bulletins, sample offer updates, and more.

## HealthTrak

HealthTrak revolutionizes patient-level data research, offering the first real look at how prescriber communications during the initial prescribing visit—something we like to call the Medical Moment of Truth<sup>™</sup>—impact patient-level persistency. These data enable advertisers to truly understand patient mindsets and create more effective marketing strategies.

# QH Connect<sup>SM</sup>

Our unique QH Connect<sup>SM</sup> profiling system continuously maintains data on 9 million members who have requested information about specific diseases, conditions, symptoms, or treatment regimens. Using Healthographics<sup>SM</sup>, a proprietary algorithm of more than 250 individual demographic and health data points, each consumer is meticulously profiled on an ongoing basis, which gives our clients access to valuable data and insights that enrich their advertising efforts.

## High-Quality Consumer Acquisition

Continuous profiling ensures that our clients reach the most qualified consumers. Data points include:

- Diseases, conditions, and symptoms.
- Current treatments (Rx down to the brand level).
- Level of disease severity.
- Demographics.
- Geographic location.
- Lifestyle choices.

## High-Volume, Multichannel Solutions

Our unique multichannel approach allows brands to connect with the Web's largest pool of health-conscious consumers. Our growing reach includes:

- 9 million existing, prequalified members.
- 1 million new leads every month.
- 4 million page views per week.
- The industry's highest index of 45+ visitors.

## Unique Targeting and Methodology

At MTS, profiling can be customized to your brand's needs. In addition, we offer the following core competencies:

Rank	Site	Visitors	Change
1	Healthline.com	11,022	22.4%
2	Nbc.com	8,385	12.3%
3	YahooHealth.com	6,232	117.2%
4	MSDHealth.com	5,186	118.2%
5	About.com Health	4,384	28.8%
6	WebMD.com	4,077	22.5%
7	Drugs.com	4,192	13.2%
8	ACUHealth.com	4,007	10.2%
9	SearchHealth.com	3,176	108.7%
10	United Health Group	2,779	(N/A)

**Marketing Technology Solutions (MTS)** owns and operates a network of health and nutrition sites. Our community of health-conscious consumers includes more than 20 million members who interact with these sites for health information, nutrition tips, and product offers from our clients' brands.

**Our online marketing solutions help clients to:**

- Maximize ROI by reaching only those consumers who are actively interested in receiving specific disease information.
- Build brands through user-generated content.
- Impact the patient/physician dialogue and drive persistence.

QUALITYHEALTH.com      Nubella.com      HEALTHPAGES.COM

35. Consumers using leading search engines are unaware of how their information is collected, analyzed, and used for online ad targeting and data sales. Search marketing for health conditions has evolved into a highly sophisticated practice that can target information seekers through a variety of techniques, including the sale of related keywords, so-called organic search marketing, and reaching consumers through what is called “top of the search funnel.” Microsoft has numerous guides for BING advertisers to target seekers of health information, including those concerned about diseases and drugs.<sup>27</sup>

<sup>27</sup> Kyle Getz, “Optimize Your Microsoft adCenter Campaigns for Improved Health Results on Bing,” adCenter Blog, 8 Feb. 2010, <http://community.microsoftadvertising.com/blogs/advertiser/archive/2010/02/08/optimizing-for-improved-health-results-pages.aspx#Optimize>; Tina Kelleher, “Bing on 2010: Health, Fitness and What They Mean for Microsoft adCenter Advertisers,” adCenter Blog, 18 Jan. 2010, <http://community.microsoftadvertising.com/blogs/advertiser/archive/2010/01/18/bing-on-2010-health-fitness-and-what-they-mean-for-microsoft-adcenter-advertisers.aspx>; Alain Rappaport, “Bringing Knowledge into Health Search,” Bing Community, 12 Jan. 2010, <http://www.bing.com/community/blogs/search/archive/2010/01/12/bringing-knowledge-into-health-search.aspx>; Kyle Getz, “Health and Fitness Advertisers: Preparing Your adCenter Campaigns for Peak Seasonality,” adCenter Blog, 7 Dec. 2009, <http://community.microsoftadvertising.com/blogs/advertiser/archive/2009/12/07/health-amp-fitness-advertisers-how-to-prepare-for-peak-seasonality.aspx>; Microsoft

36. Alliance Health Networks, whose social network holdings include DiabeticConnect, SleepConnect, ChronicPainConnect, HeartConnect, and DepressionConnect, offers pharmaceutical companies an opportunity to develop relationships with individual consumers using sophisticated data-mining tools.<sup>28</sup> Alliance allows its clients to zero in on specific medical conditions thru digital marketing, including data collection. “As a healthcare marketer,” the company tells its clients, “you deserve to take full advantage of the capabilities of the Internet to engage new customers and build one-to-one relationships.... Our proprietary properties and powerful cross-selling network are built specifically for the unique needs of healthcare marketing, including our proprietary PersonaMatch co-morbidity ranking algorithm that helps place your message in front of the right customers based on the prevalence of related medical conditions.”<sup>29</sup> “PersonaMatch ... allows us to exploit the prevalence of related medical conditions and to use predictive modeling to place correlated healthcare advertising in front of the right consumers. For the first time, healthcare advertising can be served up and driven by medical probabilities rather than simple economic models. The effect is greater relevance to the consumer and greater exposure for targeted products and services.”<sup>30</sup>

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Advertising, “Prescription for Healthcare Manufacturers and Retailers,” 5 Oct. 2009, <http://advertising.microsoft.com/research/healthcare-industry-transformation> (all viewed 26 Oct. 2010).

<sup>28</sup> Alliance Health Networks, “Overview,” <http://news.alliancehealthnetworks.com/companyoverview.php> (viewed 25 June 2010).

<sup>29</sup> Alliance Health Networks, “Marketing Executives,” <http://www.alliancehealthnetworks.com/client-solutions/marketing-executives> (viewed 25 June 2010).

<sup>30</sup> Alliance Health Networks, “Unique Approach,” <http://www.alliancehealthnetworks.com/unique-approach> (viewed 25 June 2010). Alliance Health’s flagship network in this regard, DiabetesConnect, has grown rapidly in recent months. “It took two years for DiabetesConnect to reach 100,000 registered users,” according to *Digiday:Daily*.

It only took the first four months of 2010 to add 100,000 more. Part of the growth has come from a proprietary algorithm that cleans up the comment section for all the sites. Unlike some special interest sites, the comments on DiabetesConnect all seem to be relevant, free of the sometimes bizarre posts that plague all UGC, and free of bad language. That’s no accident. The algorithm pushes the most relevant comments to the top of the comments and also moderates the specific words.... [A] welcome side-effect of the moderated content has been huge uptick in advertisers. Bayer is a huge presence on DiabetesConnect, partially because they get thousands of leads each month from the network, but mostly because the company feels safe with the Alliance content approach. Many more pharmaceutical companies are on the network with microsites or banners, and others are in discussion to be there.

EMPOWERING CONSUMERS  
through SOCIAL HEALTH NETWORKS



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**Ricardo Ortiz started the discussion** How often should you test your sugar levels? I'm getting contradictory information from Doctor and "diabetes educator".



**Artificial Sweeteners and Weight Gain**  
MAYS



**Avera started the discussion** Tips For Avoiding 10 Common Problems Continuous positive airway pressure (CPAP) therapy



**Snoring & Sleep Apnea Solution**  
MAYS

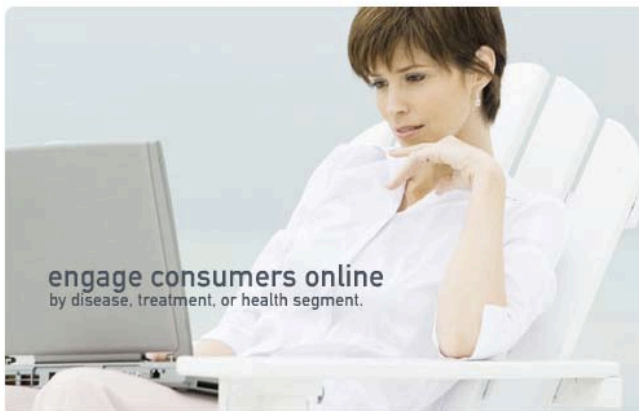


**TPB1960 started the discussion** Hip Replacement Surgery Before 60 I am 50 and need a total hip replacement.



**Diagnosing Arthritis (Arthritis #4)**  
LANA

home   unique approach   consumer networks   marketer solutions   client solutions   press room   about us



**engage consumers online**  
by disease, treatment, or health segment.

Alliance Health delivers unrivaled performance-based health marketing solutions through our proprietary distributed media platform. [LEARN MORE](#)











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Diabetic Connect migrates to its new social networking platform

John Gaffney, "Alliance Health: Social Networks With A Cause," *Digiday:Daily*, 11 June 2010, <http://www.digidaydaily.com/stories/alliance-health-social-networks-with-a-cause/> (viewed 25 June 2010).



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## Welcome to Chronic Pain Connect!

**We're a free online community to help you:**

Get support from friends who really understand.  
Learn about treatments from experts and members.  
Share only what you want with complete privacy controls.

[Join Now](#)

or [Learn More About Chronic Pain Connect](#)



### Pain Free: A Revolutionary Method for Stopping Chronic Pain

By Pete Egoscue  147 views

Starting today, you don't have to live in pain. That is the revolutionary message of this breakthrough system for eliminating chronic pain without drugs, surgery, or expensive physical therapy. Developed by Pete Egoscue, a nationally renowned physiologist and sports injury consultant to some of today's top athletes, the Egoscue Method has...

No comments — [Read more and add your comments.](#)

### Community Advocates [see all](#)



**Sam Curtis**  
Community Manager

[Read My Story](#)

### Latest Site Activities

-  Joann3 posted on her wall.
-  peepingvick changed her profile picture.
-  peepingvick changed her profile picture.
-  peepingvick liked her post.
-  peepingvick liked the discussion Ello everyone.
-  peepingvick liked the article Sacroiliac Joint Anatomy and Pain.

### Active Discussions [see more](#)

-  **Chronic Back Pain**  
"Hello Everyone. I had an automobile accident resulting in a spinal fracture, a few broken ribs and a number of..."
-  **Mindfulness 101: Start By Giving Up the Need to Be...**  
"Hey Florence, Wow, what a great post. Thanks VERY much for checking in. You said it all! It sounds to me that..."
-  **all kinds of pain**  
"21 years nursing gets one several types of chronic pain. Back pain, neck pain, and bilaterl carpal tunnel. I would..."
-  **Mindfulness 101: Start By Giving Up the Need to Be...**  
"Very well-written, Dr. Gary! I was never able to "conquer" my chronic pain until I began letting go. I FINALL..."

### Active Members [see all](#)

-  mommaof2 (11 Points)
-  mother22girls (6 Points)  
36-year-old Female
-  Dr Gary (100 Points)

## To join Diabetic Connect, sign up below.

We'll get you set up on Diabetic Connect in a few easy steps. Just answer a few questions, choose a community nickname and password, and you'll be on your way.

### 1. What brings you here?

- I have diabetes, or want to learn more.  
 I care for, know someone, or am interested in diabetes.

### 2. Tell us about yourself.

My name  Last

I am  Female  Male

Birthday  -- Select Month --  Day  Year

### 3. Select a community nickname and password.

Community nickname   
*This is your alias in the community and how others will address you.*

Email address  e.g. johnsmith@email.com  
*Your email address must be correct to sign in to the community.*

Password

Re-type Password

*By choosing to register you agree to our [privacy policy](#) and [terms of use](#).*

[Sign Up](#)

### Already a member of one of our communities?

- Simply log in to join Diabetic Connect.

Email Address

Password

[I've forgotten my password](#)

- Remember me

[Log In](#)

### Your privacy is very important to us

Diabetic Connect doesn't rent or sell your personal information to third parties for their promotional purposes without your consent. Please review our [privacy policy](#) for further details.



37. QualityHealth says it is “the largest targeted customer acquisition solution for healthcare marketers” and is engaged in forms of online lead generation and other data collection and targeting. QualityHealth’s “Acquire2Convert™ Platform...Identifies and Engages Prospects at Scale,” including its “QH Lead Generator:

The first, largest, and most successful approach to finding patient prospects in the industry. QualityHealth partners with brands to pinpoint the best patient prospect population to meet your business objectives and leverages our profiling system to fill your acquisition funnel — at scale.

#### **QH Lead Incubator:**

When enrolling new prospects to your CRM program, speed and personalization are critical to success. QualityHealth develops and sends timely email messaging to bridge new leads to your brand experience, and ensure that your brand stays top of mind until your fulfillment is delivered to their door or inbox.

#### **QH Lead Re-activator:**

We re-engage dormant customer contacts in your existing brand database with relevant, branded turn-key eNewsletter series to motivate them to action.<sup>31</sup>

<sup>31</sup> Additionally, QualityHealth claims to “expose new prospects to engaging content and branded messaging with our turn-key eNewsletter series. QualityHealth delivers twelve

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weekly newsletters to your new patient prospects either to enhance your own CRM fulfillment or as a cost-effective standalone solution. This ensures your brand is top of mind when the consumer visits the doctor.

### **QualityHealth Removes Obstacles to Getting on Therapy**

#### **Ask Your Doctor™:**

A personalized marketing solution triggered by patients' upcoming doctor visits empowers patients with a doctor discussion guide and branded messaging immediately prior to a doctor visit. This targeted contact helps guide the exam-room conversation and reminds patients to ask for your brand by name.

#### **Focus on Formulary™:**

Focus on Formulary links consumer marketing with brand formulary access, optimizing a brand's marketing spend and maximizing pull-through in the physician's office and at the pharmacy. Our profiling allows us to determine the formulary status of your brand, so we can design targeting and messaging strategy based on coverage, and increase patients' likelihood to get a brand prescription.







QualityHealth, "Our Programs," [http://www.qhperform.com/our\\_programs.html](http://www.qhperform.com/our_programs.html). As the marketer explains elsewhere, Focus on Formulary "uses QualityHealth's sophisticated technology to determine the formulary status of a brand and design targeting messaging directly to millions of profiled consumers based on prescription coverage. With this access and insight, healthcare marketers can now target and educate patients differently depending upon their prescription coverage and have confidence that if a prescription is prescribed, the patient is more likely to receive their brand versus a competitive product. In an April 2010 study using a third-party provider of authenticated prescription data, patients targeted through Focus on Formulary were proven to be 2 to 3 times more likely to get the advertiser's brand, compared to a control group of patients with less favorable formulary coverage. "We continue to build out our Acquire2Convert™ platform to address our healthcare marketing clients' needs," says QualityHealth CEO, Rob Rebak. "Focus on Formulary allows marketers to improve patient economics and overcome a common barrier to conversion. We help healthcare marketers target their ad dollars more precisely and where it will most likely bring the greatest return for the brand." "QualityHealth Launches New Integrated Healthcare Programs For Brand Marketers," 26 Apr. 2010, [http://www.qualityhealth.com/resources/campaign/news/20100426\\_new\\_products.html](http://www.qualityhealth.com/resources/campaign/news/20100426_new_products.html). Additionally, QualityHealth's "Ask the Pharmacist is another new program that helps marketers and patients alike. 'Studies show that as many as 30% of new prescriptions are never filled,' adds SVP, Marketing Strategy, Elaine Boxer. Ask the Pharmacist gets the first prescription filled right from the doctor's office and delivered to the patient's door, making sure they get branded drugs as originally prescribed by their doctor. It also comes with an online patient education program, as well as the ability to transition current patients to new brand extensions without the need for an additional doctor visit. In addition to creating more value to marketers, this service will also help patients fill prescribed treatments and achieve better outcomes." "QualityHealth Launches New Integrated Healthcare Programs For Brand Marketers," 26 Apr. 2010, [http://www.qualityhealth.com/resources/campaign/news/20100426\\_new\\_products.html](http://www.qualityhealth.com/resources/campaign/news/20100426_new_products.html) (all viewed 14 June 2010).









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Select the FREE Newsletters you would like to receive.

### Condition Newsletters

-  **NEW! Sleep Management (Twice weekly)**  
Learn how to fall asleep, get restful sleep, and wake up with the energy you need for a productive day. You'll also get tips and techniques to help you stay awake when you need to, cope with partners who snore and disrupt your sleep, and common sleep issues such as sleep apnea and insomnia. Plus find savings and discounts on health products from brand names you know and trust.
-  **FREE Cancer Survival Guide (Twice weekly)**  
Keep up to date on the latest treatments, preventive measures, cancer-fighting foods, coping tips, and more. Plus get savings and discounts from health brands you know and trust. Sign Up Today.  
[Preview a sample](#)
-  **FREE Living with Allergies (Twice weekly)**  
Learn coping tips and techniques, how to keep symptoms in check, find alternative treatments, and foods that help and hurt. Plus get valuable savings and offers from health brands you know and trust. Sign Up Now.  
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-  **FREE Easing Arthritis Newsletter (Twice weekly)**  
Get actionable tips and techniques to help you manage your symptoms, ease your pain, and stay mobile. Plus find special savings and offers from health brands you know and trust. Sign Up Today.  
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-  **FREE Living with Asthma Newsletter (Twice weekly)**  
Learn coping tips and techniques, how to keep symptoms in check, find alternative treatments, and foods that help and hurt. Plus get valuable savings and offers from health brands you know and trust. Sign Up Now.  
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-  **FREE Coping with Depression Newsletter (Twice weekly)**  
Get valuable techniques and insights to help deal with depression and other mental health conditions. Plus find savings and offers from health brands you know and trust. Sign Up Now.

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-  **FREE Men's Health Newsletter (Twice weekly)**  
Get health information specific for men, including tips on eating right, staying fit, managing stress, and improving relationships. Plus find savings and offers from health brands you know and trust. Sign Up Now.  
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Find information on how to look and feel your best, from dealing with acne and eczema to preventing wrinkles and varicose veins, including tips for healthy hair and nails. Plus get great savings and offers from brands you know and trust. Sign Up Today.  
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-  **FREE Pain Management Newsletter (Twice weekly)**  
Learn ways to manage and reduce debilitating chronic pain, and tips and techniques to keep active and strong. Plus get savings and offers from health brands you know and trust. Sign Up Now.  
[Preview a sample](#)
-  **FREE Children's Health & Parenting Newsletter (Twice weekly)**  
Learn how to prevent and treat common childhood illnesses, stay up-to-date on nutrition news, and find tips and techniques to help your children lead active, healthy lives. Plus get savings and discounts from brands you know and trust. Sign Up Today.  
[Preview a sample](#)
-  **FREE Healthy Aging Newsletter (Twice weekly)**  
Find tips and techniques to help you live a long, healthy life including the best anti-aging foods, exercises to keep you moving, and ways to keep your brain active. Plus get special offers and savings on health products you use every day. Sign Up Now.  
[Preview a sample](#)
-  **FREE Women's Health Newsletter (Twice weekly)**  
Learn how to stay healthy—both physically and emotionally—from maternity to menopause and beyond. Plus get great savings and offers from health brands you know and trust. Sign Up Now.  
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Login --Email-- --Password--  
Forgot Password Become A Member

Health Centers Videos News Expert Q&A Tools Recipes Drugs Community Special Offers

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ADD/ADHD Health Center

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Receive free samples in the mail. Food, beauty & more.  
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Cambridge Researchers have developed an all natural sleep aid just for you.  
PeakLife.com/TrySomnapu

\$62+ Disney Resorts Sale  
\$62 and Up, Walt Disney World Resorts on Sale This Fall  
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QualityHealth Home > ADD/ADHD Health Center

## ADD/ADHD Health Center

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**Could Your Child Have Tourette Syndrome?**  
Tics are common in childhood. When they continue and occur in conjunction with other repetitive patterns, they could be signs of a condition called Tourette Syndrome. [Read More](#)

Healthy Recipes

Lentil Chicken Salad  
Hummus and Sprout Pockets  
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Fast Fact

**73** Estimated percentage of children diagnosed with ADHD who are boys.

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Bipolar disorder, a debilitating mood disorder, is often misdiagnosed, delaying appropriate treatment and even increasing the severity of a patient's illness. [Read More](#)

**The Link between ADHD and Sleep Disorders**  
[Long Term Health Issues Surrounding ADHD](#)

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[ADHD in Children: One of the Harmful Effects of Pesticides?](#)

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ADD/ADHD News

**Kids' mental health may dip when parents are deployed**  
Mon, November 8, 2010  
The young children of U.S. service members may suffer more mental health or behavioral problems when a parent is deployed... [Read More](#)

**Early ADHD diagnosis a risk factor for depression**  
Tue, October 5, 2010

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Ask Your Doctor the RIGHT Questions!

Get FREE tools and tips to get the most from your doctor visit.  
Emailed right to you!

Email Address

QualityHealth 18+, US residents only please.

Get the MOST from QualityHealth

 Find QualityHealth on Facebook! Connect with others and get our latest health tips and recipes. Like us!

 Follow QualityHealth on Twitter. Be the first to know about savings on health products you use every day!

38. Summarizing the aspirations of an entire industry, QualityHealth claims to “...break down barriers to conversion by delivering targeted messaging that is informed by our profiling insights and designed to drive desired actions for your brand. For example, we can reach consumers just before their next doctor visit, as well as follow up with reminders and relevant information, for maximum impact.”<sup>32</sup>

39. QualityHealth’s “proprietary profiling technology” claims that “Over 20 million consumers have opted-in and registered with us to access healthcare content,

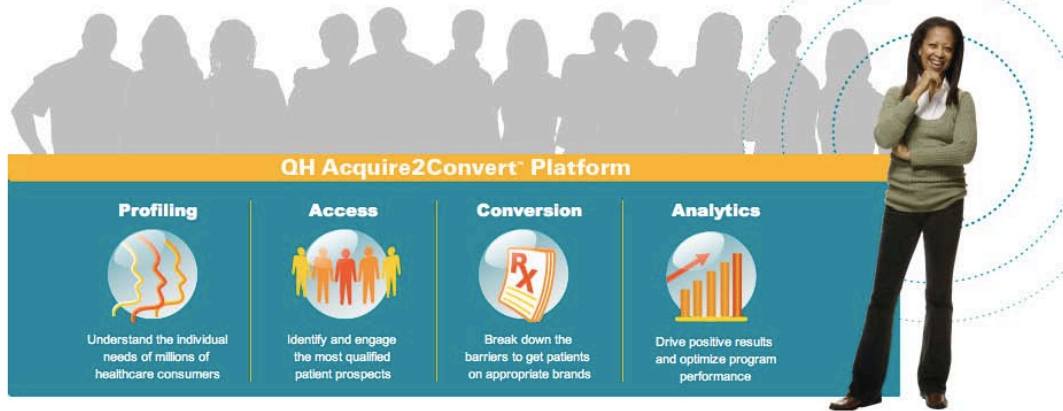
<sup>32</sup> QualityHealth, “Conversion,” <http://www.qhperform.com/conversion.html> (viewed 14 June 2010).

messaging, tools and offers.” Few consumers likely realize, however, that they have consented to become the subjects of a “proprietary profiling technology” that “captures... valuable information across over 100 individual data points,” including “consumers’ conditions and preferred treatments”; “doctor relationships and plans to visit the doctor”; and “insurance and formulary coverage.”<sup>33</sup>



[Our Company](#) [Our Programs](#) [Our Performance](#)

## Turn consumers into customers



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<sup>33</sup> “As a result, QualityHealth has developed the largest, most comprehensive set of actionable health consumer profiles. QualityHealth enables you to target the right potential patients at the right time in their health continuum with the right programs and most effective messaging.” QualityHealth, “Profiling,” <http://www.qhperform.com/profiling.html>. See also, QualityHealth, “Privacy Policy,” [http://www.qhperform.com/privacy\\_policy.html](http://www.qhperform.com/privacy_policy.html) (both viewed 14 Oct. 2010).

### Our Performance

Our integrated platform of programs is a proven approach and efficient allocation of resources that drives strong ROI for Rx brands. We measure and optimize each component of your program to ensure marketing success:

#### Ask Your Doctor Case Study

##### Marketing Objective

- A brand team was interested in driving sales for their diabetes treatment.
- The team wished to impact the doctor-patient discussion by empowering the patient to engage actively with the physician.

##### QualityHealth Program

- QualityHealth identified both consumers with diabetes as well as caregivers planning to see a doctor to discuss diabetes in the next 30 days, and invited these target groups to enroll in an email series.
- Enrollees received three emails within 21 days that provided tips and tools to help patients and caregivers discuss the condition and the brand with the doctor.

##### QualityHealth Performance Metrics

- Recontact surveys captured overall perceptions and the impact of the call to action.
- Prescription database match back analyses determined true prescription impact.
- Fully integrated metrics drove campaign optimization.

##### Program Results

- Requests for the featured brand doubled.
- The Ask Your Doctor program drove a significant incremental increase in sales, and resulted in an ROI of 5:1.

#### QH Lead Generator Case Study

##### Marketing Objective

- A heartburn brand wanted to drive incremental sales through their national direct-to-patient CRM program, in which consumers opted in to receive a trial incentive for their first prescription, as well as a patient education kit motivating them to ask their doctor about the featured brand.

##### QualityHealth Program

- QualityHealth profiled and identified health-conscious consumers who suffered from GERD and who treated their condition two or more times per week with prescription treatments.
- Through our Lead Generator program, qualified consumers received a free trial offer and information kit within the context of their trusted relationship with QualityHealth.

##### QualityHealth Performance Metrics

- We invited program enrollees to participate in a re-contact survey to determine lift in brand awareness and intent, and change in prescription-fill behavior.
- We then compared the survey response from the test and control groups.

##### Program Results

- Program enrollees were 51% more likely to fill their prescriptions.
- The Lead Generator program increased the rate of physician visits by 11% in the target profile versus a control group, and overall the program generated a 5:1 ROI.

An integrated platform of profiled consumers, stakeholders and channels – for Programs that Perform™



40. Adify, whose clients include Good Health Advertising, “target[s] previous visitors to the advertiser’s site” and “deploy[s] tracking beacons, then use[s] sophisticated logic to define targetable behavioral segments.”<sup>34</sup>

41. AdRx Media, an ad network comprising Britannica Health, HealthGrades, Healthy.net, Merriam-Webster Medical Dictionary, OrganizedWisdom.com, and Wrong Diagnosis, along with more than 50 other health and wellness information sites, “gives advertisers a way to reach consumers while they are engaged in seeking health information on more targeted sites beyond the largest

<sup>34</sup> “Good Health Advertising Debuts To Deliver Unique Value To Health Information Consumers, Advertisers And Publishers,” 18 June 2007, <http://www.adify.com/good-health-advertising-debuts-to-deliver-unique-value-to-health-information-consumers-advertisers-and-publishers/>; Adify, “Ad Delivery, Targeting, & Optimization,” <http://www.adify.com/ad-delivery-targeting-optimization/> (both viewed 16 Feb. 2010).

health properties.”<sup>35</sup> AdRx promises its clients “... access to more than 20 million health-conscious consumers, with condition-specific targeting” as well as a variation on behavioral targeting that follows patients over the course of their treatment, “by sequencing messaging to appear within the patient lifecycle, from pre-diagnosis to diagnosis to condition management.”<sup>36</sup>

The image is a screenshot of the AdRx Media website. In the top left corner is the AdRx Media logo, which consists of three overlapping hexagons in shades of purple and grey, with the text 'adrx media' below them. To the right of the logo is a vertical navigation menu with the following links: ADVERTISERS, PUBLISHERS, ABOUT, and CONTACT. In the top right corner, there is a 'Publisher Login' section with a form containing 'User Name' and 'Password' input fields, and a 'LOGIN' button. The main content area features a large, light blue hexagonal graphic. Inside this hexagon, the text reads: 'Advertisers who partner with AdRx Media gain access to several benefits not offered by other health properties:' followed by a list of benefits: Demographic Targeting, Geo-medical Targeting, Behavioral Targeting, Custom Sponsorships, Condition-specific, and Contextual Targeting. Below this graphic, the word 'Targeting' is written in a large, dark purple font. Underneath, there is a paragraph: 'In addition to targeting based on geographic and other standard technical targeting methods, AdRx Media offers a wealth of sophisticated targeting options.' This is followed by another paragraph: 'Other retargeting features include recency, frequency and exclusion targeting.' Below that, a bolded heading reads: 'AdRx Media reaches untapped health-conscious consumers:' followed by two statistics: '71.4% of AdRx Media visitors do not go to WebMD.' and '60.9% of AdRx Media visitors do not go to Everyday Health.' At the bottom left of the page, there is a small note: '\*comScore Media Metrix, May 2008'.

<sup>35</sup> “ValueClick Launches Premium Health & Wellness Network,” 15 Sept. 2008, <http://phx.corporate-ir.net/phoenix.zhtml?c=84375&p=irol-newsArticle&ID=1196889>; “ValueClick’s AdRx Media Expands Offering; Adds Publishers,” 5 May 2009, <http://valueclickmedia.com/press050509.html> (both viewed 16 Feb. 2010).

<sup>36</sup> AdRx, “Advertisers,” <http://www.adrxmedia.com/advertisers.shtml>; AdRx, “Targeting,” <http://www.adrxmedia.com/targeting.shtml> (both viewed 16 Feb. 2010).



ADVERTISERS  
PUBLISHERS  
ABOUT  
CONTACT

Publisher Login:  
User Name  
  
Password  
  
LOGIN

Presenting  
**AdRx Media**

Welcome to AdRx Media, home of the largest advertising network dedicated to aggregating quality health and wellness publishers.

With access to more than 20 million health-conscious consumers every month, we offer contextually targeted condition-specific inventory across dozens of premium sites, bringing advertisers the most convenient way to reach their target audience in a single, fully-transparent buy.

**Advertisers**

An easier way  
to reach  
health-conscious  
consumers online

42. ClearSight Interactive’s ClearTarget “Healthcare & Medical Conditions” category uses databases to help generate targeting profiles of consumers. Consumers are unaware of this process, despite claims of ClearSight having received “permission” for a process where, “Using ClearProfile, Advertisers will be able to identify and deliver banner ads to prospective customers based on proven offline demographic and psychographic purchase propensities plus geographic purchase intensities.... ClearProfile models IP Address geo-locations to neighborhoods through self-submitted permission-based website registration data and integrates traditional offline aggregated data indexed at the Zip+4 and census block level....”<sup>37</sup>

<sup>37</sup> “Through exclusive data partnerships, ClearProfile offers over 180 audience targeting segments and more are on the way. Segments include demographic details ranging from the presence of children in the household and home ownership to psychographic attributes such as automotive preferences, financial investment activity and frequent travel behavior.” ClearSight Interactive, “ClearTarget,” <http://www.clearsightinteractive.com/cleartarget.html>; ClearSight Interactive, “ClearSight Unveils New Audience Targeting Method for Display Advertising,” 28 June 2010,

**Can't find your target market in a sea of online users?**

**Tired of wasting campaign dollars on the wrong audience?**



**In The News**

ClearSight Unveils New Audience Targeting Method for Display Advertising  
June 28, 2010

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ClearSight Unveils ClearTrigger  
June 16, 2009

[Read More >](#)

ClearSight Announces Company Launch  
February 26, 2009

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**ClearTarget**



ClearTarget offers pre-selected audiences of online users in the top ad spending categories like Financial, Automotive, Healthcare, Travel and more. Using powerful offline predictive data elements for targeted ad serving, we enable advertisers to cut wasteful impression and heavy-up on their best prospects. ClearTarget also enables publishers by creating highly sought-after premium audiences. For both Advertisers and Publishers...more efficient ad campaigns...more sales.

**ClearProfile**



You've wanted to use offline data to better define and target your audience. Now you can! We used our proprietary database and technology to geo-locate millions of IP addresses at the ZIP+4 level. We then appended proven demographic, lifestyle, and transactional enhancement data that has been used for years by marketers with success. We've had industry leading analytics and modeling pros model over 120 purchase propensities...and more are coming. You can use our purchase propensities plus demographics to define your own audience, or you can provide us with your customer and prospect data and we will model a custom audience for you.

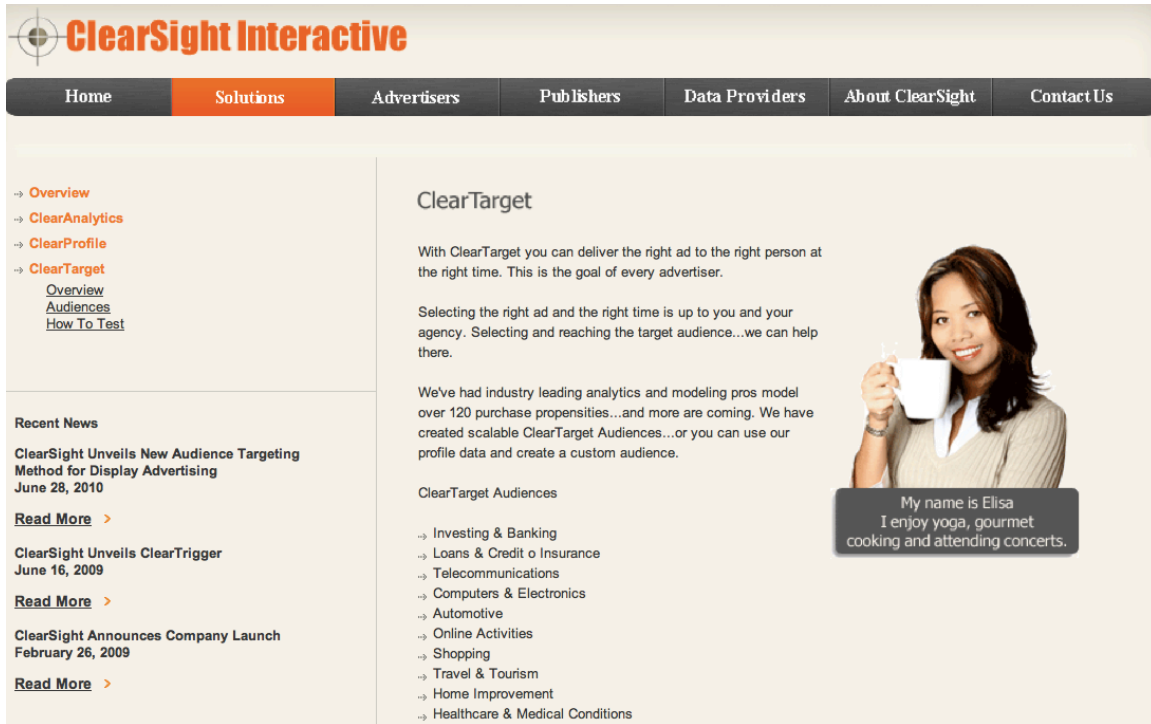
**Upcoming Events**



Omnia Behavioral Conference  
New York Marriott Marquis  
February 25, 2010



AdTech San Francisco



**ClearSight Interactive**

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ClearSight Announces Company Launch  
February 26, 2009  
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**ClearTarget**

With ClearTarget you can deliver the right ad to the right person at the right time. This is the goal of every advertiser.

Selecting the right ad and the right time is up to you and your agency. Selecting and reaching the target audience...we can help there.

We've had industry leading analytics and modeling pros model over 120 purchase propensities...and more are coming. We have created scalable ClearTarget Audiences...or you can use our profile data and create a custom audience.

ClearTarget Audiences

- Investing & Banking
- Loans & Credit Insurance
- Telecommunications
- Computers & Electronics
- Automotive
- Online Activities
- Shopping
- Travel & Tourism
- Home Improvement
- Healthcare & Medical Conditions

My name is Elisa  
I enjoy yoga, gourmet cooking and attending concerts.

43. Good Health Media (GHM), whose pharmaceutical advertisers include Shire, J&J, Wyeth, Pfizer, Sanofi Aventis, and Merck, and also works with Wal-Mart, uses “ConditionMatch” that tracks “in-market” consumers for specific health conditions using “cutting edge behavioral targeting technology.” GHM promises medical advertisers that they can “Achieve vast reach targeting specific health conditions like Depression, COPD, Diabetes, Asthma, Allergies and more... Sites include: [RightHealth.com](http://RightHealth.com), [MedHelp.org](http://MedHelp.org), [WomensHealthBase.com](http://WomensHealthBase.com), [OrganizedWisdom.com](http://OrganizedWisdom.com) and many others.” GHM has told prospective advertisers that it “identifies groups with common sets of conditions/health-related characteristics by geographic region via insurance claims and individual ‘opt-in’ data.”<sup>38</sup>

<sup>38</sup> Good Health Media, “Overview Presentation,” Jan. 2010, personal copy. “Pharmaceutical brands seek large, condition-specific audiences online, and we have the most precise solution available,” explains Bill Jennings, CEO of Good Health Media. The company “utilizes cutting edge behavioral targeting technology to identify and reach very large condition specific audiences like diabetes, asthma, high cholesterol, and arthritis. There is simply no better way to achieve high reach and optimization aimed at top health categories.” Good Health Media, “Welcome to Good Health Advertising,” <http://www.goodhealthadvertising.com/News.html> (viewed 16 Feb. 2010). GHM recently engaged TagMan for its online campaign tracking technology, enabling it to “instantly add or amend” its tracking tags so “it can now see the entire path a customer takes to conversion.” “TagMan’s single page tag will house all of the tags/pixels used to track Good Health Media (GHM) online ad campaigns, including display, paid and natural search, affiliates and email. Using the TagMan interface, GHM will have a single view of the effectiveness and interaction of its online advertising campaigns and will be able to see the interaction between the consumer and all online marketing channels, enabling it to enhance

**GoodHealthMedia**

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## Target Audience

### Medical Channel:

Achieve vast reach targeting specific health conditions like Depression, COPD, Diabetes, Asthma, Allergies and more via GHMs Medical Channel. GHM aggregates the most frequent and recent visitors to top Health content and channels your ads to these users for high impact. Sites include: RightHealth.com, MedHelp.org, WomensHealthBase.com, OrganizedWisdom.com and many others. We can also use our proprietary process "ConditionMatch" to track these "in market" audiences across the broader web on Comscore 250 sites. ConditionMatch enables you to target consumers who have shown a high interest level in a particular health condition and communicate your brand message to them across the web at very efficient rates.

### Wellness Channel:

The GHM Wellness Channel allows you to reach a very large audience of health & wellness focused consumers. According to Comscore, GHM has 37 million uniques per month and is the fastest growing Health ad network. Your ads will be seen by health conscious consumers as they seek fitness, nutrition or specific health condition information. Campaigns are optimized so your ads are shifted to those sites with the best performance increasing ROI. GHM provides unparalleled cost effectiveness and reach with its Wellness Channel.

### HealthCare Professional Channel:

GHM's HCP Channel reaches Doctors, Nurses and administrators with unique media opportunities. While Pharmas have relied on salespeople to communicate with HCPs in the past these efforts are proving far less impactful. The average sales rep only receives 2 minutes on average with Doctors and previous HCP entertaining is now forbidden by the FDA. GHM can offer unique ways to reach Doctors like Practice Fusion the only ad supported Electronic Medical Records platform. Brands may Sponsor key sections on Practice Fusion like ePrescribing, the Login Page, Medical Records and Lab Results. Other HCP media includes the MBL Publication sites PrimaryPsychiatry.com, CNSspectrums.com and others.

its optimization of online campaigns and media budget allocation." "Good Health Media, Inc. Appoints TagMan as Global 'Container Tag' for Tag Management and Attribution," 30 Aug. 2010, [http://blog.tagman.com/2010/08/container-tag-management-data-and-attribution\\_for\\_good\\_health\\_in/](http://blog.tagman.com/2010/08/container-tag-management-data-and-attribution_for_good_health_in/) (viewed 8 Sept. 2010). See also Good Health Media, "Target Audience," [http://ghmedia.com/target\\_audience.php](http://ghmedia.com/target_audience.php); Good Health Media, "Advertisers," <http://ghmedia.com/advertisers.php> (both viewed 25 Oct. 2010); "Good Health Ranks As Fastest-Growing Among Health Ad Nets," *Online Media Daily*, 4 Mar. 2010, [http://www.mediapost.com/publications/?fa=Articles.showArticle&art\\_aid=123678](http://www.mediapost.com/publications/?fa=Articles.showArticle&art_aid=123678) (viewed 8 Nov. 2010).

**Good Health Media**

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## Publishers

### Partnering with Good Health Media

**A few questions for you to get started:**

- Are you getting your fair share of Pharma and Health advertising dollars?
- Do you find it challenging to get on the radar screen of the major advertising agencies handling the big Pharma and Health brands?
- Are you frustrated with the big, broad reach ad networks that over-promise, under-deliver and bring you low-value advertising campaigns?

If so, we may be able to help.

Good Health Media connects high-quality Publishers of Health and Medical Content with today's leading Consumer and Pharmaceutical Advertisers.

Good Health represents a new and powerful, new revenue stream for your online business. Our advertisers value your targeted audiences and we can generate CPM's that are often far higher than broad ad networks.

We represent your brand to the top Health and Pharmaceutical advertising agencies to ensure that you receive your fair share of today's online Health media budgets. We identify, focus on and present those attributes that makes your site(s) unique and valuable. We seek to build and promote your brands to all of the top advertising agencies and advertisers focused on reaching the online health consumers. We build a compelling "story" to create a memorable brand message that resonates with advertisers and media planners.

**Good Health Media works with you in a consultative manner to help you answer the following questions:**

- "What do you need to do to make your site more attractive to the major advertisers?"
- "What kind of layout and ad placements will maximize your online advertising revenue opportunities?"
- "What types of customized programs, advertorials and custom content sections should you offer?"
- "What types of content should you develop to help generate both user and advertiser interest?"

Good Health Media exists to build your business and drive more revenue onto your pages. Everything we do is focused on achieving that singular goal.

Unlike the broad reach ad networks who attempt to "be all things to all people", we're 100% committed to the Health and Medical category. As a result, we offer our clients a level of category expertise that is simply not available via the broad-reach or "remnant" ad networks.

Our technology and ConditionMatch process ensures that your content will be matched with targeted with high value pharma and CPG advertisers. Our Wellness Channel can also general a consistent stream of general health focused campaigns. If you are an HCP focused site, we can connect your site to high CPM buys aimed at Doctors and Nurses.

44. Demand Media's eHow website—which claims to be the “18<sup>th</sup> largest individual website in the U.S.”—tells consumers that it is “an online community dedicated to providing visitors, like you, the ability to research, share, and discuss solutions and tips for completing day-to-day tasks and projects.”<sup>39</sup> eHow's health section provides consumers information on medical “conditions and treatments,” including liver disease, depression, stokes, and sexual disorders. According to eHow's information for health advertisers, it says 1.8 million of its users “buy prescription medications” and 1.5 million “buy over-the counter

<sup>39</sup> Demand Media, “eHow,” <http://www.demandmedia.com/properties/ehow/>; eHow, “About eHow,” [http://www.ehow.com/about\\_us/about\\_us.aspx](http://www.ehow.com/about_us/about_us.aspx) (both viewed 25 Oct. 2010).

medications.”<sup>40</sup> eHow fails to adequately inform its users about the enormous amount of data it collects about them, including what it offers advertisers and sponsors: “behavioral targeting, retargeting, social media promotions, eNewsletters, and social media promotions,” and that it is also engaged in what it calls “Intent Targeting Advertising.”<sup>41</sup> According to its Securities and Exchange Commission S-1 filing, Demand Media tracks “over 1 billion discrete events per month.”<sup>42</sup> Armed with such data, the company is able to deliver highly targeted ads in a variety of formats.<sup>43</sup> Nor do consumers understand the integration

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<sup>40</sup> eHow, “Channel Opportunities: Health,” [http://advertising.demandmedia.com/onesheets/DM\\_Health.pdf](http://advertising.demandmedia.com/onesheets/DM_Health.pdf) (viewed 25 Oct. 2010).

<sup>41</sup> According to the eHow website, Demand Media collects the following information:

Type of Information We Collect. We collect any information you enter on the Site or give us in any other way (such as through an email, survey, or letter). The information that we collect varies depending upon how you use our Site. For example, our account registration process requires that you provide us with your user name, birthday and email address, and that you create and provide us with a password. We may also request other information, such as but not limited to, your actual first and last name, gender, and zip code. You may make changes, corrections, or updates to some PII provided through this Site which we use for communications with you, by visiting the “Edit My Profile” page on the eHow website. We may keep a record of all information that is changed (including deletions) and Disclose it for any lawful purpose. We may determine what may be changed (e.g., if we are required to keep track of certain kinds of transactions, you may not change relevant information)....

**Collection of Information by Third Parties.** Our Site may include third-party advertising, links to other websites, and other content from third party businesses.... These third-party websites, businesses, and advertisers, or advertising companies working on their behalf, sometimes use technology to deliver (or “serve”) the advertisements that appear on our Site directly to your browser. They automatically receive your IP address when this happens. They may also use cookies, JavaScript, web beacons (also known as action tags or single-pixel gifs), and other technologies to measure the effectiveness of their ads and to personalize or optimize advertising content. We do not have access to or control over cookies or other technologies that they may use, and the information practices of these advertisers and third-party websites or businesses are not covered by this Policy but are covered by their respective privacy policies. eHow, Inc., “Privacy and Information Security Policy,” <http://www.ehow.com/privacy.aspx#ixzz0vwDahEj4> (viewed 30 Sept. 2010).

<sup>42</sup> Demand Media, Inc., “Form S-1,” 6 Aug. 2010, p. 104, [http://www.sec.gov/Archives/edgar/data/1365038/000104746910007151/a2199583zs-1.htm#dw40301\\_business](http://www.sec.gov/Archives/edgar/data/1365038/000104746910007151/a2199583zs-1.htm#dw40301_business) (viewed 30 Sept. 2010). See also eHow, “How to Recognize the Symptoms of Liver Disease,” [http://www.ehow.com/how\\_2002522\\_symptoms-liver-disease.html](http://www.ehow.com/how_2002522_symptoms-liver-disease.html); eHow, “Conditions & Treatments,” [http://www.ehow.com/information\\_1035-conditions-treatments.html](http://www.ehow.com/information_1035-conditions-treatments.html) (both viewed 25 Oct. 2010).

<sup>43</sup> “During the quarter ended June 30, 2010,” Demand Media reports,

between the editorial content they are provided and its role in advertising. Demand Media tells prospective publishers that its “content channels” are designed to help boost ad sales: “Our algorithmically-guided approach first determines what your target audience is looking for on the Web, and suggests content titles that we believe will perform well.”<sup>44</sup> Consumers need to be given

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we generated an average of over 5,700 wholly-owned text articles and videos per day. The process to select the subject matter of our content, or our title selection process, combines automated algorithms with third-party and proprietary data along with several levels of editorial input to determine what content consumers are seeking, if it is likely to be valuable to advertisers and whether it can be cost effectively produced. To produce original content for these titles at scale, we engage our robust community of highly-qualified freelance content creators. As of June 30, 2010, our content studio had over 10,000 freelance content creators, a significant number of which have prior experience in newspapers, magazines or broadcast television. Our content creation process is scaled through a variety of online management tools and overseen by an in-house editorial team, resulting in high-quality, commercially valuable content. Our technology and innovative processes allow us to produce articles and videos in a cost effective manner while ensuring high quality output...

Monetization. Our goal is to deliver targeted placements to advertisers who seek to reach consumers based on the content these consumers are seeking and discovering. Our platform generates revenue primarily through the sale of online advertisements, sourced through advertising networks and to a lesser degree through our direct advertising sales force. The system of monetization tools in our platform includes contextual matching algorithms that place advertisements based on website content, yield optimization systems that continuously evaluate performance of advertisements on websites to maximize revenue and ad management infrastructures to manage multiple ad formats and control ad inventory. In addition, our platform is well-positioned to benefit from the continued growth of advertising networks by giving us access to a broader set of advertisements we can more precisely match with our content, thereby increasing advertising yields.

Demand Media, Inc., “Form S-1,” pp. 100-101.

<sup>44</sup> Demand Media, “Content Channels,” <http://www.demandmedia.com/solutions/content-channels/> (viewed 25 Oct. 2010). Demand Media also offers a social media technology called “Pluck” that is designed to engage consumers in conversations with various brands. “In fact,” the company explains, “consumers expect an open dialogue with the brands and products they purchase. We help transform traditional marketing and retail sites into two-way conversations, places where consumers can engage directly with brands and their offerings. With our wide array of social media tools and customizable content solutions, we help brands and retailers build engaging online destinations that inform consumers and empower them to evangelize their experiences to others.” Demand Media endeavors to build these two-way conversations in a variety of ways:

- Encouraging brand evangelism through category and lifestyle communities
- Detailed consumer feedback with product page recommendations and discussions
- Delivering actionable audiences with demonstrated consumer intent

meaningful notice about how content involving sensitive health concerns have been written to help draw consumers and facilitate targeted data collection.

Every day, we connect  
Advertisers with millions  
of online users.

Get in touch today! »

Connecting your brand with  
intent targeted consumers



By engaging consumers at the point of intent—no matter what the demo or behavioral data say—Demand Media advertisers reach not just the right consumer, but they reach them at the right time and closer to the action.

45. An individual's consumer's health and medical behavior is being auctioned in real time for targeted ad delivery. Increasingly, the targeting is accompanied by what is known as "data optimization," i.e., the use of various information resources to build up a more complete profile of a user, which allows for more

- Increased engagement with unique contests using photo and video galleries
- Direct communication with shoppers through moderated forums
- Regionalized retail initiatives through user-managed online groups.

Demand Media, "Solutions for Marketers,"

<http://www.demandmedia.com/solutions/marketers/> (viewed 30 Sept. 2010).



fine-grained targeting. A consumer has no knowledge that their health and medical information is part of a nontransparent and unaccountable process selling them to the highest ad bidder. For example, Google/DoubleClick's Ad Exchange Health Focus has 36 categories, from Arthritis and Diabetes to Respiratory Conditions and Sleep Disorders."<sup>45</sup> Another advertising exchange, CONTEXTWEB, offers dozens of health-related targeting categories, including A.D.D., HIV/Aids, Arthritis, Lung Cancer, Bipolar Disorder, Brain Tumor and Alzheimer's Disease.<sup>46</sup> Yahoo's Right Media Exchange also targets via a health category.<sup>47</sup> The Rubicon Project and Rocket Fuel offer health targeting and data optimization services, as well.<sup>48</sup> Data brokers supply behavioral health-related data for targeting as well, including eXelate and BlueKai.<sup>49</sup>

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<sup>45</sup> DoubleClick, "Category Targeting Codes,"

<http://www.google.com/support/adxbuyer/bin/answer.py?answer=156178&cbid=kh0ngv316e4w&src=cb&lev=answer>; DoubleClick, "DoubleClick Ad Exchange 2.0," <http://www.doubleclick.com/products/advertisingexchange/index.aspx> (both viewed 16 Feb. 2010).

<sup>46</sup> CONTEXTWEB, "Targeted Traffic: ADSDAQ Categories,"

<http://www.contextweb.com/buyingdesk/categories>; CONTEXTWEB, "Finding Audience," [http://www.contextweb.com/find\\_your\\_audience](http://www.contextweb.com/find_your_audience) (both viewed 25 Oct. 2010). Ad exchanges allow advertisers to "hook into large ad exchanges and set a price they're willing to pay for a particular audience. When a user arrives at a Web page, the exchange makes a decision based on the data available on the user and the bid submitted to find the best-matching ad. The matching is done in real time, banner by banner.... 'It's no longer about sections and pages, it's about people and actions,' said Eric Porres, CMO at Lotame, a marketing tech company with an audience data platform." Thus Gannett has implemented technology from CONTEXTWEB "to allow advertisers to reach specific audiences, although still tied to content. In the past, Gannett could only sell broad category deals in 'health.' Now, with ContextWeb mapping each piece of content to more specific categories, it can sell cholesterol and diabetes content. 'It's another way for them to segment the inventory to provide better value to the advertiser and better value to Gannett,' said Jay Sears, gm of ContextWeb Ad Exchange." Brian Morrissey, "Audience: New King of the Hill?" *Adweek*, 24 Oct. 2010, [http://www.adweek.com/aw/content\\_display/news/digital/e3i1c1499752deb3a60c1be96894a47c458](http://www.adweek.com/aw/content_display/news/digital/e3i1c1499752deb3a60c1be96894a47c458) (viewed 31 Oct. 2010).

<sup>47</sup> Right Media Exchange, "Advertiser Offer Types: Trends Review-H2 2009,"

[http://l.yimg.com/a/i/us/ayc/pdf/advertiser\\_offer\\_types2.pdf](http://l.yimg.com/a/i/us/ayc/pdf/advertiser_offer_types2.pdf) (viewed 25 Oct. 2010).

<sup>48</sup> Rubicon Project, "REVV Overview," <http://www.rubiconproject.com/REVV>; Rocket Fuel, "Rocket Fuel Audience Booster,"

[http://www.rocketfuelinc.com/solutions/audience\\_booster.html](http://www.rocketfuelinc.com/solutions/audience_booster.html) (both viewed 25 Oct. 2010).

<sup>49</sup> eXelate, "Buyers: Targeting Segments," <http://www.exelate.com/new/buyers-targetingsegments.html>; BlueKai, "Intent Data," <http://www.bluekai.com/intentdata.php> (both viewed 25 Oct. 2010).

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### Category targeting codes

To learn how to target to the category codes listed below, go to:

- [How do I add multiple placements?](#) if you use AdWords Editor, or
- [Category targeting](#) if you use DoubleClick Ad Exchange.

▣ [Arts & Entertainment](#)

▣ [Autos & Vehicles](#)

▣ [Beauty & Fitness](#)

▣ [Books & Literature](#)

▣ [Business & Industrial](#)

▣ [Computers & Electronics](#)

▣ [Finance](#)

▣ [Food & Drink](#)

▣ [Games](#)

▣ [Health](#)

category::Health

category::Health>Aging & Geriatrics

category::Health>Aging & Geriatrics>Alzheimer's Disease

category::Health>Alternative & Natural Medicine

category::Health>Alternative & Natural Medicine>Acupuncture & Chinese Medicine

category::Health>Alternative & Natural Medicine>Cleansing & Detoxification

category::Health>Health Conditions

category::Health>Health Conditions>AIDS & HIV

category::Health>Health Conditions>Allergies

category::Health>Health Conditions>Arthritis

category::Health>Health Conditions>Cancer

category::Health>Health Conditions>Cold & Flu

category::Health>Health Conditions>Diabetes

category::Health>Health Conditions>Ear Nose & Throat

category::Health>Health Conditions>Eating Disorders

category::Health>Health Conditions>GERD & Digestive Disorders

category::Health>Health Conditions>Genetic Disorders

category::Health>Health Conditions>Heart & Hypertension

category::Health>Health Conditions>Infectious Diseases

category::Health>Health Conditions>Infectious Diseases>Parasites & Parasitic Diseases

category::Health>Health Conditions>Infectious Diseases>Vaccines & Immunizations

category::Health>Health Conditions>Injury

category::Health>Health Conditions>Neurological Disorders

category::Health>Health Conditions>Obesity

category::Health>Health Conditions>Pain Management

category::Health>Health Conditions>Pain Management>Headaches & Migraines

category::Health>Health Conditions>Respiratory Conditions

category::Health>Health Conditions>Respiratory Conditions>Asthma

category::Health>Health Conditions>Skin Conditions

category::Health>Health Conditions>Sleep Disorders

category::Health>Health Education & Medical Training

category::Health>Health Foundations & Medical Research

category::Health>Medical Devices & Equipment

category::Health>Medical Facilities & Services

category::Health>Medical Facilities & Services>Doctors' Offices

category::Health>Medical Facilities & Services>Hospitals & Treatment Centers

category::Health>Medical Facilities & Services>Medical Procedures

category::Health>Medical Facilities & Services>Medical Procedures>Medical Tests & Exams

category::Health>Medical Facilities & Services>Medical Procedures>Surgery

category::Health>Medical Facilities & Services>Physical Therapy

category::Health>Medical Literature & Resources

category::Health>Medical Literature & Resources>Medical Photos & Illustration

category::Health>Men's Health

category::Health>Mental Health

category::Health>Mental Health>Anxiety & Stress

MEDIA AD EXCHANGE
WORKING WITH CONTEXTWEB
MEDIA SOLUTIONS SALES
BUYING DESK
SELLING DESK
BLOG

BUYING DESK

HOW IT WORKS


**CATEGORIES**

DEMOS

FAQ

FORUM

APIs



PAGES SCANNED FOR CONTENT IN LESS THAN 20 MILLISECONDS

NEW TO THE EXCHANGE? REGISTER AS A BUYER OR SELLER

TRY OUT CONTEXTWEB'S CONTEXTUALIZER DEMO  
Enter any URL to see our technology in action — in real time.

SCHEDULE A LIVE DEMO  
Try out a live demo of CONTEXTWEB with an expert advisor

### CATEGORIES

The CONTEXTWEB Ad Exchange classifies its entire inventory into one of over 400 precise categories that comply with the IAB's Network and Exchange Quality Assurance Guidelines. These classifications are done in real-time and at the page level, allowing advertisers to accurately target and reach their audience with a powerful level of granularity

**BROWSE ALL CATEGORIES** ▶ EXPORT LIST TO EXCEL

<ul style="list-style-type: none"> <li>▶ Arts &amp; Entertainment</li> <li>▶ Autos</li> <li>▶ Business &amp; Industry</li> <li>▶ Career</li> <li>▶ Technology &amp; Computing</li> <li>▶ Education</li> <li>▶ Finance &amp; Money</li> <li>▶ Food &amp; Drink</li> <li style="background-color: #e0f2f1;">▶ Health &amp; Fitness                             <ul style="list-style-type: none"> <li>Nursing</li> <li>Exercise</li> <li>A.D.D.</li> <li>AIDS/HIV</li> <li>Allergies</li> <li>Alternative Medicine</li> <li>Arthritis</li> <li>Asthma</li> <li>Autism/PDD</li> <li>Bipolar Disorder</li> <li>▶ Cancer                                     <ul style="list-style-type: none"> <li>Chronic Fatigue Syndrome</li> <li>Chronic Pain</li> <li>Deafness</li> <li>Dental Care</li> <li>Depression</li> <li>Dermatology</li> <li>Diabetes</li> <li>Headaches/Migraines</li> <li>▶ Heart Disease                                             <ul style="list-style-type: none"> <li>Herbs for Health</li> <li>Holistic Healing</li> <li>IBS/Crohn's Disease</li> <li>Incest/Abuse Support</li> <li>Infertility</li> <li>Men's Health</li> <li>Nutrition</li> <li>▶ Orthopedics</li> </ul> </li> </ul> </li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>▶ News &amp; Current Affairs</li> <li>▶ Parenting &amp; Family</li> <li>▶ Society</li> <li>▶ Pets</li> <li>▶ Real Estate</li> <li>▶ Religion</li> <li>▶ Science</li> <li>▶ Sports &amp; Recreation</li> <li>▶ Style &amp; Fashion</li> <li>▶ Travel</li> </ul>
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46. HealthCentral, an array of “highly targeted condition and wellness specific interactive health sites..., offers advertising solutions across 35 condition-specific categories.”<sup>50</sup> “We provide an interactive platform for users to engage

<sup>50</sup> HealthCentral, “Sites and Partners,” <http://www.healthcentral.com/about/media-kit/sites-partners/>; HealthCentral, “Why HealthCentral?”

personally with ‘someone like me;’ other people encountering similar health challenges.”<sup>51</sup> In June 2010, HealthCentral announced that it was “joining with properties owned by InterActive Corporation, HealthGrades, 5Min Media, and New Hope Media to offer unprecedented targeting and reach for marketers in the health, children’s, nutritional, and over-the-counter medications categories.”<sup>52</sup>

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<http://www.healthcentral.com/about/media-kit/why-healthcentral/> (both viewed 16 Feb. 2010).

<sup>51</sup> HealthCentral, “About Our Audience,” <http://www.healthcentral.com/about/media-kit/about-our-audience/> (viewed 16 Feb. 2010).

<sup>52</sup> “Reaching parents during the back-to-school, fall allergy, and cold and flu seasons, the marketing campaigns will run across quality media and video properties reaching 50 million+ parents.” “Wellness Publishers Offer Targeted Advertising Opportunities to 50 Million+ Parents During Back-to-School and Allergy, Cold and Flu Seasons,” 28 June 2010, <http://www.healthcentral.com/about/wellness-publishers-offer-targeted-advertising-opportunities-to-50-million-parents-during-back-to-school-and-allergy-cold-and-flu-seasons/> (viewed 10 July 2010). “Moms and Dads increasingly see good health as part of happy living, making food, beauty, family illness, and home products decisions with good health foremost in mind,” observes Christopher M. Schroeder, CEO of HealthCentral. “This combination of audiences reaches consumers at these key decision points: when Moms have decided this is the year when their kids must eat right at school and home; when in this worst ever year of allergies, this is the time to make their homes dirt and dust-free in environmentally and health-sensitive ways; and as they plan to stave off the flu with vaccinations or make a doctor’s visit when end-of summer colds and winter flu strikes.” HealthCentral, “Reaching Parents During Back-to-School, Fall Allergy, and Cold-and-Flu Seasons,” <http://www.healthcentral.com/about/media-kit/reaching-parents-during-back-to-school-fall-allergy-and-cold-and-flu-seasons/> (viewed 29 June 2010). See also HealthCentral, “Why HealthCentral,” <http://www.healthcentral.com/about/media-kit/why-healthcentral/> (viewed 27 Oct. 2010).

## Sites & Partners

Cancer	MyBreastCancerNetwork.com • ProstateCommons.com • SkinCancerConnection.com
Chronic Conditions	CholesterolNetworks.com • MyDiabetesCentral.com • Diabeteens.com MyHeartCentral.com HighBloodPressureConnection.com • TheBody.com & TheBodyPro.com
Digestive Health	MyObesityConnection.com • AcidRefluxConnection.com • MyIBDCentral.com.com
Mental Health	AnxietyConnection.com • MySleepCentral.com • BipolarConnect.com SchizophreniaConnection.com • MyDepressionConnection.com
Neurology	ADHDCentral.com • OurAlzheimers.com • MultipleSclerosisCentral.com
Pain & Arthritis	ChronicPainConnection.com • MyMigraineConnection.com MyOsteoarthritisCentral.com • MyRACentral.com
Respiratory	MyAllergyNetwork.com • MyAsthmaCentral.com StopSmokingConnection.com
Sexual Health	SexualHealthConnection.com • HerpesConnection.com • ErectileDysfunctionConnection.com
Skin Care	MySkinCareConnection.com
Life Cycle	MyMenopauseConnection.com • OsteoporosisConnection.com • IncontinenceNetwork.com
Learning Disabilities	FriendsOfQuinn.com
Wellness	Wellsphere.com • FoodFit.com • MyDietExercise.com

To

## Media Kit Menu

To search, type and hit enter

learn more about our sites and opportunities please email us at [advertising@healthcentral.com](mailto:advertising@healthcentral.com)



### Trusted Brands:



### Trusted Partners:



**HEALTHCENTRAL**  
**healthcentral**

Can your doctor help you loose weight? New study suggests a motivational & collaborative effort might be the answer  
<http://myti.ms/bvAF8X>  
yesterday

Obesity Numbers are Rising, What are we going to do about it? @Sara\_HC reports on the #mdpa conference - <http://bit.ly/cZYTqu>  
yesterday

Empowered Patient's top health searches are examined by @elizabethcn -

## Past & Present Advertisers



To learn more about our sites and opportunities please email us at [advertising@healthcentral.com](mailto:advertising@healthcentral.com)

## Media Kit Menu

About Us	About Our Audience
Sites & Partners	Custom Solutions
Ad Specs	Contact Us

To search, type and hit enter

Can your doctor help you loose weight? New study suggests a motivational & collaborative

47. Caring.com tells consumers that it is “the leading online destination for those seeking information and support as they care for aging parents, spouses, and other loved ones. Our mission: to help the helpers. We equip family caregivers to make better decisions, save time and money, and feel less alone—and less stressed—as they face the many challenges of caregiving.”<sup>53</sup> But to advertisers it explains that it offers “Geo-Targeting (by state, MSA, city, or zip code), Contextual Targeting, Demographic Targeting, and Role-Based Targeting.”<sup>54</sup>

<sup>53</sup> Caring.com, “About Caring.com,” <http://www.caring.com/about/index.html> (viewed 27 Oct. 2010).

<sup>54</sup> The Caring Alliance, “Data Sheet: For Advertisers,” <http://www.caring.com/static/caring-alliance-datasheet.pdf> (viewed 16 Feb. 2010).

**Caring.com** You're there for them. We're here for you. Sign In Sign Up Our Mission

**Stage Assessment:** **1 Memory Symptoms** 2 Further Evaluation 3 Custom Care Guide

Gain insight into your loved one's stage of dementia and receive practical tips on how to handle Alzheimer's symptoms.

**First, tell us about the person with memory problems:**

What's his or her first name?  Age  Relationship

---

**Please select your loved one's current memory symptoms:**  
Check all that apply. Choose at least one.

<input type="checkbox"/> Repeats questions, stories, ideas within minutes (or less)	<input type="checkbox"/> Forgets difference between public and private behavior (undressing, cursing, etc.)	<input type="checkbox"/> Generally not able to retrieve memories of even distant past
<input type="checkbox"/> Forgets appointments and important tasks	<input type="checkbox"/> Can't reliably remember who just visited	<input type="checkbox"/> All memory seems lost; lives in eternal present
<input type="checkbox"/> Leaves self reminder notes	<input type="checkbox"/> Doesn't reliably recognize family, close friends	<input type="checkbox"/> None of these problems
	<input type="checkbox"/> Confuses distant memories as being recent	
	<input type="checkbox"/> Can't reliably remember what happened yesterday	

---

**Now, tell us a little about you:**

What's your first name?  What's your e-mail address? (required)

By the way, we hate spam as much as you do and will never sell your e-mail address. ([Privacy Policy](#))

Find out what to expect, what to do, and how to cope -- subscribe to our free newsletter, Caring Steps & Stages: Alzheimer's Edition

Send me occasional updates on new features and special offers from Caring.com and our trusted sponsors.

**Next: Further Evaluation »**

**Caring.com** You're there for them. We're here for you. Our Mission | Sign In | Sign Up

Search Caring.com

**Caregiving** **Health** **Housing Options** **Community**

[My Home](#) | [Money & Legal Matters](#) | [Home Care](#) | [Life](#) | [End of Life](#) | [Housing](#) | [Just for You](#) | [Ask & Answer](#) | [Blogs](#) | [News](#) | [Shop](#)

**Get Eldercare Help**

- ▶ **Feel Less Alone**  
Meet and share with others like you.
- ▶ **Save Time**  
Get answers. Find local resources.
- ▶ **Make Better Decisions**  
Expert articles, tips & advice

**Get a Caring.com To-Do List**  
See a sample

Top concern:

Caring for:

Location:

E-mail:

We respect your privacy and never sell or share your email address.

48. Healthline provides “precision targeting” of “over 4 million” health consumers monthly, promising pharma and medical advertisers that it has “one of the

largest inventories of condition specific content.”<sup>55</sup> Among the targeting techniques and products deployed—unbeknownst to consumers—are the following:

- Learning Centers: For each condition or disease, brand messaging surrounds consumers as they dive deeper for clinical information, research expert second opinion, browse the latest healthy videos....<sup>56</sup>
- SymptomSearch: Advertising Messages surround users as they create and refine a personalized combination of symptoms and narrow the list of possible causes.<sup>57</sup>
- Health Observance Packages: Tailored to...Breast Cancer Awareness Month or World Diabetes Day.... [with] condition-specific sponsorship....<sup>58</sup>

Among Healthline’s clients is Yahoo Health, “... the third most visited Internet health destination, reaching over 11 million unique users each month.”<sup>59</sup> Healthline partners with Yahoo, and also has relationships with ABC News, Health.com, AOL, and AARP.<sup>60</sup>

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<sup>55</sup> Healthline, “About Healthline,” <http://www.healthline.com/aboutus.jsp> (viewed 20 June 2010).

<sup>56</sup> Healthline, “Learning Centers,” [http://mediakit.healthline.com/learning\\_center.php](http://mediakit.healthline.com/learning_center.php) (viewed 27 Oct. 2010).

<sup>57</sup> Healthline, “Healthline SymptomSearch,” <http://mediakit.healthline.com/display-symptom-search.php> (viewed 27 Oct. 2010).

<sup>58</sup> Healthline, “Health Observance Packages,” <http://mediakit.healthline.com/health-observance-packages.php> (viewed 27 Oct. 2010).

<sup>59</sup> “Yahoo! Chooses Healthline Networks as Partner to Expand Yahoo! Health,” 1 Apr. 2010, [http://www.businesswire.com/portal/site/home/permalink/?ndmViewId=news\\_view&newsId=20100401006206&newsLang=en](http://www.businesswire.com/portal/site/home/permalink/?ndmViewId=news_view&newsId=20100401006206&newsLang=en) (viewed 14 June 2010).

<sup>60</sup> Joseph Tartakoff, “Online Health Firm Healthline Raises \$14 Million More,” [paidContent.org](http://paidcontent.org), 27 Apr. 2010, <http://paidcontent.org/article/419-online-health-firm-healthline-adds-another-14-million/>. “Healthline offers a variety of options for display advertising on Healthline.com and the Healthline Media Network, including banner and rich media advertising on more than 1,100 condition-specific Learning Centers, thousands of physician-reviewed Health Articles, Health Tools, and unique health search applications such as Symptom Search and Drug Search.” Healthline Networks, “Advertise on Healthline,” [http://www.healthline.com/advertise.jsp#\\_jmp0\\_](http://www.healthline.com/advertise.jsp#_jmp0_) (both viewed 29 June 2010).





## Ad Solutions

Align the right messaging with the right consumer at the right time.

Healthline offers a variety of options for display advertising on Healthline.com and the Healthline Media Network, including banner and rich media advertising on more than 1,100 condition-specific Learning Centers, thousands of physician-reviewed Health Articles, and unique health tools such as SymptomSearch and DrugSearch. Custom sponsorship packages and content integration opportunities are also available.

Next >

### ► Overview

Display Ad Placements  
Learning Centers  
Health Articles  
SymptomSearch  
TreatmentSearch  
DocSearch  
Search Engine Results Page

Microsites

Navigator

Health Observance Packages

Custom Applications & Widgets

Email & Newsletters



## Health Articles

Aggregated from more than 20 content providers, premier medical and health publishers.

Brand messaging follows information seekers as they research diseases, conditions and treatments through authoritative, doctor-reviewed articles from the world's foremost medical information publishers.

Next

### Overview

#### Display Ad Placements

- Learning Centers
- Health Articles**
- SymptomSearch
- TreatmentSearch
- DocSearch
- Search Engine Results Page

#### Microsites

#### Navigator

- Health Observance Packages
- Custom Applications & Widgets
- Email & Newsletters



*"Our unique HealthSTAT advertising technology delivers precision targeting across one of the largest inventories of condition specific, quality health content. The result is improved relevancy for consumers, increased ROI for advertisers, and greater revenues for publishers."*

West Shell, CEO, Healthline Networks

## Healthline.com Audience

Reaching Over 4 Million Engaged Consumers Each Month

Healthline.com

Healthline Networks

**4,091**

Total Unique Visitors  
Per Month (000)

**256**

Average Daily Visitors (000)

**4**

Average Minutes  
Per Visit

**41%**

HHI \$75K+

**46%**

HH of 4+

**61%**

Adults Age 25-54

**134 Index**

Searched for  
Health Information Online

**177 Index**

Caregiver for  
Member in HH

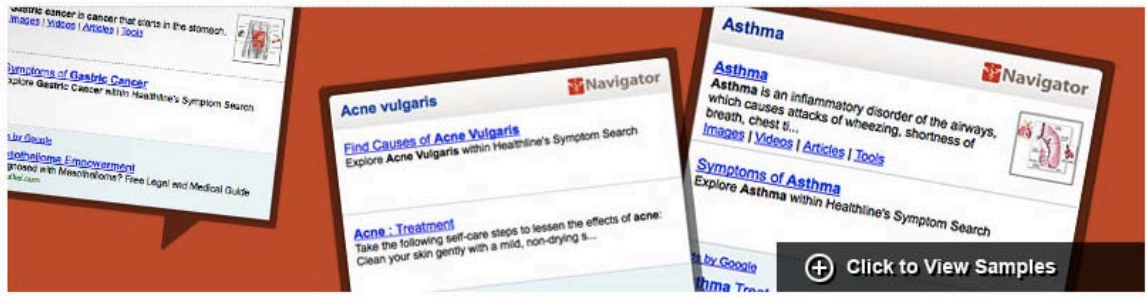
**142 Index**

Bought OTC Remedy  
(Last 30 Days)

The screenshot shows the Yahoo! Health website interface. At the top, there's a search bar and navigation tabs for HOME, HEALTH TOPICS A-Z, HEALTHY LIVING, CHECK YOUR SYMPTOMS, DRUGS & TREATMENTS, FIND A DOCTOR, and TOOLS. Below the navigation, there's a featured article titled "Are Air Pollutants Linked to Bowel Disease Risk?" with a sub-headline "A study finds that air pollution could play a role in IBD development." To the right of this article is a large advertisement for HUMIRA (adalimumab), which includes a "Learn More" button and "Important Safety Information About HUMIRA® (adalimumab)". Below the main article, there are sections for "Most Common Topics" (listing conditions like Acne, Allergies, Anxiety, etc.), "Health Experts" (featuring Dr. Nancy Codori, Lucy Danziger, and Simson Margolis), and "Health Videos" (including "Birth Control: Barrier Methods" and "What is Autism?").

49. Healthline's "new Navigator ad format allows health marketers to target ads based on terms like 'asthma' or 'heart disease' via hyperlinks in articles that launch a small window when a cursor hovers over the keyword. The window might show a drug ad tied to one of those conditions as well as links to similar content throughout the site to boost page views and engagement. Navigator is already rolling out across large sites that Healthline helps to power including Yahoo Health, AOL Health, Ask.com and Everyday Health."<sup>61</sup>

<sup>61</sup> Mark Walsh, "Healthline Launches In-Text Advertising," *Online Media Daily*, 25 Oct. 2010, [http://www.mediapost.com/publications/?fa=Articles.showArticle&art\\_aid=138213&nid=120137](http://www.mediapost.com/publications/?fa=Articles.showArticle&art_aid=138213&nid=120137) (viewed 7 Nov. 2010).



## Healthline Navigator

An in-text, health-specific content navigation solution reaching the engaged consumer.

Navigator leverages the Healthline taxonomy to identify health terms and deploy a window within an article. Brand advertising – text links, graphic, or rich media – appears in the window, plus links to related assets on the Brand's site.



### Overview

Display Ad Placements

Learning Centers

Health Articles

SymptomSearch

TreatmentSearch

DocSearch

Search Engine Results Page

### Microsites

#### ▶ Navigator

Health Observance Packages

Custom Applications & Widgets

Email & Newsletters

50. The Healthline Media Network says its proprietary HealthSTAT technology “broadens condition-specific reach for health advertisers. By using Medically Guided semantic search technology to understand medical terms, synonyms and relationships within the health content on a partner’s web page, Healthline HealthSTAT is able to uncover a deeper set of contextually relevant advertising opportunities than any other network.... HealthSTAT can recognize and deliver ads against health content in real time, across a network of top tier publishers that reaches more than 30 million consumers a month.”<sup>62</sup>

<sup>62</sup> Healthline Networks, “HealthSTAT,” <http://mediakit.healthline.com/healthstat.php>. Healthline SymptomSearch permits pharmaceutical companies to “Reach users in ‘explore mode’ through the web’s only search-driven symptom tool. 75% of all online health search visits start with symptom research. Advertising messages surround users as they create and refine a personalized combination of symptoms and narrow the list of possible causes.” Healthline Networks, “Healthline SymptomSearch.” Healthline TreatmentSearch is touted as “The only web-based tool providing consumers a snapshot of all types of treatment options in one place. A unique opportunity for advertisers to connect with consumers as they access various treatment options, medications, medical, surgical and alternative therapies as well

51. Everyday Health, uses “immersive” interactive marketing techniques and an “extensive database of information” to target health consumers. It provides “consumers, advertisers and partners with content and advertising-based services across a broad portfolio of over 25 websites that span the health spectrum.”<sup>63</sup> The site attracts an average of 26+ million unique visitors per month, with “over 38 million consumers [who] have registered on our websites to obtain personalized content and features, ...and over 1.7 million consumers [who] have paid for a premium subscription service.” According to the company’s S-1 Form, filed 22 January 2010 with the Securities and Exchange Commission,

... Our advertisers consist primarily of pharmaceutical and medical device companies, manufacturers and retailers of over-the-counter products and consumer-packaged-goods and healthcare providers.... Our focus on customized offerings, in addition to our engaged consumer base, allows advertisers to effectively target their desired audience through highly immersive and interactive campaigns. Our suite of advertising solutions, when combined with our extensive database of information voluntarily provided by millions of registered users, can facilitate advertising campaigns that are directed at specific geographic areas, demographic groups, interests, issues or user communities. Moreover, our data-driven focus enables us to provide detailed post-campaign reporting and metrics that allow advertisers to measure their results and evaluate the effectiveness of their campaigns.<sup>64</sup>

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as compare the costs of each.” Healthline Networks, “Healthline TreatmentSearch,” <http://mediakit.healthline.com/display-treatment-search.php> (all viewed 14 June 2010).

<sup>63</sup> Everyday Health “Welcome to Everyday Health,” <http://www.everydayhealth.com/publicsite/about-us/index.aspx> (viewed 20 June 2010).

<sup>64</sup> Everyday Health, Inc. Form S-1, Registration Statement Under the Securities Act of 1933, <http://www.sec.gov/Archives/edgar/data/1358483/000095012310004443/y80435sv1.htm> (viewed 16 Feb. 2010).

**JUL 7** Wednesday, July 07, 2010  
 Follow Everyday Health on Twitter and Facebook.



**NEW! Count Calories on the Go**  
 With the My Calorie Counter iPhone app, you can track your food and exercise calories from anywhere. [Here's how to download it for free >](#)

- Symptom Checker
- My Calorie Counter
- Drugs and Treatments
- Healthy Meal Planner
- Find Doctors & Hospitals

**Health A - Z** See all

- Top Health Conditions**
- [ADD/ADHD](#)
  - [Allergy](#)
  - [Alternative Health](#)
  - [Alzheimer's Disease](#)

**Drugs A - Z** See all

- Top 40 Drugs**
- [Adderall](#)
  - [Ambien](#)
  - [Amitriptyline](#)
  - [Amoxicillin](#)

**Living Well With HIV**

**HIV support: Get daily tips to help you cope with HIV.**  
 Plus, learn 10 steps to staying healthy with HIV.  
[See all Everyday Solutions](#)

Advertisement

To know my kids in the summer is to splash around in the cool pool waters with them.  
 — Psoriasis blogger Howard Chang Read his blog

**Sports injuries can (often) be prevented.**  
 Reduce your child's risk with these tips.

**TIP 3** **TIP 2** **TIP 1**

**Take Rest Breaks**  
 During practice and games

[Learn More](#)

**Everyday Health Experts**  
 Health Information | Drug Guide

**Answers From the Health Experts**

**Type 2 diabetes expert: Dr. Asqal Getaneh**  
 Should I Drop the Diet Soda?  
**Q:** "I drink a great deal of diet soda and read that it can spike blood sugar levels..."

**Try Our Video Symptom Checker**

**The Doctor Is In!**  
 Tell our interactive video tool your symptoms to find out possible causes and treatments – and whether you need to see a doctor.

**Ask a Pharmacist**

**Have Drug Questions?**  
 No need to go to the drugstore. Send your questions to our pharmacists and you'll get an answer in your inbox — for free!  
[See all questions, or ask a new question.](#)

### Ad Solutions



**Fully Integrated Marketing Programs**  
**Delivering a Quality Online Experience.** Everyday Health can create exclusive Custom Marketing Programs featuring valuable information, tools and more that will meet your campaign objectives.

### Media



**Targeted Condition Centers**  
**Providing Trusted Solutions and Expert Guidance.** With over 100 health and wellness condition centers, Everyday Health offers more of the information our users are looking for.



**Targeting**  
**Maximize Efficiency.** Everyday Health can deliver your message to users via strategic targeting by: Condition, Demographic, Registered User, Geography or Behavior.



**Newsletter Sponsorships**  
**Over 17 Million Active Subscribers.** Everyday Health offers over 20 newsletters focusing on everything from Asthma and Allergies to Healthy Living to Skin and Beauty. Everyday Health newsletters are delivered to over 17 million active subscribers who have signed up to receive this targeted information.

52. Everyday Health’s “Ad Solutions” raise privacy and consumer protection issues, especially through the use of such online marketing tactics as behavioral profiling and lead generation. The company offers the following services:



- Targeting: Maximize Efficiency. Everyday Health can deliver your message to users via strategic targeting by: Condition, Demographic, Registered User, Geography or Behavior....
- Lead Generation: A Targeted Message To Your Best Consumers. Everyday Health will pinpoint your key target in our registration process and deliver a special offer from your brand to generate qualified leads. Millions of active registered users with an average of 15,000 new registrants every day....<sup>65</sup>

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<sup>65</sup> Additionally, “Everyday Health offers over 20 newsletters focusing on everything from Asthma and Allergies to Healthy Living to Skin and Beauty. Everyday Health newsletters are delivered to over 17 million active subscribers who have signed up to receive this targeted information.” Branded applications on the site, moreover, are designed to encouraging daily visits: “Over 30 interactive Health Tools and Trackers targeted to users most popular interests like Glucose Tracker, Healthy Weight Calculator and Meal Planner to keep them coming back, every day.” In still other instances, Everyday Health offers targeted advertising in the guise of consumer education: “Building Daily Confidence among Users. Everyday Health will create a custom Patient Education Program featuring actionable content and tools that will educate, inspire and provide support.” Everyday Health, “Ad Solutions,” <http://www.everydayhealth.com/advertise/ad-solutions/> (viewed 14 June 2010).



OUR SITES AUDIENCE AD SOLUTIONS INSIGHTS AD SPECS ABOUT US CONTACT US

PRINT THIS PAGE

Everyday Health. [Our Experts.](#) [Our Advantage.](#)

Everyday Health is a leading online health destination, providing reliable content, tools and community for over 26 million monthly consumers. Our portfolio of 25 health information websites spans the spectrum of health and wellness, to help consumers live healthier lives, Every Day.

everyday HEALTH

MayoClinic.com revolutionhealth WHAT TO EXPECT JILLIAN MICHAELS THE SOUTH BEACH DIET drugstore.com

CRITICAL CARE MOMENTS CONDITION MANAGEMENT EMOTIONAL HEALTH LIFE STAGE NATURAL LIVING FITNESS NUTRITION WEIGHT LOSS FEELING BEAUTIFUL ECOMMERCE

CarePages PsychCentral WEIL Andrew Weil, M.D. dailyglow SPARKPEOPLE

MedHelp finding cures together Dr Laura Berman DENISE AUSTIN JOY BAUER Healthy Living with Ellie Krayer

Visit our Portfolio of Sites

SPARK teens spineuniverse webvet pet questions vet answers

53. Online surveillance of consumer health information extends to the monitoring and analysis of users' cut-and-paste actions as they seek health information.<sup>66</sup>

54. CPM Marketing Group uses digital marketing techniques to target health consumers through "one-to-one" strategies:

<sup>66</sup> As the new collaboration of Tynt Multimedia and Good Health Media explains,

... if a visitor to a Good Health Media site copies a term such as 'fibromyalgia,' the ConditionSearch service will instantly display context-relevant links and a display ad that are directly related to the copied term. Users benefit from receiving links to useful information they are searching for, and health advertisers have a better way of reaching their target audiences.... Tynt Insight's patent-pending technology detects copy/paste actions of website visitors, enabling online content owners to understand, with pinpoint accuracy, exactly which content their visitors find most engaging, and to immediately act on that information to improve site performance.

"Tynt and Good Health Media Partner to Enhance Delivery of Targeted Information and Advertising on Top Online Health Sites," 10 Aug. 2010, <http://www.tynt.com/tynt-and-good-health-media-partner-to-enhance-delivery-of-targeted-information-and-advertising-on-top-online-health-sites/> (viewed 30 Sept. 2010).

Personalize real-time healthcare marketing messages to individual patients and prospects via consumer touch points... Using detailed CRM data to determine the specific health needs of individuals, this interactive solution customizes the content presented to each person when they reach out to your hospital. This not only personalizes the consumer “conversation,” it creates a unique experience that boosts patient engagement, and helps to drive downstream revenue....

ICRM [Instant Customer Relationship Marketing] is behavioral targeting technology that enables you to tailor call center and Internet communication to your current and prospective patients based on individuals’ past and present medical indications or their risk for developing future conditions... Using sophisticated data-mining algorithms for behavior identification, our system can predict health outcomes and trends in behavior by analyzing healthcare variables and co-morbidities associated with disease states. Cluster segmentation methods don’t work for targeting, because they can’t provide meaningful profiles on patients or members. Our predictive modeling techniques address this information gap by accurately predicting health needs for the next 12 to 18 months—of both patients and non-patients alike—based on the most complete, individualized data available.<sup>67</sup>

55. Medicx Media Solutions, meanwhile, features its ActuatorRx “Geo-Medical Targeting” and analytics technology “that identifies online surfers and intelligently matches them to a permission-based postal and e-mail address. Through our proprietary mScores Enhanced database techniques, ActuatorRx integrates with 200 million CAN-SPAM compliant e-mail addresses and over 110 million household names and addresses.

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<sup>67</sup> CPM Marketing Group, “Technology: Healthcare CRM to Enhance Healthcare Marketing,” [https://www.cpm.com/index.cfm/about/our-technology/#perceptual\\_profiles](https://www.cpm.com/index.cfm/about/our-technology/#perceptual_profiles). “This approach is the key to delivering targeted healthcare marketing messages on behalf of your health system....

“ICRM helps you maximize the value of every customer contact by providing up-selling and cross-selling opportunities that are relevant to individual patients. Whether the customized communication is prompted by a direct mail promotion or by their health history, patients will get an online or phone experience that truly suits their personal needs....” CPM Marketing Group, “ICRM for Medical Call Center & Web Hospital Marketing,” <https://www.cpm.com/index.cfm/solutions/products-services/instant-crm/>. “CPM’s New Movers program leverages our proprietary Perceptual Profiles™ psychographic profiling system to help your hospital determine the most appropriate communication style for each targeted individual....” CPM Marketing Group, “Hospital Marketing: Recruit Patients via New City Residents Outreach,” <https://www.cpm.com/index.cfm/solutions/products-services/new-movers/> (all viewed 29 June 2010).

Upon recognition of a surfer, ActuatorRx can initiate an e-mail or direct mail communication to the surfer through a CAN-SPAM compliant third-party e-mail or consumer household address list provider which has retained permission to market to that individual. Advertisers can trigger e-mails and direct mails within days of a behavioral action determination or disseminate e-mails and direct mail on time-delayed basis.

ActuatorRx ROI can link up with offline prescription sales databases to enable a comprehensive ROI Measurement study on your digital ad campaign.<sup>68</sup>

## ***Geo-Medical Targeted Consumer Advertising***

**Medicx Media Solutions provides consumer health information and technology-driven data solutions for leading OTC, Pharma, and CPG health brand advertisers to increase the effectiveness of customer acquisition, retention and branding programs across online and traditional marketing channels.**



2

56. In the process of analyzing health consumers online, Medicx focuses on the following behaviors:

- Competitor site visit
- Targeted search query activity
- Engaged Web site visits based on page views
- Engaged Web site visits based on time spent on Web site

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<sup>68</sup> Medicx Media Solutions, "Analytics," [http://www.medicxmedia.com/home/digital\\_advertising/analytics.asp](http://www.medicxmedia.com/home/digital_advertising/analytics.asp) (viewed 20 Sept. 2010).

- Shopping cart abandonment
- Lead form abandonment
- Prescription sales, new patient starts, patient switches, etc.<sup>69</sup>


 search  
 privacy protection

The source of intelligent Geo-Medical™ Targeting

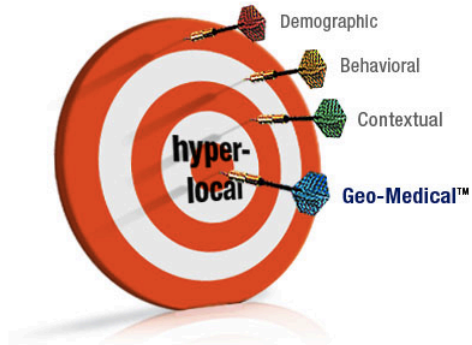
#### Advertisers & Agencies

##### Find the Right Audience and Optimize Your Campaigns

Buying condition specific media on a behavioral or contextual basis is risky. You'll get some activity from the audience you want, but you'll also end up with wasted impressions from the large percentage of users who are false positives and are not the profile you're looking for.

Medicx Media helps you move past the behavior and contextual-based buy. We offer Advertisers and Agencies new privacy safe targeting solutions without tracking web behavior. Now you can use offline evidence-based and self-reported permissioned data to target online audiences. Combine online and offline data to further qualify (or disqualify) the audiences you target and ensure the right message is delivered to the right audience.

Our approach is about helping ad sellers and buyers transact privacy safe audience groups that have a well above average propensity or prevalence to align to a certain set of diseases and health-related characteristics. Geo-Medical Targeting minimizes waste and enables delivery of enriched neighborhood-level audiences that maximize reach and frequency and deliver breakthrough ROI's.



- Geo-Medical Targeting

57. Medicx's mScores targeting product, moreover, "describes evidence-based audiences using actual paid insurance claims or self-reported consumer activities."<sup>70</sup>
58. Offline databases are increasingly incorporated into digital health marketing strategies, enabling companies to amass greater amounts of detailed information about individual consumers than they would be able to generate from online sources alone. AOL Advertising, for example, uses outside data sources for its targeting efforts on behalf of an over-the-counter pharmaceutical company: "Existing brand consumers and key competitor brand users were identified and targeted using household-level purchase data from IRI, plus AOL Advertising's demographic and psychographic targeting solutions."<sup>71</sup>
59. As Matthew Arnold noted in an article on ad exchanges and online video in the

<sup>69</sup> Medicx Media Solutions, "Analytics."

<sup>70</sup> Medicx Media Solutions, "Geo-Medical Targeting," [http://www.medicxmedia.com/home/digital\\_advertising/aa\\_geomedical\\_targeting.asp](http://www.medicxmedia.com/home/digital_advertising/aa_geomedical_targeting.asp) (viewed 20 Sept. 2010).

<sup>71</sup> "By partnering with Nielsen's HomeScan panel and using our Target 2 Measure product, AOL's research team was able to link online ad exposure to offline sales impact, thus demonstrating ROI." AOL Advertising, "Case Study: OTC Pharma Leader Drives Offline Sales with AOL's Online Targeting," <http://advertising.aol.com/sites/default/files/OTC-targeting.pdf> (viewed 16 Feb. 2010).

health care arena, pharmaceutical marketers are “beginning to incorporate insurance claims data to identify patient populations.”<sup>72</sup> And one way or another, such information may make its way to other marketers as well. “We expect to see many more data providers sell their advanced profiling data to brands in the upcoming year,” explains Debrianna Obara, Razorfish vice president for media. “For example, pharmaceutical brands can target users who are predicted to suffer from certain medical conditions based on ‘geo-medical’ data. This data includes HIPAA-compliant medical claim data that is stripped of personally-identifiable information, and targets selected condition sufferers down to the ZIP code+4 geographic level. This data can be applied not only to ad exchanges, but some networks and portals.”<sup>73</sup> This is not the place to debate the efficacy of HIPAA de-identification, which has been proven over and over again to be a broken system. (See, for example, LaTanya Sweeney’s work in this area, which is widely disseminated and relied upon.)<sup>74</sup> However, we do note that HIPAA de-identification is not a reliable cure for privacy of consumers at this point in time.

60. Pharmaceutical store loyalty cards require registration before they can be used, collecting personal information at the time of registration and then tracking subsequent pharmaceutical purchases. How such data are used for marketing to the consumer and to marketing partners, including third parties, is largely non-transparent. CVS Caremark’s RxSavingsPlus card, for example, allows CVS and its partner pharmacies to collect data on consumers’ use of prescription and over-the-counter medicine.<sup>75</sup>

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<sup>72</sup> Matthew Arnold, “For Pharmas, Online Video, Ad Exchanges are the Future (For Everybody Else, They’re the Present),” *Medical Marketing & Media*, 25 May 2010, <http://www.mmm-online.com/for-pharmas-online-video-ad-exchanges-are-the-future-for-everybody-else-theyre-the-present/article/170984/> (viewed 29 June 2010).


<sup>73</sup> Quoted in Razorfish, “Evolve: Outlook Report 2010,” <http://razorfishoutlook.razorfish.com/publication/?m=11995&l=1> (viewed 10 July 2010).

<sup>74</sup> LaTanya Sweeney, “k-anonymity: A Model for Protecting Privacy,” *International Journal on Uncertainty, Fuzziness and Knowledge-based Systems* 10, no. 5 (2002): 557-570, <http://privacy.cs.cmu.edu/people/sweeney/kanonymity.pdf> (viewed 10 Nov. 2010). See Figure 1 for how the data overlay of “anonymous” and identifiable data works to identify the data set members.

<sup>75</sup> “RxSavingsPlus is a free drug/prescription discount card, to help lower the price for medication. It can be used at CVS Pharmacy, Target, Rite Aid and 60,000 participating pharmacies nationwide. Get an average of 20% off the retail price of drugs like— Azithromycin, Lisinopril, Hydrochlorothiazide, Atenolol, Simvastatin and more.” Caremark, “RxSavingsPlus,” <http://www.rxsavingsplus.com/en/default.aspx> (viewed 29 June 2010). See also “CVS Caremark Data Finds More Than 50 Percent Of Adults 45 Years And Younger Are Not Adherent To Cholesterol Lowering Medications,” *Medical News Today*, 28 Aug. 2009, <http://www.medicalnewstoday.com/articles/162162.php>; RX Savings Plus, “Privacy Statement,” <http://www.rxsavingsplus.com/en/privacy.aspx#thirdPartyPartners> (both viewed 26 Oct. 2010). In February 2009, “CVS Caremark ... agreed to settle Federal Trade

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Commission charges that it failed to take reasonable and appropriate security measures to protect the sensitive financial and medical information of its customers and employees, in violation of federal law. In a separate but related agreement, the company's pharmacy chain also has agreed to pay \$2.25 million to resolve Department of Health and Human Services allegations that it violated the Health Insurance Portability and Accountability Act (HIPAA)." Federal Trade Commission, "CVS Caremark Settles FTC Charges: Failed to Protect Medical and Financial Privacy of Customers and Employees; CVS Pharmacy Also Pays \$2.25 Million to Settle Allegations of HIPAA Violations," 18 Feb. 2009, <http://www.ftc.gov/opa/2009/02/cvs.shtm> (viewed 19 Oct 2010). Beyond these privacy concerns, the alliance of CVS (a chain of 7,000 drug stores) and Caremark (a prescription drug plan administrator for approximately 82 million Americans) has raised concerns of unfair competition. "That inherent conflict," claims Joseph H. Harmison, president of the National Community Pharmacists Association, "apparently allows it to leverage independent community pharmacies into unfavorable reimbursement contracts for 'in-network' access to many patients. Then, CVS Caremark steers patients to fill prescriptions at its own mail order or retail pharmacies—effectively becoming both payors of and competitors with community pharmacies." Joseph H. Harmison, "CVS Caremark Abuses Warrant Through [sic] FTC Investigation and Remedies," *The Hill*, 25 May 2010, <http://thehill.com/blogs/congress-blog/healthcare/99759-cvs-caremark-abuses-warrant-through-ftc-investigation-and-remedies> (viewed 19 Oct. 2010). And here, too, as Harmison points out, the threat to consumer privacy is clear: "Sensitive patient information is apparently being accessed by the company not for valid health reasons of payment, treatment and operations, but simply to pursue an even greater market share." CVS (which acquired the Longs Drugs chain in 2008) is also a partner with Google Health, as is Walgreen's. Google Health, "CVS Caremark Partner Profile," <http://www.google.com/intl/en/health/about/partners/cvscaremark.html> (viewed 29 Oct. 2010).

 **How RxSavingsPlus Free Drug Card Works**


 **Find a Pharmacy**


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\*Maximum savings of \$10 per person, per visit.

**Gender\***  Male  Female

**First\***  **Initial**  **Last\***

**Street Address\***

**City\***  **State\***  **Zip\***

Select a State 

**Phone**  **E-mail\***

61. On behalf of a pharmaceutical product (Testim), Auxilium engaged the services of company called e-tractions to target the estimated 5 million men living with symptoms of low testosterone. The objectives for the campaign were "... to drive traffic to www.testim.com..., to encourage registrants to download a rebate coupon to stimulate demand..., to collect names and email addresses of registrants so that TESTIM could communicate with registrants through permission-based emails on a regular basis..., [and to] use the registration as a means to better understand the demographic and behavioral profile of potential TESTIM patients."<sup>76</sup>

<sup>76</sup> e-tractions, "e-tractions Case Study: Testim," [http://e-tractions.com/downloads/TESTIM\\_CS.pdf](http://e-tractions.com/downloads/TESTIM_CS.pdf) (viewed 16 Feb. 2010).




62. Health consumers' use of keywords is the subject of semantic digital marketing techniques. HealthCentral, for example, "uses a semantic ontology to analyze search keywords" to assign one of the following labels: Condition, Symptom, Treatment, Other. These labels, in turn, are used by HealthCentral to tell marketers "a great deal about who is coming to your site...."<sup>77</sup>

63. "Samples and health offers" are being used to lure consumers into providing information, including email addresses, without meaningful disclosure of how such data are to be used. QualityHealth, for example, tells consumers they can "Get a OneTouch Ultra MiniMeter at No Charge to You," and asks them to say whether they or someone in the home has diabetes, and also provide name, address, gender, email address and date of birth. The TRUSTe seal is used on several pages related to this technique to suggest that such practices are privacy-appropriate.<sup>78</sup>

<sup>77</sup> Health Central, "Capturing the Health 'Long Tail,'" <http://www.scribd.com/doc/25850527/Longtail-Health-2-0-Stat-Flat-site>. Offering "the healthcare and pharmaceutical industry... the opportunity to cost-effectively identify valuable groups of consumers and learn how to better reach, educate and market to them," Manhattan Research's annual Cybercitizen Health surveys explore "topics such as the Internet, email communication with physicians, DTC advertising, health e-commerce, plans and providers, use of pharmaceutical information online, health information seeking methods, search engine use, use of blogs, podcasts, wikis, social networking and more." Manhattan Research, "Cybercitizen Health," [http://www.manhattanresearch.com/files/PRESS/Cybercitizen\\_Health\\_Brochure.pdf](http://www.manhattanresearch.com/files/PRESS/Cybercitizen_Health_Brochure.pdf) (both viewed 16 Feb. 2010).

<sup>78</sup> QualityHealth, "Diabetes Meter at No Charge," <https://www.qualityhealth.com/registration?path=42898&ct=44546>; QualityHealth, "Get

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**Small. Simple.  
Now in 6 Cool Colors.**

See if you qualify to receive a  
OneTouch® UltraMini® Meter at no charge!

More power to you.  
**ONETOUCH**

\*See if you qualify

To qualify for a **OneTouch® UltraMini® Meter** in color at no charge, please provide the required information.

First Name:

Last Name:

Address:

City:

State:

Zip Code:

Gender:  Female  Male

Birthday:

Email Address:

**Do you or someone in your household have Diabetes?**

Yes, myself

Yes, someone in my household

No

64. Health portals providing consumer information via so-called free “tests” fail to effectively disclose to consumers the relationship their advertisers have to the content and services offered. For example, Hearst’s “RealAge.com” tells users that it’s “a healthy-lifestyle media company that helps consumers achieve a healthier, happier, more satisfying life.” But it doesn’t clarify to consumers—as it does to prospective employees—that it uses “e-mail-based advertising campaigns targeting specific segments of the RealAge membership (8 million+ members) based on their health profiles of over 150 health and lifestyle data points gathered from the RealAge Test. RealAge.com receives over 2.5 million unique visitors per month where we can incorporate Web site advertising as part of the campaign....”<sup>79</sup>

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Your Healthy Samples!” <https://www.qualityhealth.com/registration?path=45008>;  
QualityHealth, “FREE Diabetes Meal Planner,”  
<https://www.qualityhealth.com/registration?path=45773&ct=47073> (all viewed 18 Oct. 2010).

<sup>79</sup> RealAge, “RealAge Careers: Sales,” <http://www.realage.com/careers> (viewed 4 Oct. 2010). Real Age’s privacy policy is an example of why such approaches fail to provide

**RealAge®**  
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My RealAge Set a Goal Check Your Health The YOU Docs Shape Up, Slim Down Look Young, Stay Sharp Eat Smart Soothe Stress Books, Blogs, and More

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Are you biologically younger, older, or the same age as your calendar age? [Take the free RealAge Test.](#)

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**Pick Up Your FREE Plan**

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adequate safeguards. Real Age says “When you take the RealAge Test or participate in most other interactive services on our Site, you are required to register by giving us your user name, e-mail address, date of birth, gender, zip code, and password. We call that your ‘Registration Information.’ That Registration Information is recognized by all of RealAge’s Affiliates ([they’re described in Section 12. ‘About Our Affiliates’](#)). This means you can use the same user name and password to take advantage of services offered on the Web sites of our Affiliates. Please note that if you visit an Affiliate’s Web site, you will be leaving RealAge, and anything you do on those sites will be governed by the privacy policy of the Affiliate.... We display ads on our Site to our Registrants and Members based on the Personal Information provided to us when taking the RealAge Test or participating in other interactive features, as well as Anonymous Data collected via technology....” Real Age, “Privacy Policy,” <http://www.realage.com/corporate-privacy-policy> (viewed 7 Nov. 2010).

Welcome, nonentity@nowhere.net! If this is not you, go [here](#).

### Privacy and Personalization

#### Birth date

M 
  D 
  Y 
 We use your birth date to calculate your RealAge.

#### Gender

Female 
  Male

#### Country

#### Zip Code (U.S. only)

#### Free RealAge membership

Membership is free and provides practical, personalized information to help make your RealAge younger. If you check Yes, we'll e-mail you health and wellness tips and, on occasion, information about other health topics, products, and services that are relevant to you. We will not share your e-mail address with unaffiliated third parties without your permission. If you check No, you won't receive e-mails from us, but you can still become a registered user of the Web site, where you will see health and wellness tips and information about other health topics, products, and services that are relevant to you.

Yes 
  No

[Privacy Policy](#)

[Terms and Conditions](#)

PLEASE READ OUR **PRIVACY POLICY AND TERMS AND CONDITIONS** -- THEY'RE IN PLAIN ENGLISH. ONCE YOU'RE OKAY WITH THEM, CHECK THE BOX BELOW.

By checking this box, which registers you with RealAge, you agree to RealAge's privacy policy and terms and conditions.

**SUBMIT**

[Switch to secure sockets \(SSL\) »](#)

#### As seen on:



#### PLEASE READ THIS. IT'S SHORT, SIMPLE, AND GOOD TO KNOW.

RealAge.com is part of the Hearst Digital Media (HDM) Network, a division of Hearst Magazines. When you register with RealAge.com, you'll be able to use the same e-mail and password to sign in to any of the sites below. This one-step registration, which includes your age, gender, and zip code, lets you send us feedback, see relevant ads, set up your own recipe book, make quick grocery lists, and much more. (Please note that when you leave RealAge.com and visit our sibling sites, their privacy policies apply, not ours.)

- *Good Housekeeping*
- *Redbook*
- *House Beautiful*
- *Country Living*
- *Town & Country Travel*
- *Marie Claire*
- *Delish*
- *Quick & Simple*
- *The Daily Green*
- *Answerology*
- *Cosmopolitan*
- *CosmoGirl*
- *Seventeen*

Home > Privacy Policy

RealAge Article

## Privacy Policy

By RealAge

Page 1 of 1

RealAge, Inc., values the privacy of all of our readers. We take very seriously the need to respect and protect your privacy and the security of any information you may share with us. We've built a site that allows you to control how much information you give us and how that information is used. This privacy policy ("Policy") describes the data collection, use, and disclosure practices of RealAge, Inc., in connection with the Web Site, [www.RealAge.com](http://www.RealAge.com) (the "Web Site" or "Site").

This Policy applies to information collected only directly through or from the RealAge Web Site. It does not apply to personal information collected from offline resources and communications, such as information you may send to us in a postal letter or give to us in a phone call. This Policy also does not apply to third-party online resources to which RealAge Web Sites may link, because RealAge does not control their content or their privacy practices.

Please read our Policy carefully. Your understanding of how we use any information you provide -- and your trust that we will use it carefully -- are very important both to you and to us. Why? Because it helps us provide more relevant, useful information to you. If you have any questions about our data collection, use, or disclosure practices, please contact us in any of the ways listed at the end ([Section 17](#)). Please also be sure to read our complete [Terms of Use](#) (this Privacy Policy is a part of it).

### 1) What Information Do We Collect?

RealAge's purpose is to provide you with detailed healthcare information (like your RealAge calculation and plan), so we may request correspondingly detailed personal health information from you. Certain information is necessary for us to provide one or more RealAge services to you. For a full description of these services, [see Section 4, "How We Use the Information We Collect."](#) Other information is optional; if you elect not to provide optional information, it may limit the value of what RealAge can provide for you. For example, if we do not have information on a health condition you may have -- such as high blood pressure -- we will not be able to provide information about how best to manage your diet and lifestyle to improve your health. (That includes information on medications that may help you manage a diagnosed condition like high blood pressure.) In short, the more information we have about you, the more valuable RealAge can be to you.

We collect two types of information on RealAge. The first, "Personal Information," is information that allows someone to identify or contact you, such as your name and e-mail address, as well as any information about you that is associated with or linked to any of the foregoing information. The second type, "Anonymous Data," is data not associated with or linked to your Personal Information. Anonymous Data cannot be used to identify you. We collect Personal Information and Anonymous Data based on your

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### Get-Young Secrets

- [Top 10 Tips to Beat Major Agers](#)
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### Look! Hot Topics Now:

REALAGE.COM:

- [Achy Hip or Knees Making You Feel Old?](#)
- [7 Foods That Keep Eyes Looking Good](#)
- [Keep Your Mind Sharp with Word Games](#)
- [A Surprising Cure for Job Stress](#)
- [Relief for Painful, Swollen Joints](#)

AND DON'T MISS THESE:

- [How to Buy Clothes for Your Body Shape](#)
- [14 Make-Ahead Thanksgiving Casseroles](#)
- [10 Comfort Foods That Fit Your Diet](#)
- [What to Eat to Wake Up and to Wind Down](#)
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### Quiz

[Are You Eating Your Way Young?](#)

65. Many online newsletters purport to provide additional information about health issues, but are actually connected to the online targeted marketing of brand pharmaceuticals and behavioral online profiling. For example, a recent Health.com "Chronic Pain News and Insights Newsletter" lead story related to Fibromyalgia and entitled "10 Food Rules for Pain Patients" triggers multiple

interactive, expanding ads for specific drugs to treat the problem.<sup>80</sup> Health.com is part of a behavioral targeting network of sites operated by Time Warner.<sup>81</sup>

The screenshot displays the Health.com website interface. At the top, there is a navigation bar with categories like 'Health A-Z', 'Eating', 'Healthy Living', and 'Weight Loss'. A search bar is present with the text 'What do you give up when dieting?'. The main content area features an article titled '10 Food Rules for Pain Patients' by Mara Betsch. The article includes a photo of a woman in a grocery store and text discussing the 'fibro-food connection'. A sidebar on the right contains an advertisement for Cymbalta with the headline 'Ask your doctor if Cymbalta is right for you.' and a 'Expand to Learn More' button. Below the ad is a 'Top Stories from Health.com' section with a list of related articles.

<sup>80</sup> Health.com, "10 Rules for Pain Patients," *Health Newsletter*, 21 Oct. 2010, personal copy. See also Health.com, "Health.com Media Kit: Advertiser Opportunities," [http://www.health.com/health/static/advertise-digital/online\\_advertisers.html](http://www.health.com/health/static/advertise-digital/online_advertisers.html); Health.com, "Sign Up Now for FREE Health.com Newsletters and Special Offers!" <http://www.health.com/health/service/newsletter-signup> (both viewed 25 Oct. 2010).

<sup>81</sup> Time Axxess, "Brands," <http://www.timeaxcess.com/brands/>; Time Axxess, "Solutions: Targeting," <http://www.timeaxcess.com/solutions/targeting.php> (both viewed 25 Oct. 2010).

The screenshot shows the Health.com website with a sign-up form. At the top, there is a banner for 'Carb Lovers Diet' with the text 'Lose Weight, Look Great Eat carbs, stay thin forever!' and an 'ORDER NOW' button. Below the banner is the Health.com logo and a search bar. The main content area is titled 'Sign Up Now for FREE Health.com newsletters and special offers!'. It contains three sections: 1. Select Newsletter(s), 2. Select the conditions that interest you for free news, updates and special offers, and 3. Enter Your Name + Email Address. The form includes checkboxes for various newsletters and conditions, and input fields for first name, last name, and email address.

66. Health marketers wish to harness the data collection and analysis capabilities of online advertising to foster greater demand for prescription drugs. For example, Digitas Health’s “How to Create Massive Demand for Your Drug” offers pharmaceutical companies new opportunities to reach people who are seeking health information on a wide variety of conditions and diseases: “You can now deliver information exactly when they need it most. Better yet, you can also see what they use and what they ask about. Which means you can anticipate what they’ll need next, and provide it **before they ask**.... You start by listening to these people and their doctors. You watch what they do. You see what they’re looking for. You learn all you can.”<sup>82</sup>
67. Health marketers are using digital data on consumers to promote medical products and services. Unit 7, for example, a marketing company working in health, explains that “Our digital solutions are connected to 360 degree data. 360 degree data allows us to understand on-line behavior, off-line behavior, and psychodemographic data. We take this data to create highly customized user experiences. Unit 7 analysts then ‘slice and dice’ data to reveal the psycho-

<sup>82</sup> Digitas Health, “How to Create Massive Demand for Your Drug,” 2008, personal copy, emphasis in the original.

demographics of purchasers, product experience, and online participants.”<sup>83</sup>

68. Many of the same consumer data collection, profiling, and behavioral targeting techniques that have raised concerns in the more “traditional” online world have now been brought into the mobile phone marketplace, where U.S. consumers increasingly rely on their wireless devices for a wide range of services, including sensitive transactions related to health.<sup>84</sup> According to McKinsey & Co. research, the mobile health market currently represents a \$20 billion “opportunity” in the U.S. alone, and \$50 billion worldwide.<sup>85</sup> “Mobile’s ability to provide superior targeting beyond age and gender,” notes Peter Nalen on the Compass Healthcare Communications blog, “to include location, time of day and day of week, and to facilitate two way communication between advertisers and consumers, makes it

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<sup>83</sup> Unit 7, “Digital Engagement,” <http://www.unit7.com/digital-engagement/360-data/> (viewed 7 July 2010).

<sup>84</sup> For a review of the state of mobile marketing, behavioral targeting, and related concerns, see Center for Digital Democracy and U.S. PIRG, “Complaint and Request for Inquiry and Injunctive Relief Concerning Unfair and Deceptive Mobile Marketing Practices,” Federal Trade Commission Filing, 13 Jan. 2009, [http://www.democraticmedia.org/current\\_projects/privacy/analysis/mobile\\_marketing](http://www.democraticmedia.org/current_projects/privacy/analysis/mobile_marketing) (viewed 15 June 2009). As part of a national ad campaign in England for its Breathe Right anti-congestion product, GlaxoSmithKline received 25,000 responses to a text call-to-action that ran in the last five seconds of a 20-second TV ad, exhausting the supply of product samples half-way through the month-long campaign. Once the participants received their samples, they then received periodic SMS reminders to use the product. “We were overwhelmed by the scale of response to this campaign,” declared Lee Beale, brand manager for Breathe Right at GlaxoSmithKline. “It proves the power of mobile in connecting with our customers, and provides valuable customer data capture for ongoing marketing activity with these customers.” Incentivated, Ltd., “Mobile Response to TV Campaign Shifts 25,000 Samples for GlaxoSmithKline in 2 Weeks,” 26 Mar. 2009, <http://econsultancy.com/us/press-releases/4173-mobile-response-to-tv-campaign-shifts-25-000-samples-for-glaxosmithkline-in-2-weeks> (viewed 30 Sept. 2010). Not surprisingly, social media monitoring now extends to the mobile platform as well. WebMD, whose social networking platform, WebMD Health Exchange, “builds on the hundreds of health communities that previously existed on our site and that now more closely integrate the social health experience throughout each of our core content areas,” has moved aggressively into the mobile arena. As the company recently reported, “Our penetration into the mobile health information market has also continued to expand this quarter. WebMD mobile for consumers was nearly 1.6 million downloads since launch, provides consumer with a vital interactive health tools to check the personal symptoms, find drug, treatment, even emergency first aid information, all on the same mobile health applications.” “WebMD Health Corp. Q1 2010 Earnings Call Transcript,” 4 May 2010, <http://seekingalpha.com/article/202961-webmd-health-corp-q1-2010-earnings-call-transcript> (viewed 16 June 2010).

<sup>85</sup> Brian Dolan, “Current Global mHealth Opportunity is \$50B,” *mobihealthnews*, 24 Feb. 2010, <http://mobihealthnews.com/6684/current-global-mhealth-opportunity-is-50b/> (viewed 10 Nov. 2010).



one of the main reasons that mobile is now. Not only does Mobile have a ubiquitous presence—with us 24/7—it can also reach more people, more efficiently, and with greater targetability. By building relationships via timely, relevant and valuable interactive conversations, Mobile can form the basis for strong long term relationships.”<sup>86</sup>

69. Major drug store chains, such as CVS and Rite Aid, have turned to mobile applications to drive traffic to their stores. Rite Aid, for example, recently introduced an SMS service that alerts customers when their prescriptions are ready to be refilled or picked up. In order to participate in the program, however, consumers must divulge considerable amounts of personal information, in the course of signing up for a MyRiteAid.com account and completing the required MyPharmacy online profile.<sup>87</sup> CVS, similarly, has released a pair of iPhone applications, one “to let plan members manage and pay for their prescriptions using their mobile devices,” and another “that encourages shopping through the use of sales and offers.”<sup>88</sup> Again, the privacy implications

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<sup>86</sup> Peter Nalen, “Mobile Marketing for Pharma: An Innovation Lab Whitepaper,” Compass Healthcare Communications, 1 Nov. 2009, <http://www.compasshc.com/blog/mobile-marketing-for-pharma-an-innovation-lab-whitepaper/01/11/2009/> (viewed 16 Feb. 2010). One candidate for FTC review for mobile privacy concerns is, for example, the new iPhone application introduced recently by Bayer on behalf of its multiple sclerosis treatment, Betaseron. According to a company press release, “myBETAapp is the newest offering in Bayer’s comprehensive patient support program, BETAPLUS®. The application provides patients with injection reminders, injection site rotation assistance and injection history.... With active phone service, patients enrolled in the BETAPLUS program can dial directly to speak to BETA Nurses, who are specially trained in MS....” “Bayer HealthCare Launches First iPhone Application with Personalized Tools to Assist People on Betaseron® (interferon beta-1b) in Managing Their Multiple Sclerosis Treatment,” <http://finance.yahoo.com/news/Bayer-HealthCare-Launches-prnews-2762087426.html?x=0&.v=1> (viewed 10 July 2010).

“myBETAapp lets you:

- See today’s injection plan at a glance
- Know when and where your next injection is scheduled
- Track and record injections
- Get autoalerts when it’s time for your next injection
- Customize your injection site rotation plan
- E-mail your injection history to yourself and your healthcare team.

Bayer HealthCare, “myBETAapp,”

[http://betaseron.com/patients/betaplus/services\\_support/my\\_beta\\_app.jsp](http://betaseron.com/patients/betaplus/services_support/my_beta_app.jsp) (viewed 10 July 2010).

<sup>87</sup> Rimma Kats, “Rite Aid Drives Consumers In-store via SMS Service,” *Mobile Commerce Daily*, 23 Sept. 2010, <http://www.mobilecommercedaily.com/rite-aid-drives-consumers-in-store-via-sms-service/> (viewed 19 Oct. 2010).

<sup>88</sup> Dan Butcher, “CVS Enables In-app Payments for Prescriptions,” *Mobile Commerce Daily*, 28 July 2010, <http://www.mobilecommercedaily.com/cvs-lets-users-pay-for-prescriptions->

of these “convenience” applications must be examined.<sup>89</sup>

70. Companies and advertisers continue to hide behind the cloak of data “anonymization” or “de-identification,” stating that this protects consumer privacy while allowing companies to build profiles on consumers. However, as we explain below, it has proved relatively easy to link anonymized or de-identified data back to personally identifiable information of individuals.
71. Carnegie Mellon professor Latanya Sweeney has been researching the issue of de-anonymization or re-identification of data for years. In 1998, she explained how a former governor of Massachusetts had his full medical record re-identified by cross-referencing Census information with de-identified health data.<sup>90</sup> Sweeney also found that, with birth date alone, 12 percent of a population of voters can be re-identified. With birth date and gender, that number increases to 29 percent, and with birth date and zip code it increases to 69 percent.<sup>91</sup>
72. In 2000, Sweeney found that 87 percent of the U.S. population could be identified with birth date, gender and zip code.<sup>92</sup> She used 1990 Census data. In 2006, Philippe Golle at the Palo Alto Research Center revisited her research, using 2000 Census data, and found that “disclosing one’s gender, ZIP code and full date

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find-nearest-pharmacy-via-mobile/; Rimma Kats, “CVS Pushes Weekly Sales in App to Encourage Purchases,” *Mobile Commerce Daily*, 19 Oct. 2010, <http://www.mobilecommercedaily.com/cvs-pushes-weekly-sales-in-app-to-encourage-purchases/> (both viewed 19 Oct. 2010).

<sup>89</sup> As the recent agreement between the FCC and the FDA concerning wireless medical technology makes clear, the mobile arena looms large in the future of healthcare in the U.S. In July, “FCC Chairman Julius Genachowski and FDA Commissioner Margaret Hamburg signed a memorandum of understanding and released a joint statement of principles at the beginning of a two-day conference on wireless medical technology. Calling the partnership “unprecedented,” Genachowski said that “all Americans stand to benefit from wireless-enabled health solutions. The FCC’s National Broadband Plan, released in March, called on the government to streamline processes to promote wireless medical technology.” Sara Jerome, “FCC, FDA Unveil Partnership to Promote Wireless Medical Technology,” *Hillicon Valley*, 26 July 2010, <http://thehill.com/blogs/hillicon-valley/technology/110845-fcc-fda-unveil-partnership-to-promote-wireless-medical-technology> (viewed 30 Sept. 2010).

<sup>90</sup> Latanya Sweeney, Lab. for Computer Sci., Mass. Inst. of Tech., *Roundtable Discussion: Identifiability of Data at a Meeting of the Subcommittee on Privacy and Confidentiality of the National Committee on Vital and Health Statistics*, Jan. 28, 1998, <http://www.ncvhs.hhs.gov/980128tr.htm> (viewed 6 Nov. 2010).

<sup>91</sup> Latanya Sweeney, Lab. for Computer Sci., Mass. Inst. of Tech., *Weaving Technology and Policy Together to Maintain Confidentiality*, *J. Law Med. Ethics*, 1997 Summer/Fall.

<sup>92</sup> Latanya Sweeney, Lab. for Int’l Data Privacy, Carnegie Mellon Univ., *Uniqueness of Simple Demographics in the U.S. Population* (2000).

of birth allows for unique identification,” thus revealing the identity of 63 percent of the U.S. population.<sup>93</sup> (Note that the U.S. population in 1990 was 248.7 million and the 2000 population was 281.4 million.)<sup>94</sup>

73. In 2006, the publication of search records of 658,000 Americans by AOL demonstrated that the storage of a number as opposed to a name or address does not necessarily mean that search data cannot be linked back to an individual. Though the search logs released by AOL had been “anonymized,” identifying the user by only a number, *New York Times* reporters were quickly able to match some user numbers with the correct individuals.<sup>95</sup> User No. 4417749 “conducted hundreds of searches over a three-month period on topics ranging from ‘numb fingers’ to ‘60 single men’ to ‘dog that urinates on everything.’” A short investigation led *Times* reporters to “Thelma Arnold, a 62-year-old widow who lives in Lilburn, Ga.” and has three dogs. The *Times* also noted that the data associated with Ms. Arnold was misleading. “At first glance, it might appear that Ms. Arnold fears she is suffering from a wide range of ailments. Her search history includes ‘hand tremors,’ ‘nicotine effects on the body,’ ‘dry mouth’ and ‘bipolar.’ But in an interview, Ms. Arnold said she routinely researched medical conditions for her friends to assuage their anxieties. Explaining her queries about nicotine, for example, she said: ‘I have a friend who needs to quit smoking and I want to help her do it.’”<sup>96</sup>
74. Pace University professor Catherine Dwyer, who published in 2009 a detailed case study of behavioral targeting practices on Levis.com, found that so-called “anonymous” profiling fails to provide the targeted consumer any real privacy protection. “The vast majority of data is collected anonymously, i.e., not linked to a person’s name,” she said.<sup>97</sup> “However, behavioral targeting does create digital dossiers on consumers with the aim of connecting browsing activity to a tagged individual. This tagging is largely invisible to consumers, who are not asked to explicitly give consent for this practice. By using data collected clandestinely,

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<sup>93</sup> Phillippe Golle, Palo Alto Research Ctr., *Revisiting the Uniqueness of Simple Demographics in the US Population* (2009), <http://www.privacylives.com/wp-content/uploads/2010/01/golle-reidentification-deanonymization-2006.pdf> (viewed 6 Nov. 2010).

<sup>94</sup> U.S. Census Bureau, 1990 Census, <http://www.census.gov/main/www/cen1990.html> (viewed 6 Nov. 2010); U.S. Census Bureau, 2000 Census, <http://www.census.gov/main/www/cen2000.html> (viewed 6 Nov. 2010).

<sup>95</sup> Michael Barbaro and Tom Zeller, “A Face Is Exposed For AOL Searcher No. 4417749,” *NEW YORK TIMES*, Aug. 9, 2006, <http://www.nytimes.com/2006/08/09/technology/09aol.html> (viewed 6 Nov. 2010).

<sup>96</sup> *Id.*

<sup>97</sup> Catherine Dwyer, Pace Univ., *Behavioral Targeting: A Case Study of Consumer Tracking on Levis.com* 1 (Aug. 6, 2009), available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1508496](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1508496) (viewed Jan. 16, 2010).

behavioral targeting undermines the autonomy of consumers in their online shopping and purchase decisions.”<sup>98</sup> Such targeting, Dwyer suggested, can also undermine consumer confidence in e-commerce: “Not asking for explicit consent, and using anonymity to sanitize the tagging of individuals are components of behavioral targeting that can destroy trust in e-commerce. Even if consumers are anonymous, ... advertising networks are silently collecting data to influence their purchase decisions.... Behavioral targeting without consent threatens the autonomy of consumers, and can undermine the trust and expectations of benevolence that customers associate with a name brand.”<sup>99</sup>

75. The advertising industry has narrow definitions of “sensitive data” and “personally identifiable information,” which do not adequately encompass the reality of consumer data collection and consumer profile creations. “Personally identifiable information,” as defined by the advertising industry, is restricted to names, addresses, ID numbers, or other traditional personally identifiable information.<sup>100</sup>

76. The marketing industry’s narrow definition of “personally identifiable information,” the rampant gathering of detailed consumer data, and the cross referencing of so-called “anonymized” data with information housed in offline databases mean that de-identified data can easily be re-identified.

### **Interactive Advertising**

77. Pharmaceutical companies such as GlaxoSmithKline are using digital ad strategies focused on “engagement” to deepen the marketing connection with their targeted consumers. As GSK’s Julie Wittes Schiack explained at the first annual meeting of the PMRG Institute in 2007, “The deeper the engagement the richer the insights.” In marketing its diet drug alli, GlaxoSmithKline built private online communities designed to collect consumer data. “A first-of-its-kind OTC drug launch required a new approach to listening to, and understanding, weight-challenged consumers—new ways that would get at consumers [sic] hearts and minds and provide an intimate experience, which allowed the company to go deeper than ever before.”<sup>101</sup>

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<sup>98</sup> *Id.*

<sup>99</sup> *Id.* at 8-9.

<sup>100</sup> Interactive Advertising Bureau, *Self-Regulatory Principles for Online Behavioral Advertising* 16-17 (July 2009), <http://www.iab.net/media/file/ven-principles-07-01-09.pdf> (viewed 6 Nov. 2010).

<sup>101</sup> “GSK Consumer Healthcare partnered with Communispace spanning 2+ years to create five private online communities that became the center of gravity for the entire multifaceted market launch of alli.” Communispace, “GlaxoSmithKline Consumer Healthcare: Making

78. Online health marketers are studying the disease and illness cycle in order to target specific consumers, including “multicultural” consumers with various health needs. SDI Health, for example, “integrates its decades of experience in disease and condition surveillance with leading-edge technology to produce highly popular, consumer-friendly portals such as Pollen.com and Azma.com, among others.”<sup>102</sup>
79. Digital health marketers are simultaneously targeting consumers and doctors as part of integrated marketing efforts to assist specific brand pharmaceuticals. Klick Pharma, for example, explains that it develop “programs targeting both professional and patient audiences spanning the brand’s life.”<sup>103</sup> The FTC needs to examine how the pharmaceutical industry may be taking unfair advantage of these relationships.
80. About.com’s approach to pharmaceutical brand messaging includes incorporating specific references (e.g., for a sponsor’s heartburn remedy) into larger, more general online discussions: “Because About.com holistically addresses the needs of our users, we were able to go beyond the vertical health category alone and integrate the brand message seamlessly into the daily lives of potential heartburn sufferers in the target group. About.com was able to harness

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Customers the Center of Gravity to Develop a Blockbuster Drug Launch,”  
<http://www.communispace.com/clients/stories/?story=42> (viewed 16 Feb. 2010).

<sup>102</sup> According to the SDI website,

The banner ad opportunities on our various consumer-focused Web sites offer clients a timely method of reaching their target audience when they are most likely to purchase a given allergy, cold, or flu product.

Our time-tested data forecasting methods enable us to time your media campaigns to coincide with market demand for prescription and over-the-counter products for allergies, flu, colds, etc.

We also develop customized online tools such as interactive reporting with comprehensive query functions and data feeds on diseases, conditions, and environmental factors.

SDI, “Online Programs,” <http://www.sdihealth.com/online-programs/main.aspx> (viewed 4 Oct. 2010). SDI’s websites include Pollen.com (“the No. 1 pollen allergy site on the Web”), PollenLibrary.com, PollenWidgets.com, and Azma.com, which appears to target youth. [MyTreatment.com](http://MyTreatment.com) is a condition-specific site that will be launching soon, a portal devoted to niche markets that correspond to various illnesses and maladies. The new site is the work of Sessions Media, which specializes in online marketing and website development, with 29 other condition-specific sites (from Acid Reflux Treatment to Smoking Treatment) currently operating or in the planning stages. Sessions Media, <http://www.seasonsmedia.com/> (viewed 30 Sept. 2010).

<sup>103</sup> Klick Pharma, <http://klick.com/pharma/en/home/> (viewed 30 Sept. 2010).

user insights to connect the brand not just to their target's life stage, but also to their lifestyle and areas such as eating habits and hobbies that have a high penetration of the target audience."<sup>104</sup>

81. On a number of occasions, pharmaceutical marketers have made clear their intention to sway consumers when they are perhaps most vulnerable—at the precise moment, that is, when they are about to make a purchase. Thus Everyday Health, for example, stresses the need to “Influence Buying Behavior at Point of Purchase. Connect your brand with consumers as they are making their purchasing decisions with Drugstore.com, the leading online provider of over 45,000 health, beauty, vision and pharmacy products including prescriptions and refills.”<sup>105</sup> Healthline, similarly, promises that “Advertisements presented in context when a consumer is ready to act will generate considerably higher conversion rates than those found at general-purpose search engines or health information sites.”<sup>106</sup>

82. The e-Healthcare Network claims to be the “premier vertical Internet advertising network dedicated to the healthcare industry.” It is able to reach “niche healthcare audience segments through the aggregation of hundreds of websites and distinct content areas.” Health information and service consumers are confronted with an area of targeting techniques with such specialized ad

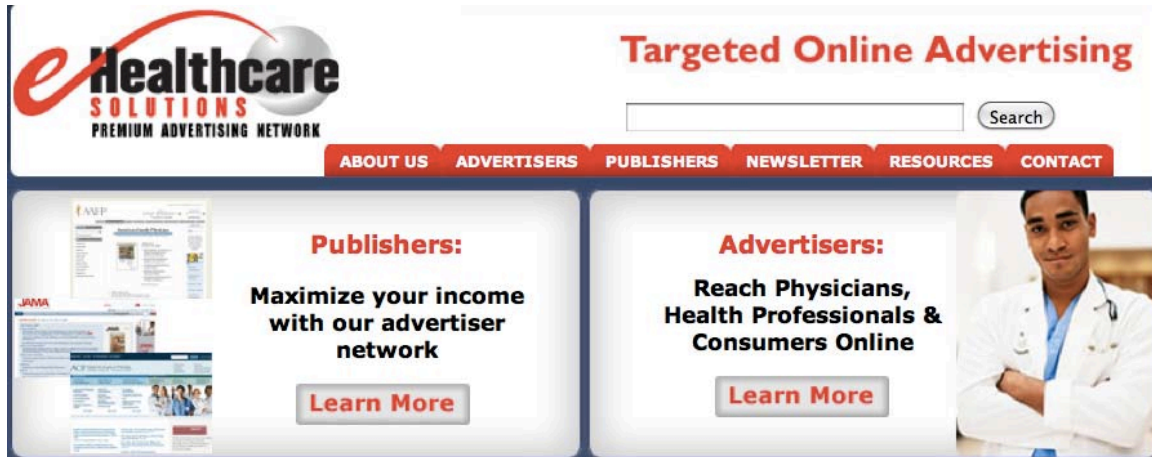
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<sup>104</sup> About.com, “Case Study: OTC Heartburn Brand,” 2010, [http://advertiseonabout.com/Case\\_Study/OTC\\_Heartburn\\_Brand/](http://advertiseonabout.com/Case_Study/OTC_Heartburn_Brand/). The About Group, which includes such websites as About.com, ConsumerSearch.com, UCompareHealthCare.com, and CalorieCount.com, recently began offering interactive personal health monitors, including [Lab Test Interpreter](#) and [Symptom Checker](#). “About.com, Harvard Health Publications, and StayWell Launch Lab Test Interpreter,” 5 Oct. 2010, [http://advertiseonabout.com/News\\_and\\_Press/](http://advertiseonabout.com/News_and_Press/) (both viewed 4 Oct. 2010). According to the company, “Visitors take action as a result of seeing a healthcare ads on About.com: 70% of visitors researched the medication in more detail as a result of seeing a healthcare ad on About.com.” About.com, “About.com 2010 Health Study,” June 2010, [http://advertiseonabout.com/media/3\\_DJYv.pdf](http://advertiseonabout.com/media/3_DJYv.pdf). Additionally, About.com specializes in targeted advertising: “About.com uses Google’s Boomerang for Publishers (BFP) for Behavioral Targeting. By using BFP, we can identify site visitors who have previously expressed interest in specific content areas and then reach them elsewhere on our site.... About.com uses Google’s DART Adapt as a tool to dynamically optimize advertiser campaigns. DART Adapt uses all available ad serving data to build best performing segments for an advertiser’s ads. Based on performance, DART Adapt will serve ads to the most effective segments while respecting all negotiated targeting criteria.” About.com, “Advertising Solutions,” [http://advertiseonabout.com/Advertising\\_Solutions/](http://advertiseonabout.com/Advertising_Solutions/) (both viewed 8 Oct. 2010).

<sup>105</sup> Everyday Health, “Ad Solutions,” <http://www.everydayhealth.com/advertise/ad-solutions/> (viewed 14 June 2010).

<sup>106</sup> Healthline Networks, “Advertise on Healthline,” [http://www.healthline.com/advertise.jsp#\\_jmp0\\_](http://www.healthline.com/advertise.jsp#_jmp0_) (viewed 29 June 2010).

networks as “Time of day (insomnia banners scheduled to run from 11:00pm 6:00am)” and “Day of week (depression banners scheduled for Monday’s highlighting ‘Monday morning blues’).”<sup>107</sup>



83. In an ad for the ADHD medicine Daytrana created by Unit 7, the company asks, “How do you convince moms to switch ADHD medications when things are going well and when there was so much negativity surrounding medications to begin with? Create a brand new identity that separates the condition from the child and allows you to aggressively market to the condition. Moms were then able to trust that we had their best interests in mind.”<sup>108</sup>

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<sup>107</sup> E-Healthcare Solutions, “Reaching Your Target Audience,” [http://www.e-healthcaresolutions.com/reaching\\_target\\_audience.php](http://www.e-healthcaresolutions.com/reaching_target_audience.php) (viewed 30 Sept. 2010).

<sup>108</sup> Unit 7, “Daytrana,” <http://www.unit7.com/work/daytrana/> (viewed 4 Oct. 2010).



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84. Targeting the parents of children has become a basic marketing strategy in the medical and healthcare industry, especially for those companies involved in social media marketing. As one marketer advises,

... [C]onsider the behavior of your patient. Thinking first about the behavior of your patient will guide you to the right platforms. For example, if you are dealing with an ailment that generally impacts children, what is the first thing a parent will likely do upon learning their child is inflicted with this ailment? Most parents search for answers and will head to Google to find them. The trick is to ask yourself, what type of information are they looking for in this search? If they are searching for insight on treatment options, severity and past experiences, you can gear your social media efforts to reflect that. You should also survey what online sources of information already exist. Have you considered Google Health as a source of information for patients? Better still, have you tracked down the sources of information that feed into Google Health and ensured its accuracy? If you are not proactively addressing these questions you are leaving your online presence to chance. What about a platform such as Yahoo! Answers? Have you scanned



the discussion taking place there to get a sense for the sentiment about either your brand or the common concerns of dealing with a particular ailment?<sup>109</sup>

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national cancer support, education and hope

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welcome

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Join today!  
It's free to join, free to share your thoughts and free to get support

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talk with other teens affected by cancer
- discussion boards  
2907 messages in 619 topics
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Emily Bye  
Emily Bye was an active 17 year old, looking forward to her senior year of high school when she was diagnosed with bone cancer. She was left feeling alone and discouraged because she had no one to relate to but with the help of Group Loop she has been able to connect with other teens and share her experience.

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<sup>109</sup> Chris Iafolla, "Setting Pharmaceutical Social Media Strategy," PRforPharma, 22 Mar. 2010, <http://prforpharma.com/2010/03/22/setting-pharmaceutical-social-media-strategy/> (viewed 30 Sept. 2010).



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85. There is a failure to adequately disclose the relationship and role of advertisers and sponsors on leading health information sites. WebMD explains on its consumer site that it “provides valuable health information, tools for managing your health, and support to those who seek information. You can trust that our content is timely and credible.”<sup>110</sup> In its annual report to the SEC, however, WebMD explains that they “develop sponsored programs that target specific groups of health-involved consumers, clinically active physicians and other healthcare professionals and place these programs on the most relevant areas of *The WebMD Health Network* so that our advertisers and sponsors are able to reach, educate and inform these target audiences. Our advertisers and sponsors consist primarily of pharmaceutical, biotechnology and medical device companies and consumer products companies.... *The WebMD Health Network* ran approximately 1,600 branded or sponsored programs for its customers during 2009.... Our public portals provide advertisers and sponsors with customized marketing campaigns that go beyond traditional Internet advertising media....” “[K]ey benefits” that the “*WebMD Health Network* offers healthcare advertisers and other sponsors include... our ability to help advertisers and sponsors reach specific groups of consumers and physicians by specialty, product, disease, condition or wellness topic....” WebMD also cites its “content-sharing and marketing relationships with the FDA, CDC and Yahoo!”<sup>111</sup> In its review, the FTC should examine whether this mixture of government and purely commercial information may contribute to misleading consumers, and whether it is being used inappropriately.

<sup>110</sup> WebMD, “About WebMD,” <http://www.webmd.com/about-webmd-policies/default.htm?ss=ftr> (viewed 18 Oct. 2010).

<sup>111</sup> WebMD Health Corp., “Form 10-K,” Securities and Exchange Commission, 2 Mar. 2010, <http://yahoo.brand.edgar-online.com/displayfilinginfo.aspx?FilingID=7094768-19620-153550&type=sect&dcn=0000950123-10-020089> (viewed 18 Oct. 2010).

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For kids with ADHD 6 to 17
Download Free Trial Offer

The screenshot shows the WebMD website interface. At the top, there are navigation tabs for Home & News, Health A-Z, Drugs & Supplements, Healthy Living, Eating & Diet, Parenting & Pregnancy, Mental Health, and Pet Health. The date is October 25, 2010. The WebMD logo is on the left, and a search bar is on the right. Below the navigation, the breadcrumb trail reads: WebMD Home > Mental Health Center > Depression Health Center > Recognizing the Symptoms of Depression. The main article title is "Recognizing the Symptoms of Depression" with a sub-header "Depression: Recognizing the Physical Symptoms". The article text discusses physical symptoms of depression, including headaches, back pain, muscle aches, chest pain, digestive problems, exhaustion, and sleep problems. There are several advertisements for Cymbalta, including one at the top right and one at the bottom right. A "Depression Symptom Finder" tool is also visible on the right side of the page.

86. WebMD says that because it and its affiliated MedicineNet.com “are licensees of the TRUSTe Privacy Seal and our private portals deployment of WebMD Personal Health Manager is a recipient of the TRUSTe EU Safe Harbor programs...,” that its practices comply with personal privacy protection.<sup>112</sup> WebMD is named by TRUSTe as one of the companies using the “leading privacy trustmark to enhance consumer trust.”<sup>113</sup> But TRUSTe also explains that the use of its certification can help boost online lead generation and help obtain user

<sup>112</sup> WebMD Health Corp., “Form 10-K.”

<sup>113</sup> TRUSTe, “TRUSTe Site Validation,”

[http://clicktoverify.truste.com/pvr.php?page=validate&companyName=WebMD,%20LLC&sealid=101&ctv\\_group=WebMD](http://clicktoverify.truste.com/pvr.php?page=validate&companyName=WebMD,%20LLC&sealid=101&ctv_group=WebMD) (viewed 18 Oct. 2010).

registration data.<sup>114</sup> The use of TRUSTe seals for the health industry, including its use by WebMD, must be independently investigated by the commission.

87. Information on health portals, such as WebMD, is designed to enhance the role and relationship of advertisers and marketers, contributing to the lack of clear distinctions between independent editorial and sponsored content. WebMD's "sponsored resource" disclosure mechanism inadequately provides consumers with the information they require to fully understand the relationship between the sponsored content and the financial exchange for advertising—including data collection and analysis that may be shared.<sup>115</sup> Consumers also need to be informed of how advertisements are placed via "roadblocks" (i.e., when an advertiser owns 100 percent of the ad spaces on a single page of a publisher's site) and other forms of online marketing techniques designed to promote and enhance advertiser-controlled content on health sites.<sup>116</sup>
88. WebMD's privacy policy for health professionals says that "sponsors or advertisers on the WebMD Professional Sites may use their own cookies, Web beacons or other online tracking technologies in the banner advertisements served on the WebMD Professional Sites. Some advertisers use companies other than WebMD to serve their ads on the WebMD Professional Sites and to monitor users' responses to ads, and these companies ('Ad Servers') may also collect non-personally identifiable information through the use of cookies or Web beacons on the WebMD Professional Sites."<sup>117</sup> Both health professionals and consumers need to be fully informed of who is collecting such information and how it is used, and then given the ability to control it.
89. Better Health is "a network of popular health bloggers, brought together by Dr. Val Jones, founder and CEO," which "... reaches approximately 7 million unique users per month and is growing." Better Health's audience also includes "more than 3,100 influential Twitter followers" (including "health care professionals, Washington policy elites and consumers"), and generates some "26.5 million page views per month." As an ad-driven enterprise, "Better Health accepts sponsorship for content licensing, advertising, events (including salons, debates, forums, conferences, presentations), and information-sharing with our network.

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<sup>114</sup> TRUSTe, "TRUSTe Unveils Web Privacy Seal for Online Lead Generation," 26 July 2010, [http://www.truste.com/about\\_TRUSTe/press-room/news\\_truste\\_announces\\_trusted\\_leads.html](http://www.truste.com/about_TRUSTe/press-room/news_truste_announces_trusted_leads.html) (viewed 18 Oct. 2010).

<sup>115</sup> WebMD, "From Our Sponsor or Sponsored By," <http://www.webmd.com/sponsored-by>; WebMD, "Our Sponsors," <http://www.webmd.com/about-webmd-policies/about-our-sponsors> (both viewed 18 Oct. 2010).

<sup>116</sup> WebMD, "WebMD Advertising Information," <http://www.webmd.com/about-webmd-policies/media/default.htm> (viewed 18 Oct. 2010).

<sup>117</sup> "The WebMD Health Professional Network Privacy Policy," 1 Sept, 2010, <http://www.medscape.com/public/privacy> (viewed 18 Oct. 2010).

Individual bloggers receive revenue-share from licensing and advertising their content, and additional compensation for participation in events.”<sup>118</sup>

90. Health consumers are often the subject of online viral marketing campaigns. Boomerang Pharmaceutical Communications “helps many of the best-known names in pharmaceutical and over-the-counter products reach their targets.... When you want to generate awareness, drive targeted web traffic, boost repeat visitors, build a viral response or create advocate relationships, Boomerang has the experience you need.”<sup>119</sup>
91. The analysis of consumer data can include the kind of detailed psychographic profiles that identify brand advocates. “Why does brand advocacy matter?” asks Boomerang Pharmaceutical Communications? “Because there’s nothing more powerful than extreme, passionate customer loyalty to drive recommendations and testimonial, even a sense of deep ownership. Boomerang can quantify all this for you with strong, compelling metrics to ensure accurate monitoring of brand advocacy levels. Metrics can range from informal, ‘What’s the pulse of my consumer?’ searches to more complex analytics, like site-metered data to pinpoint advocacy depth. What compels consumers to reach out, recommend and talk? Find out by understanding the specific drivers behind these behaviors. Boomerang knows how.”<sup>120</sup>
92. The use of online tracking and segmentation tools by pharmaceutical marketers, especially in the digital context, raises a number of significant concerns. The segments into which pharmaceutical companies divide their audiences go far beyond standard demographic and lifestyle categories to include highly personal and sensitive information relating to one’s health. As Mark Miller, senior vice president for healthcare marketer Epsilon, explains, “Segment profiling

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<sup>118</sup> Better Health, “2010 Better Health Media Kit,” [http://getbetterhealth.com/wp-content/themes/getting-better-2/downloads/BetterHealth\\_MediaKit\\_2010\\_highres.pdf](http://getbetterhealth.com/wp-content/themes/getting-better-2/downloads/BetterHealth_MediaKit_2010_highres.pdf) (viewed 30 Sept. 2010).

<sup>119</sup> Boomerang Pharmaceutical Communications, “Who We Are,” <http://www.boomerangpharma.com/who-we-are/>. Among Boomerang’s offerings is relationship marketing, designed to “Capture and hold prospects.... Turn visitors into customers.... [and] Turn customers into something better: fans.” As the company asks its pharmaceutical clients, “How sticky are you? In other words, how engaged are your site users? More engagement equals better customer retention, so Boomerang uses every tool in the online arsenal to keep them coming back. From content feeds to coupons, blogs to bookmarks, we put the power of web 2.0 tools at your disposal, at all engagement levels.” Boomerang Pharmaceutical Communications, “Relationship Marketing,” <http://www.boomerangpharma.com/what-we-do/relationship-marketing-crm/> (both viewed 30 Sept. 2010).

<sup>120</sup> Boomerang Pharmaceutical Communications, “Relationship Marketing,” [http://www.boomerangpharma.com/what-we-do/relationship-marketing-crm/#\\_jmp0\\_](http://www.boomerangpharma.com/what-we-do/relationship-marketing-crm/#_jmp0_) (viewed 9 Sept. 2010).

dimensions include (but are not limited to): market size, geo-demographic characteristics, medication usage, self-care behaviors, bio-metrics, insurance coverage/usage, needs/attitudes/behaviors and media consumption.”<sup>121</sup> The goal of those data collection and analysis efforts is to influence consumer behavior in some of the most personal and profound decisions they will ever have to make, concerning their own and their family’s health.



ICOM  
a division of Epsilon Targeting

**RATE CARD:**  
**TargetSource® Health Data - US**

**Reach your most valuable health consumers with the industry’s largest and most robust source of in-depth health data**



**Comprehensive, self-reported data for precise targeting**

- Largest permission-based source of consumer-provided precision health data
- Extensive reach - 8 million new names every year, 63 million consumers (33 million unique households)
- Access to 8.5 million permission-based e-mail consumers
- Integration of your online and offline programs for increased impact

**Optimize your marketing programs with exclusive customer insights**

- Exclusive behavioral and attitudinal data including health conditions, OTC and RX product usage
- Accurate validated information from consumers who are responsive to direct mail
- Extensive demographic and lifestyle profiling

**Build your knowledge of your target consumer with custom data availability**

- Sponsor a custom question in ICOM’s unique Shopper’s Voice® survey and gain exclusive consumer data that’s unique to your brand
- Select from 1000+ data points and gather information customized to your needs

**Consumer privacy**

ICOM, a division of Epsilon Targeting, is a responsible member of North America’s marketing community and has taken a leading role in the industry with respect to consumer privacy.

Evolving with the ever-changing privacy landscape, ICOM has worked in cooperation with the Direct Marketing Association (DMA) to ensure our information practices comply with all applicable Federal and State privacy laws.

Responder’s provide consent to receive further offers so you can be assured their privacy has been respected and protected.

<sup>121</sup> Mark Miller, “Driving Your Business Toward Segmentation Success,” DTC Perspectives, Sept. 2009, <http://www.dtcperspectives.com/content/editor/files/Sept2009/SegmentationStudies.pdf> (viewed 16 Feb. 2010).

93. In some instances, online segmentation techniques are employed to help target consumers involved with a particular drug, in an effort to “drive increased adherence to therapy” (especially when a patent is about to expire, and a company is facing competition from generic and alternative products). Such was the case with AstraZeneca’s beta-blocker Toprol-XL. The company “was looking for a feasible way to increase patient adherence to the drug and to develop an extended database to support new product launches within the cardiovascular category.” AstraZeneca called on the Rosetta agency to segment its patient database into actionable categories, permitting different customer-relationship techniques for each group. “Leveraging its patented patient Personality-based segmentation insights, Rosetta developed Heart Horizons, a fully integrated, online customer relationship program about heart health designed to convert, support, and drive persistence to drug therapy for Toprol-XL.”<sup>122</sup>

### **Unbranded and Disease-Awareness Marketing**

94. Unbranded sites, focused on a specific disease or health condition but sponsored—behind the scenes—by a pharmaceutical company that markets a treatment for the disease or condition are at best a deceptive practice. This is especially true of those sites that purport to be user-driven communities, but that depend on paid consultants for much of their content. Dose of Digital’s Jonathan Richman describes the benefits—to pharmaceutical companies—of unbranded sites: “Unbranded experiences ... reduce regulatory risk since your brand isn’t mentioned, people can have ‘off label’ discussions where they talk about indications where your drug isn’t approved. It allows them to have the type of interaction they expect (i.e., one that isn’t constantly censored by a company worried about regulatory risks).”<sup>123</sup>

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<sup>122</sup> Rosetta, “AstraZeneca: Driving Adherence to Therapy for Toprol-XL,” [http://www.rosetta.com/OurIndustries/Documents/Healthcare/AstraZeneca\\_Heart%20Horizons\\_021109.pdf](http://www.rosetta.com/OurIndustries/Documents/Healthcare/AstraZeneca_Heart%20Horizons_021109.pdf) (viewed 16 Feb. 2010).

<sup>123</sup> Jonathan Richman, “Healthcare & Social Media: The Rules of the Game,” personal copy. Sanofi-Aventis and Intouch Solutions created GoInsulin.com, “an unbranded Web site supporting a national campaign designed to empower people with type 2 diabetes to take control of their disease. The Web site encourages well-informed decisions about diabetes and insulin and ways to overcome doubts and fears associated with taking insulin.” The producer of two insulin products, Apidra and Lantus, Sanofi-Aventis also created a YouTube channel celebrating “Insulin Success Videos.” YouTube, goinsulin’s Channel, <http://www.youtube.com/user/goinsulin>. The U.S. branch of Boehringer Ingelheim, a pharmaceutical company based in Germany, set up a Twitter channel, boehringerus, to make product announcements and provide links to other health-related campaigns, such as the company’s unbranded Drive4COPD effort, “a national public health campaign that aims to find the ‘missing millions’ of people who may have Chronic Obstructive Pulmonary Disease (COPD),” which also includes Facebook and YouTube components. boehringerus Twitter channel, <http://twitter.com/boehringerus>; Drive4COPD,



95. Too often so-called “patient communities” fail to provide meaningful disclosure of their pharmaceutical sponsor.
96. An unbranded marketing effort, “New Way RA,” is a condition-specific online talk show directed at those suffering from rheumatoid arthritis that fails to adequately disclose its sponsor relationship with Centocor Ortho Biotech, Inc. Such unbranded sites are designed to minimize appropriate sponsorship information, while simultaneously fostering data collection.<sup>124</sup>

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[http://www.drive4copd.com/#\\_jmp0\\_](http://www.drive4copd.com/#_jmp0_); Jaimy Lee, “Social Media, Celebrities Factor into COPD Campaign,” *PRWeek*, 8 Feb. 2010,  
<http://www.prweekus.com/pages/login.aspx?returl=/social-media-celebrities-factor-into-copd-campaign/article/163372/&pagetypeid=28&articleid=163372&accesslevel=2&expireddays=0&accessAndPrice=0> (all viewed 16 Feb. 2010).

<sup>124</sup> “New Way RA Online Talk Show Kicks Off Second Season with New Experts, Insights, Tools & Tips for Living with Rheumatoid Arthritis (RA),” 17 May 2010,  
<http://multivu.prnewswire.com/mnr/newwayra/43761/> (viewed 30 Sept. 2010).



**Watch Both Seasons**  
Register now to view Season 1 and episodes of Season 2 of the *New Way RA™* talk show. Or for a taste, watch the preview of Season 2.

[REGISTER NOW](#)  
[SEE A PREVIEW](#)

## Welcome to the Second Season of *New Way RA™*

An Inspiring talk Show for People Living With Rheumatoid Arthritis (RA)

[LEARN MORE](#)

### Watch the Latest Episodes

*New Way RA™*, now in its second season, is a health-focused talk show all about living well with rheumatoid arthritis (RA). Meet experts from a variety of fields and people living with RA. Receive advice, be inspired, and manage life with RA.

Episode Premieres	COMING
Season 2 Premiere — Meet Your New Way RA™	<a href="#">View Now</a>
Panelists	<a href="#">View Now</a>
Personal Style: Feeling Your Best Inside and Out*	<a href="#">View Now</a>
The Conversation Continues*	<a href="#">View Now</a>
Easy-to-Wear Looks for Everyday Style*	<a href="#">View Now</a>
Connecting With Your Rheumatologist*	10.2010

### Real People, Real Stories

Discover new inspiration as others living with rheumatoid arthritis (RA) share their stories.



**Arlene, from New Jersey, living with RA for more than 10 years**  
When Arlene was diagnosed, she made the decision to gain control of her disease. She believes her faith, inner strength, and knowledge empowered her. Today, Arlene has a rewarding career in finance.

### Missed Our Live Video Web Chat?

Watch highlights of award-winning journalist Deborah Norville and expert panelist Dr. Laurie Ferguson as they answer viewer questions in our live video web chat.

Video web chat supported by  
**CREAKY JOINTS**  
Bringing Arthritis to its Knees

**new way RA™** SHARE Log In e-mail REGISTER Forgot Password? Print This Page Send to a Friend Type Size

HOME ABOUT NEW WAY RA™ OUR EXPERTS REAL PEOPLE, REAL STORIES **REGISTRATION** LIVING WITH RA EPISODES

### Register to Watch Both Seasons

**New Way RA™** is the first-of-its-kind, health-focused talk show featuring experts and inspiring people living with rheumatoid arthritis (RA) who share advice on how to live better with this chronic condition. When you register, you can watch all of the new episodes in Season 2, as they are released, as well as all of the episodes from Season 1. You'll have the option to receive a free DVD of *New Way RA™* Season 1 now, and a DVD of Season 2, after all of the episodes are released, in Spring 2011.

Note: Your name, address, and other information that you provide will be used by Centocor Ortho Biotech Inc., and companies that work on our behalf, including vendors and other affiliates to fulfill your request.

\*I am at least 18 years of age. \*Required fields

\*First Name

\*Last Name

I would like to receive a DVD of the *New Way RA™* Season 1 and get immediate access to the full talk show online. Additionally, I would like to receive a DVD of Season 2 once all episodes have aired.

\*ZIP

\*E-mail  (This will be your username)

\*Password

\*Confirm Password

\*Are you a:

Person diagnosed with rheumatoid arthritis (RA)

Caregiver of someone living with RA

Healthcare Professional

Other

We may contact you with information about our products and the conditions that they are approved to treat. Centocor Ortho Biotech Inc. may also contact you with information about other products and programs that may interest you. Centocor Ortho Biotech Inc. will not share your information with anyone else except, as required by law. If you want to stop receiving this information, you may ask us to remove you from our contact list by calling 866-222-6410 or at unsubscribe link [www.newwayra.com/unsubscribe](http://www.newwayra.com/unsubscribe).

97. [StarttheTalk.com](http://StarttheTalk.com) is an unbranded Genital Herpes site created by One to One Interactive for GlaxoSmithKline.<sup>125</sup>

<sup>125</sup> One to One Interactive, "Interactive Portfolio: GlaxoSmithKline: Start the Talk Unbranded Genital Herpes Campaign," <http://www.onetooneinteractive.com/otoinsights/portfolio/?cat=136&post=250>. The "maker and marketer of Valtrex, an expensive brand name drug for the treatment of herpes symptoms (not a cure)," GSK also ran a related campaign, "Say Yes to Knowing," directed specifically at black audiences (who have "greater than twice the rate of infection by herpes than whites [48% vs. 21%]"). John Mack, "GSK's Race-based Herpes Awareness Campaign," *Pharma Marketing Blog*, 27 July 2007, <http://pharmamkting.blogspot.com/2007/07/gsk-race-based-herpes-awareness.html>. According to the *Washington Post*, "Glaxo has previously targeted blacks for messages about diseases especially prevalent among them. It promoted the diabetes drug Avandia by direct mail, hired basketball star Magic Johnson for advertisements about AIDS treatment and engaged football player Jerome Bettis for an 'asthma awareness' project." David Brown, "Herpes Awareness Project Divides Health Officials," *Washington Post*, 24 July 2007, <http://www.washingtonpost.com/wp-dyn/content/article/2007/07/23/AR2007072301583.html> (all viewed 30 Sept. 2010).

98. Other unbranded condition-specific sites include Novartis' [1in3people.com](http://1in3people.com) hypertension information site, and [Voices of Meningitis](http://VoicesofMeningitis.com). "To promote awareness of meningitis, a bacterial infection that is potentially life threatening, Publicis Modem created an unbranded Web site featuring video testimonials of families that were somehow affected by the disease. The idea was to inspire parents to take action and have their children vaccinated. To drive traffic to the site, the campaign included Flash banners on key mom sites, while rich media banners showcased the testimonials. Pre-roll ads were placed on online TV services, and custom in-banner video solutions brought a mini version of the site to the user. The campaign also had its own Facebook page."<sup>126</sup>

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<sup>126</sup> "Integrated Online Campaign: Health/ Pharmaceutical: Publicis Modem; Sanofi Pasteur, 'Voices of Meningitis,'" *OMMA Magazine*, 1 Sept. 2010, [http://www.mediapost.com/publications/?fa=Articles.showArticle&art\\_aid=135127](http://www.mediapost.com/publications/?fa=Articles.showArticle&art_aid=135127) (viewed 30 Sept. 2010). "Pharmaceutical companies have begun creating a presence on Facebook characterized by control and caution," explains Sara Inés Calderón on the Inside Facebook website. "Why? Despite unclear regulations in the U.S. governing their presence online, they may still be penalized for marketing materials on the Internet. The result is, in terms of their Facebook marketing content, a mixed bag of sometimes disingenuous Pages and Groups, fluffy applications and tightly-controlled discussions...."

"Some companies also offer a Page or Group around a cause related to a drug. This is an especially gray area. Some examples we looked at clearly disclosed their sponsor relationship while others didn't—either way, it appears that companies can be liable in some circumstances.... Epilepsy Advocate, with 4,300 fans describes its Page as, "a community of people living well with epilepsy, their family members, and their caregivers. Epilepsy Advocates are people just like you who have shown the courage to share their stories and provide support to others." Nowhere on the page, however, does it note that Epilepsy Advocate is a program sponsored by the pharmaceutical company UCB, which makes drugs for the treatment epilepsy. Although there are no strict laws governing pharma on social media, is it legal to promote an organization sponsored by a drug company without saying so?" Sara Inés Calderón, "Big Pharmaceutical Companies Making Cautious Plays for Facebook Users," *Inside Facebook*, 8 Feb. 2010, <http://www.insidefacebook.com/2010/02/08/big-pharmaceutical-companies-making-cautious-plays-for-facebook-users/> (viewed 29 June 2010).

**1in3people**  
Hypertensive Adults in the U.S.

Share Home Video The Facts The Risks Seeking Treatment

**3 Ethnicity**

Hypertension is much more prevalent within the African American population than within the white population.

0 1 2 7 6 8 8 3 adults in Kentucky have been told by a physician (or HCP) that they have high blood pressure.\*

**VOICES OF MENINGITIS™**

A Meningococcal Disease Prevention Campaign from the National Association of School Nurses  
In collaboration with sanofi pasteur

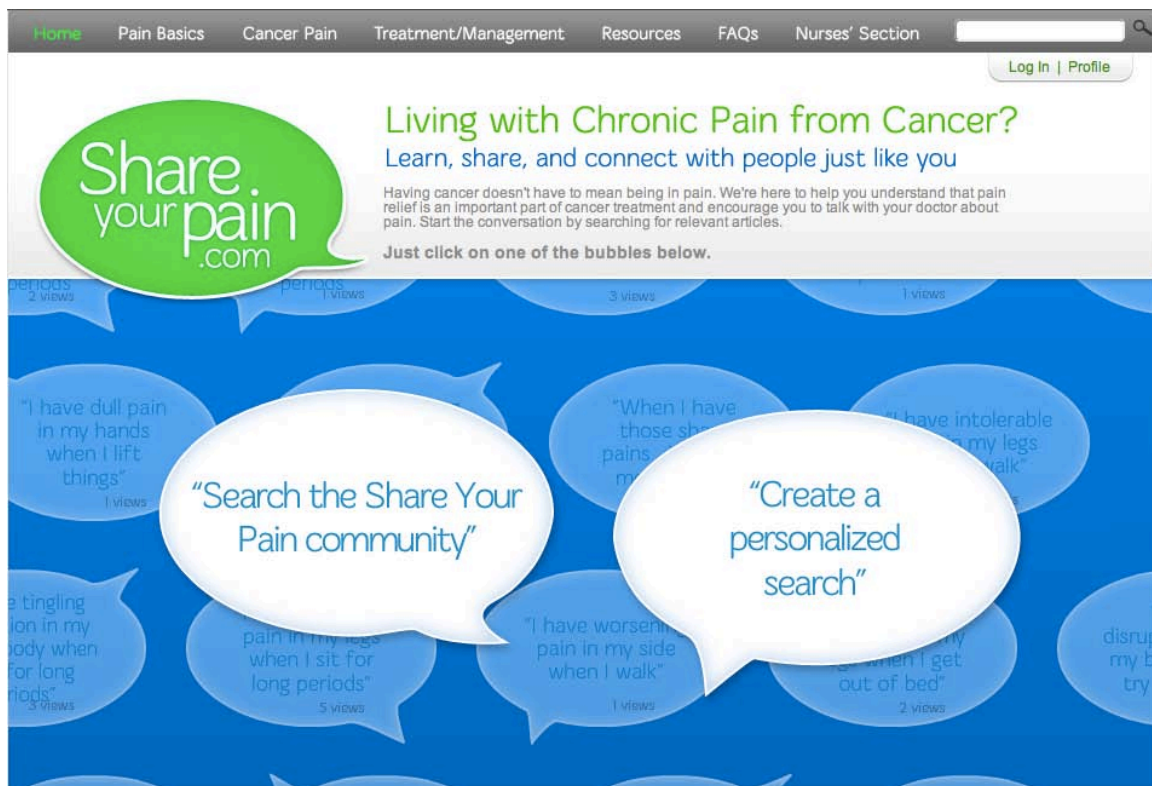
I'm a Parent I'm a School Nurse

Hear the Stories Get the Facts Protect Your Family Raise Your Voice

Real people. Real stories.  
Listen and learn how to help protect your family from meningitis.

© Copyright 2009 National Association of School Nurses Site Map | Additional Resources | References | Press | About Voices of Meningitis

99. ShareYourPain.com appears to be a community site for those suffering from or seeking information related to cancer and pain. It encourages consumers to “share your pain” with the site’s “community,” including highly sensitive and personal concerns connected to cancer. One is encouraged to “join the community” and provide far-reaching data about oneself. Online marketer Blue Diesel developed ShareYourPain.com on behalf of Cephalon, a global biopharmaceutical company with medications that treat central nervous system disorders, cancer, pain, and addiction. To create the site, Blue Diesel analyzed how the target group of consumers browsed the Web to find their own treatments, identifying “what search engines were most frequently used, what words and phrases they searched, and what other tools were utilized in their quest for pain treatment information.” According to the company, ShareYourPain.com “allowed the client to engage the target audience and collect data to further marketing efforts for their brand.... Data from the site was used to direct other marketing efforts for the brand.”<sup>127</sup>



<sup>127</sup> Blue Diesel, “Cephalon Case Study: Patients and Caregivers,” [http://www.bluediesel.com/pdfs/Blue\\_Diesel\\_Cephalon.pdf](http://www.bluediesel.com/pdfs/Blue_Diesel_Cephalon.pdf) (viewed 16 Feb. 2010).



**Join the ShareYourPain.com Community**

Join ShareYourPain.com to save your searches, and to receive updates about the site and about pain relief.

Are you

- having pain?
- a healthcare provider?

First Name (required)	Last Name (required)
<input type="text"/>	<input type="text"/>
Address 1	Address 2
<input type="text"/>	<input type="text"/>
City	State
<input type="text"/>	<input type="text" value="-- Select --"/>
Zip Code	Occupation
<input type="text"/>	<input type="text"/>
Email (required)	Confirm Email (required)
<input type="text"/>	<input type="text"/>
Password (required)	Confirm Password (required)
<input type="text"/>	<input type="text"/>
Date of Birth (mm/dd/yyyy) (required)	Gender
<input type="text"/>	<input type="text" value="-- Select --"/>

**Newsletters and Additional Information**

I am interested in receiving newsletters from ShareYourPain.com so that I can be notified when new information, tips, and resources are available on the Web site.

**Additional Questions**

What type of pain are you having? (Check all that apply)

- Acute Pain
- Chronic Pain
- Breakthrough Pain
- Cancer Pain
- Somatic Pain
- Visceral Pain
- Neuropathic Pain
- Don't Know

How did you hear about ShareYourPain.com?

- Search Engine (Google, Bing, Yahoo, etc.)
- Friend or Relative

100. Pharmaceutical companies have developed many condition-specific sites, often in anticipation of the release of a new drug, fueling demand for the upcoming product. Bayer's Thrombosis Advisor site, developed by Digitas Health on

behalf of Bayer's new Xarelto oral clot-prevention treatment, is an example.<sup>128</sup> Bayer is also a participant in [MyMSMyWay](#), "a free resource dedicated to connecting people with Multiple Sclerosis to accessible technologies that can help them live their lives better."<sup>129</sup> Users must surrender personal information in order to participate in the network, raising data collection and related issues.<sup>130</sup>

101. Elsewhere, [MyTreatment.com](#) is a condition-specific site that will be launching soon, a portal devoted to niche markets that correspond to various illnesses and maladies. The new site is the work of Sessions Media, which specializes in online marketing and website development, with 29 other condition-specific sites (from Acid Reflux Treatment to Smoking Treatment) currently operating or in the planning stages.<sup>131</sup>

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<sup>128</sup> "Digitas Health Wins 2009 WebAward for Thrombosis Advisor," <http://www.webaward.org/winner.asp?eid=13627>; Thrombosis Advisor, <http://www.thrombosisadviser.com/scripts/pages/en/index.php> (both viewed 14 Sept. 2010).

<sup>129</sup> MyMSMyWay, "About Us," [http://www.mysmyway.com/about\\_us/index.php](http://www.mysmyway.com/about_us/index.php) (viewed 19 Oct. 2010).

<sup>130</sup> As the MyMSMyWay website explains, "By sharing your information below with the MS Technology Collaborative—consisting of Bayer HealthCare Pharmaceuticals, Microsoft Corporation, and the National Multiple Sclerosis Society—you will receive periodic communications from the Collaborative or its individual partners, Bayer HealthCare Pharmaceuticals, Microsoft and the National Multiple Sclerosis Society regarding:

- The Collaborative's activities
- Survey participation
- Research opportunities and results
- Notification when new material is available on the Web site
- Information relating to multiple sclerosis and technology solutions
- Updates from individual partners.

MyMSMyWay, "Join Our Community," [http://www.mysmyway.com/join\\_our\\_community/index.php](http://www.mysmyway.com/join_our_community/index.php) (viewed 19 Oct. 2010).

<sup>131</sup> Sessions Media, <http://www.seasonsmedia.com/> (viewed 30 Sept. 2010).



**MyTreatment.com**  
Your online health community

Find out the  
Benefits of a  
MyTreatment  
Member



## WE ARE HERE TO HELP!

- **Connect and share with others who have similar issues**
- **Research and save money on medications and treatments**
- **Use our online tools to help manage your condition**

**Join us! Our community is solely focused on helping people like you understand your condition.**

Join the specific group that is right for you. Share thoughts and feelings with others who may help you cope with your condition.

### Social Media Marketing

102. Social media marketing is a relatively new form of interactive advertising that takes advantage of a person's social relationships online—their so-called "social graph"—for brands and other advertising. As a Rocket Fuel brochure puts it, "The phrase 'birds of a feather flock together' describes the power of social data—the tendency of like-minded individuals to cluster with other people just like them. These powerful demographic and psychographic traits have been proven to boost response, engagement, word of mouth and collective behavior at rates dramatically higher than other targeting alternatives. Once we identify a core audience, we can serve precision-targeted offers to friends and communities of your best customers—without risking your brand on low-quality social media inventory."<sup>132</sup>

<sup>132</sup> Rocket Fuel, "Rocket Fuel Audience Booster," [http://www.rocketfuelinc.com/solutions/audience\\_booster.html](http://www.rocketfuelinc.com/solutions/audience_booster.html) (viewed 14 June 2010).

103. As a recent report on consumer participation in health-related social networks makes clear, pharmaceutical marketers are closely watching social media for opportunities to influence consumer-purchasing decisions at the emotional and unconscious levels:

The drivers behind why individuals participate and why they don't participate will help pharma marketers uncover the true opportunities within social media. The study found two overwhelming reasons why consumers participate: reassurance ("I'm not the only one going through what I'm going through") and intimacy ("It helps me find answers to my health from people like me/with my condition"). The emotional reasons for participation far outweighed the more rational reasons; i.e. "It helps me reach my health goals." Social media can be a powerful vehicle if marketers connect with individuals on an emotional level. While patients may be looking for foundational information, they are also looking for emotional support conveyed through a tone of reassurance and intimacy. Discussion topics that extend beyond the clinical to truly connect with what a patient is going through will resonate even further.<sup>133</sup>

104. "Online social networking and user-generated content is an important part of the new media landscape," explains Ann Friedman Ryan, senior vice president and director of CRM and interactive at CommonHealth's consumer group EvoLogue. "It allows us to go where our customers are, and to integrate into their lives, as well as to benefit from a halo of credibility just by the nature of the medium," she says, citing "friends" in a social network or relevant content in a contextual placement. "By using those kinds of channels, we're able to keep our finger on the real-time pulse of what's going on with our target audience...."<sup>134</sup>

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<sup>133</sup> Epsilon, "A Prescription for Customer Engagement: An Inside Look at Social Media and the Pharmaceutical Industry," Apr. 2010, [http://hcsmeu.wikispaces.com/file/view/EPS\\_Pharma\\_Report\\_040710b.pdf](http://hcsmeu.wikispaces.com/file/view/EPS_Pharma_Report_040710b.pdf) (viewed 30 Sept. 2010). "Social media has invaded health care from at least three fronts," explains John Sharp, manager of Research Informatics in the department of Quantitative Health Sciences at the Cleveland Clinic in Cleveland, Ohio: "innovative startups, patient communities and medical centers. The Health 2.0 movement has nurtured dozens of startups with creative concepts to revolutionize health care: tools from vertical search and social networks to health content aggregators and wellness tools. Patient communities are flourishing in an environment rich with social networks, both through mainline social communities and condition-specific communities.... Hospitals are moving from experimentation (Twittering from the OR to Flipcam videos) to strategic use of social media to enhance brand loyalty and recruit new patients. They are taking on monitoring and monetization of social media. John Sharp, "Social Media in Health Care: Barriers and Future Trends," iHealthBeat, 6 May 2010, <http://www.ihealthbeat.org/perspectives/2010/social-media-in-health-care-barriers-and-future-trends.aspx> (viewed 16 June 2010).

<sup>134</sup> Quoted in Ben Comer, "The Age of Engagement," *Medical Marketing and Media*, Oct. 2008, <http://www.mmm-online.com/the-age-of-engagement/article/118531/>. Unfortunately,

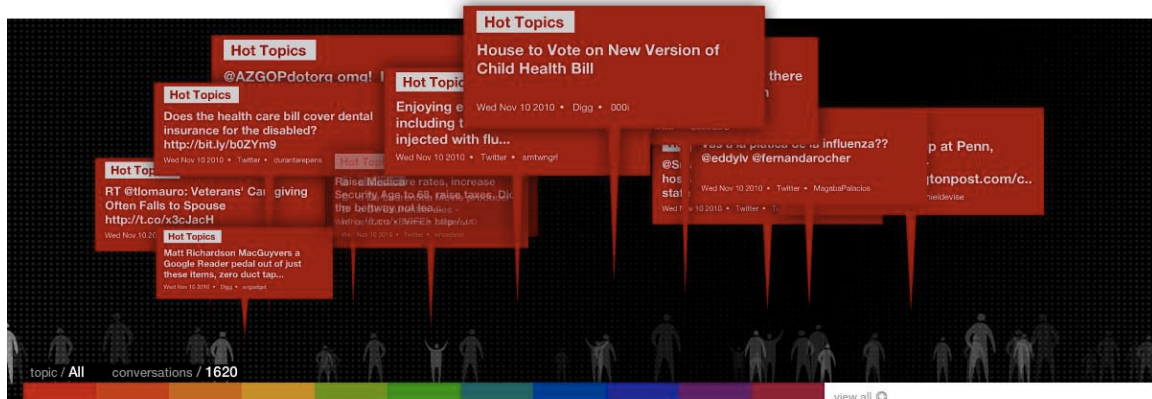
105. The ability of health marketers to identify a consumer's "digital footprint," as Razorfish Health Analytics explains, illustrates the growth of social media data mining in the pharma sector. "... [E]veryone leaves a digital footprint," the company declares. "A footprint that is ever growing as more and more devices and data streams enter the market. But factor in all the Web users out there, and the numbers get a bit dizzying. Precisely why we apply rigorous methods and custom tools to measure and identify patterns. Icing on the mathematical cake: Our Edge tool provides you a dashboard to easily (we promise) track it all in real time...."<sup>135</sup> Armed with such knowledge, marketers can then shape consumer-buying decisions: "We can see people's likes and dislikes, how they behave alone and in groups and we see it all on a grand scale of millions. That's a pretty nice focus group.... And, we don't simply react to choices users make—through our digital knowledge, advanced consumer research and deep analytics, we can create awareness, anticipate needs and drive decision."<sup>136</sup>

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thanks to deceptive marketing practices that exploit the intimacy of social media, that "halo of credibility" has been severely tarnished. Especially with the revelations of questionable privacy practices on Facebook, Google, and elsewhere, many U.S. consumers are justifiably concerned—about both the security of the personal information they share online, as well as the reliability of information they receive from others. A recent study by Digitas Health suggests that this uncertainty is particularly apparent in the online health care arena: "Sixty-seven percent of European consumers say they trust the information they find in social-media venues versus only 45% of American consumers. Fifty-two percent of European physicians believe that healthcare professionals should participate in discussions in patient forums and social networks, compared to only 41% of US physicians. Similarly, 41% of European physicians believe that social media will play an increasingly important role in shaping their patient management and treatment, versus only 23% of US physicians." Digitas Health, "Europeans More Likely to Trust Social Media with Their Health, Study Finds," 25 Mar. 2010, [http://www.digitashealth.com/pdf/Digitas\\_Health\\_Kantar\\_Health\\_Survey\\_Release.pdf](http://www.digitashealth.com/pdf/Digitas_Health_Kantar_Health_Survey_Release.pdf) (both viewed 16 June 2010).

<sup>135</sup> Razorfish Health Analytics, <http://www.razorfishhealth.com/#/our-practice/analytics> (viewed 30 Sept. 2010).

<sup>136</sup> Razorfish Health Analytics, <http://www.razorfishhealth.com/#/our-practice/analytics> (viewed 30 Sept. 2010).



106. Interactive ad agency Razorfish underscores the importance of “Real-time data analytics. There are two flavors of social data: the chatter itself and the behaviors that occur as a result of social activity. The biggest challenge is not collecting data—it’s having the right people and partners who can uncover the insights that come from the data and act upon them.”<sup>137</sup>
107. The stealth collection, analysis, and use of social media information have combined to produce what some health marketers regard as an “unprompted focus group.” These marketers are focusing on “taking unstructured, unsolicited stakeholder opinions and converting them into statistically significant structured data which reveal rich actionable insights” designed to help them more effectively market drugs and other health products. This can include the use of online data tracking and analysis to identify so-called “key influencers” who are then “mapped” so they can be targeted with the goal of influencing other consumers unaware of such practices and methods. The development of social media marketing strategies for pharmaceuticals designed to create a “fan culture” for the brand raise serious questions about unfair use of digital marketing techniques.<sup>138</sup>
108. Various “covert operations” undertaken by pharma marketers in the social media context require analysis and disclosure. “Pharma marketers shouldn’t be seduced by the bright, shiny object of ‘running a social media campaign’ when there’s so much that they can do with social media behind the scenes,” argues Aaron Gerrick, senior director of the Strategic & Analytic Consulting Group with marketing services firm Epsilon. “With the right tools and

<sup>137</sup> Razorfish, “Evolve: Outlook Report 2010,” 44.

<sup>138</sup> For example, a panel at a healthcare marketing conference focuses on “Understanding the Power of Fan Culture in Healthcare Marketing,” <http://www.exlpharma.com/event-agenda/409> (viewed 15 Oct. 2010).

expertise, the social web becomes a rich source of consumer insight.”<sup>139</sup>

109. New surveillance tools have been developed to monitor conversations among social network users to identify what is being said about a particular issue or product. Marketers then work to insert brand-related messages into the social dialogue, often by identifying and targeting individuals considered brand “loyalists” or “influencers,” and encouraging them to generate buzz through their networks of friends. Increasingly, advertisers are using Facebook’s marketing apparatus—which is largely invisible to its users—to develop a brand presence on its pages so it can strongly connect to the social communications of a very large pool of consumers.<sup>140</sup> “I AM NURSE,” for example, “where RNs, LVNs and related professionals exchange what’s on their minds,” is a product of i2we, which promises to help its clients “leverage the webographic algorithms that match your campaigns with the people you want to reach.”<sup>141</sup> Ultimately, much of social marketing is a form of viral advertising

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<sup>139</sup> Quoted in Anne Zieger, “Meeting Consumers Where They Live,” *Social Media for Pharma Brand Managers*, June 2010, <http://www.slideshare.net/oscarmirandalahoz/sermo-21-final-0> (viewed 11 July 2010).

<sup>140</sup> That certain social media applications are simply unsuitable for the depth and breadth of information that existing pharmaceutical advertising regulations require is evident in the recent FDA ruling concerning Novartis’ Facebook widget for Tasigna leukemia drug. That product, the FDA declared, “is associated with a number of serious risks, as detailed in the Boxed Warnings, Contraindications, Warnings and Precautions, and Adverse Reactions sections of the PI” (product labeling). But the Tasigna website, the FDA explained, which “contains a ‘Facebook Share’ social media widget that generates Novartis-created information for Tasigna that can be shared with Facebook users (i.e., ‘shared content/),” does not adequately disclose those risks:

The shared content is misleading because it makes representations about the efficacy of Tasigna but fails to communicate any risk information associated with the use of this drug. In addition, the shared content inadequately communicates Tasigna’s FDA-approved indication and implies superiority over other products. Thus, the shared content for Tasigna misbrands the drug in violation of the Federal Food, Drug, and Cosmetic Act (the Act) and FDA implementing regulations....

We note that the shared content contains a hyperlink to various Tasigna product websites, which do contain risk information. However, the inclusion of such a hyperlink is insufficient to mitigate the misleading omission of risk information from these promotional materials. For promotional materials to be truthful and non-misleading, they must contain risk information in each part as necessary to qualify any claims made about the drug. Karen R. Rulli, Acting Group Leader Division of Drug Marketing, Advertising, and Communications, Food and Drug Administration, letter to Lisa Drucker, Director, Regulatory Affairs—Oncology Novartis Pharmaceuticals Corporation, 29 July 2010, <http://www.fda.gov/downloads/Drugs/GuidanceComplianceRegulatoryInformation/EnforcementActivitiesbyFDA/WarningLettersandNoticeofViolationLetterstoPharmaceuticalCompanies/UCM221325.pdf> (viewed 30 Sept. 2010).

<sup>141</sup> I2we, “Our Services,” <http://www.i2we.com/corp/services.php> (viewed 30 Sept. 2010).

that is designed to trigger peer-to-peer support for a brand or product.<sup>142</sup> When used to promote pharmaceutical and health-related products, the practice raises particularly serious issues. While drug companies may argue that they use social networks in order “listen” to their consumers, social media marketing is a key advertising technique designed to influence perception and shape information about a brand, without a clear understanding by the public of the techniques and targeting used.<sup>143</sup>

110. A Facebook application called HealthSeeker, for example, is designed to “help people with diabetes become more informed about their disease, as well as make tangible lifestyle changes that might affect their health. The app was created in part by the non-profit Diabetes Hands Foundation, the Joslin Diabetes Center (a research affiliate of the Harvard Medical School) and Boehringer Ingelheim Pharmaceuticals, Inc.”<sup>144</sup> But nowhere does the app explain how users are tracked and monitored or what kinds of data are

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<sup>142</sup> One enterprising 13-year-old Facebook user, acting on behalf of his grandfather, who was suffering from cancer, managed to attract 16,000 “fans” in 96 hours. As the All Facebook blog explains, he did this by targeting cancer survivors:

Odd that the Facebook ad system shows interest targeting as XX,XXX people “like” cancer, but that is Facebook’s generic way of showing how many people have identified with a cause. To have the word “like” broadly mean that you are a fan of a page, “like” to eat chocolate ice cream, and “like” cancer is perhaps too broad a use of this term. But as we’ve demonstrated earlier, Facebook’s terminology switch from fans to likes increases engagement rates dramatically.

The cancer survivors who responded to the ads were primarily female. And by running geo-targeted variations, Logan noticed a difference in language from cancer survivors from the Bible Belt versus California— in the former, the message of faith in God was a stronger theme than one of “fighting” against all odds. He then realized that messaging by geography mattered, so he adjusted his ad copy.

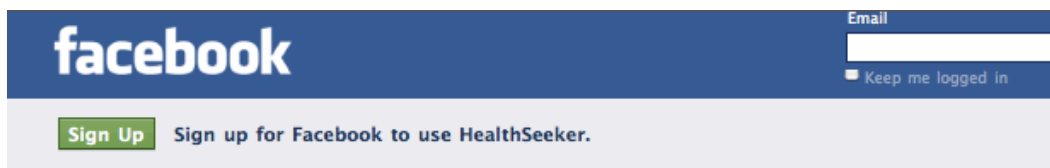
Married people with cancer were more likely to respond, so Logan created more variations, using the Facebook Responder Profile and Demographic reports to give guidance on how to segment further.

Nick O’Neil, “How A 13 Year Old Gained 16,000 Fans In 96 Hours,” All Facebook, 10 Aug. 2010, <http://www.allfacebook.com/how-gained-fans-2010-08> (viewed 31 Oct. 2010).

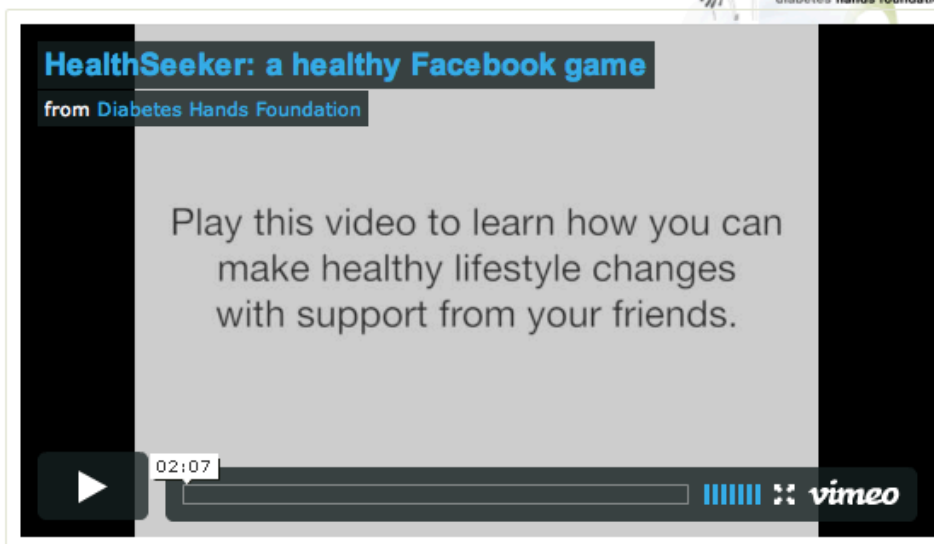
<sup>143</sup> For an overview of the field, see the Pharma and Healthcare Social Media Wiki, <http://www.doseofdigital.com/healthcare-pharma-social-media-wiki-2/>. See also Envision Solutions, “Achieving Openness: The Art of Listening, Learning, & Communicating with People Using Social Networks for Health & Wellness,” 2009, <http://formersite.enspektos.com/healthsocnetworks.html> (both viewed 16 Feb. 2010).

<sup>144</sup> Sara Inés Calderón, “Facebook App Aims to Help Control Diabetes,” Inside Facebook, 21 June 2010, <http://www.insidefacebook.com/2010/06/21/facebook-app-aims-to-help-control-diabetes/> (viewed 29 June 2010).

collected.



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Make healthy lifestyle changes with support from your friends!

IN COLLABORATION WITH:



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Improving the lives of people with diabetes through innovative care, education, and research.<sup>(\*)</sup>

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HealthSeeker™ is made possible through support provided by Boehringer Ingelheim Pharmaceuticals, Inc.

\* Diabetes Hands Foundation and Joslin Diabetes Center do not endorse products or services.

111. In some circumstances, health consumers must first provide information prior to accessing the online services. Facebook has an application for a health-related ADHD concern that required individuals to provide access to their profile information *before* they could obtain the health advice they sought.<sup>145</sup>

<sup>145</sup> ADHD Moms, Facebook, [http://www.facebook.com/ADHDMoms?v=box\\_3](http://www.facebook.com/ADHDMoms?v=box_3) (viewed 16 Feb. 2010). Clicking on the "Privacy Notice and Consent" link of the ADHD Moms' Moments Facebook app (which gives visitors a "chance to share your ADHD caregiver insight") yields

112. NetBase Solutions, whose clients include HCD Research, features automated social media monitoring technology called ConsumerBase.<sup>146</sup> According to NetBase, “ConsumerBase... is the only solution that can extract actual consumer preferences from terabytes of public and private information: social media feeds, websites, and years’ worth of internal information such as survey data, call center transcripts, and other documents.... ConsumerBase mines billions of sources of information to surface new insights.... Every day, you know what your consumers are thinking and feeling, and how they’re behaving.... Unlike other semantic technologies, NetBase processes over 100 billion sentences a month, enabling marketers to tap into vast sources of public and private content.<sup>147</sup>

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the following statement: “Allowing ADHD Moms(TM) Moments access will let it pull your profile information, photos, your friends’ info, and other content that it requires to work.”

<sup>146</sup> “HCD Research recently used ConsumerBase to develop a case study about a birth control product titled ‘Exploring the Social Aspects of Marketing Research Methods as We Move Toward the Attention Age’ that was presented at a PBIRG (Pharmaceutical Business Intelligence Research Organization) conference.” “Early Customers Love NetBase— Responses to Limited Release Show Speed, Ease of Use and Actionable Insight Are Key Factors,” 22 June 2010, [http://netbase.com/news\\_events/pr-062210.php](http://netbase.com/news_events/pr-062210.php) (viewed 20 Oct. 2010).

<sup>147</sup> Netbase, “ConsumerBase: Build a Game-Changing Consumer Insight Strategy,” [http://www.netbase.com/solutions/ConsumerBase\\_Brochure.pdf](http://www.netbase.com/solutions/ConsumerBase_Brochure.pdf) (viewed 16 June 2010).



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*"The Internet provides marketers with an unprecedented opportunity to study consumers in their 'natural habitats.' With all of the potential insights that are out there — offered to us for free — the companies that can figure out how to capture them will gain a big competitive advantage. Hundreds of tools claim to capture consumer sentiments, but NetBase truly understands what they are saying."*

MALCOLM DE LEO,  
VICE PRESIDENT OF INNOVATION  
DAYMON WORLDWIDE

113. Pharmaceutical and health marketers have managed to insinuate themselves into social media conversations in a variety of ways:

114. Heartbeat Ideas' BuzzScape "allows clients to monitor discussions that flow in and out of the tens of thousands of message boards, forums, blogs and social networks that increasingly dominate the online environment.<sup>148</sup> 'We translate 'buzz' into ROI,' said Bill Drummy, chairman and CEO of Heartbeat. 'In a sense, we eavesdrop on public conversations among people with a shared interest, then use what we learn to create interactive marketing campaigns that address the identified needs, wants and gaps in knowledge of target audiences.'" Heartbeat Ideas' healthcare clients include Abbott Laboratories, Amgen,

<sup>148</sup> Launched in 1998 as Heartbeat Digital, the company changed its name to Heartbeat Ideas in November 2010. "Heartbeat Digital Rebrands as 'Heartbeat Ideas,'" 10 Nov. 2010, <http://www.businesswire.com/news/home/20101110006825/en/Heartbeat-Digital-Rebrands-'Heartbeat-Ideas'> (viewed 11 Nov. 2010).

Baxter Bioscience, Biogen, BD, Eli Lilly and Company, Genentech, GlaxoSmithKline, Johnson & Johnson, Lifeline Schering, Memorial Sloan-Kettering Hospital, Merck, Millennium, Organon, Roche Diagnostics, Sanofi-Aventis, and UCB Pharma.<sup>149</sup>



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- BD Diabetes – Consumer & HCP

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Muscling in on the competitive allergy medication field, XYZAL.com employs various rich media vehicles to position the brand strongly with consumers and healthcare professionals.

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[www.xyzal.com](http://www.xyzal.com)

**DISCOVER THE X-FACTOR!**  
A special on-line quiz to help you understand your allergies.

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<sup>149</sup> "Heartbeat Digital's BuzzScape(TM) Fuels Growth of 10-Year-Old Interactive Marketing Agency," Business Wire, 7 May 2007, <http://www.pr-inside.com/heartbeat-digital-s-buzzscape-tm-fuels-r577231.htm> (viewed 16 Feb. 2010). Semantelli's BrandAlert for Life Sciences serves as a social media early-warning system—the "Life Science industry's first actionable, Semantic Web 3.0 platform that provides trends, insights and alerts from intelligence gathered through social and other web media channels never considered before," such as "Realtime alerts when brand is discussed in 30+ FDA sites (including MedWatch and CDER)." Semantelli, "BrandAlert for Life Sciences," <http://www.semantelli.com/node/7> (viewed 7 July 2010).

115. Novo Nordisk's new 'Race With Insulin' Twitter page (<http://twitter.com/racewithinsulin>) "includes a corporate sponsorship of racecar driver Charlie Kimball, who is also a patient living with diabetes. This is the first Twitter account that aligns a patient advocate (who conceivably uses Levemir or Novolog insulin) with a specific brand (not just a corporation)."<sup>150</sup>

The screenshot shows the Twitter profile for 'Race With Insulin'. The profile bio identifies Charlie Kimball as a racecar driver and Novo Nordisk partner. The main tweet from Charlie Kimball (@charliekimball) is the focus, expressing appreciation for his work and the people he meets. The page layout includes a header with the Novo Nordisk logo, a sidebar with a schedule of events, and a main content area with a tweet and a list of tweets.

116. Among its "Solutions for Pharma-Health Marketers," Nielsen Online offers "BuzzMetrics services, supported by our expertise in measuring and analyzing online buzz and word-of-mouth, deliver insights to proactively manage online exposure:

- How patients and caregivers feel about your brand, product or service—in their words
- Specific issues that are being discussed around your brand, products or organization
- Events, trends and issues influencing the buzz around your brand

<sup>150</sup> "[T]his is a step toward Pharma breaking out of its corporate experimentation phase with Twitter and moving toward some strong promotional potential. From a user experience/patient perspective, imagine that you were just prescribed a new medication (maybe Novolog insulin), then being able to follow a real patient on the product as they provide updates via Twitter related to common questions, side-effect concerns, basic disease information, and other topics of interest to help keep you engaged (and compliant) with your therapy." Ross Fetterolf, "Novo Nordisk's 'Race With Insulin' Twitter Page Blazes a New Path," Ignite HEALTH Blog, 16 June 2009, <http://ignitehealth.blogspot.com/2009/06/novo-nordisks-race-with-insulin-twitter.html> (viewed 30 Sept. 2010).

- Insights into the doctor-patient relationship and analysis of doctor/healthcare professional discussions relevant to your brand
- Guidance to proactively manage, minimize or avoid potential issues surrounding your reputation
- Tools to leverage CGM to drive brand credibility and ultimately sales.<sup>151</sup>

Nielsen's **BuzzMetrics** services lead the industry in helping companies **protect** and **promote brands** through the measurement and analysis of **consumer-generated media**. With a combination of innovative **technology**, quality data, domain **expert** interpretation and client **service**, we help marketers compete and thrive in today's **consumer-driven** world.



117. As part of its effort to market Gardasil, a cervical cancer vaccine, Merck engaged the Rapp agency to set up a branded Facebook page, Take a Step Against Cervical Cancer, “triggering news feeds and advocating our message. A destination where anyone can find out the facts about cervical cancer and how to prevent it, the page also allows visitors to feel inspired, educated, and empowered to act for themselves and to help others. A key feature is a virtual wall that visitors can ‘tag’ with a logo and message. It allows each visitor to express their own uniqueness and intent.”<sup>152</sup>

118. The social network PatientsLikeMe (PLM), similarly, offers a new service exclusively to its industry partners, called PatientsLikeMeListen. In addition to giving pharmaceutical companies “unprecedented insight on how your brand is perceived,” the monitoring service also provides its partners with startling amounts of personal data from the online conversations, including participants’ gender, age, time on treatment, time since diagnosis, disease

<sup>151</sup> Nielsen Online, “Solutions for Pharma-Health Marketers,” [http://en-us.nielsen.com/etc/medialib/nielsen\\_dotcom/en\\_us/documents/pdf/fact\\_sheets.Par.62370.File.dat/PharmaHealth\\_US.pdf](http://en-us.nielsen.com/etc/medialib/nielsen_dotcom/en_us/documents/pdf/fact_sheets.Par.62370.File.dat/PharmaHealth_US.pdf) (viewed 16 Feb. 2010).

<sup>152</sup> Rapp, “Gardasil’s ‘Take a Step Against Cervical Cancer’ Facebook Page,” <http://www.rapp.com/forrester/guardasil/>; “Take a Step Against Cervical Cancer,” Facebook, <http://www.facebook.com/takeastepagainstcervicalcancer> (both viewed 16 Feb. 2010).

progression, disease type, symptoms, longitudinal variation, and supporting therapies.<sup>153</sup> So-called patient communities require complete disclosure and transparency of how and what data are collected and given to a site's financial backers or to health marketers.

The screenshot shows the PatientsLikeMe website. At the top, there's a blue header with the logo 'patientslikeme' and navigation links for 'Patients', 'Treatments', 'Symptoms', and 'Research'. A search bar is located in the center of the header. Below the header, the main content area is divided into several sections. On the left, there's a blue box with the text 'Find Patients Just Like You' and a 'Join Now! (It's free!)' button. Below this, there's a section titled 'CURRENT DISEASE COMMUNITIES' with a list of conditions: ALS/MND, Epilepsy, Fibromyalgia, Chronic Fatigue Syndrome/ME, HIV/AIDS, Mood Conditions, and Anxiety. To the right of this list, there's a large image collage of people's faces. Overlaid on this collage is a testimonial from a 'Mood Conditions Community Member' that reads: 'We are all here on PatientsLikeMe for a reason. For me, the most important reason is that everyday I chart my moods, and every week I update my symptoms, treatments, etc. so that bonafide researchers have access to my information as well as thousands of others...' Below the testimonial, there are three columns of icons and text. The first column is titled 'Share your health data' and describes creating a shared health profile. The second column is titled 'Find patients like you' and describes searching by gender, age, treatments, symptoms, and time since diagnosis. The third column is titled 'Learn from others' and describes learning from real-world treatment and symptom reports.

<sup>153</sup> PatientsLikeMe, "PatientsLikeMeListen," <http://partners.patientslikeme.com/data-sheets/PatientsLikeMeListen.pdf> (viewed 16 Feb. 2010). On the one hand, then, PLM protects its users from the prying eyes of social media monitoring firms, as John Mack explained in a recent *Pharma Marketing News* article concerning automated programs that "scrape" data from online forums: "A major issue for PLM is that the media monitoring company—probably employed by an unnamed pharmaceutical company—was not an authentic patient and violated PLM's User Agreement, which states 'You may not use any robot, spider, scraper, or other automated means to access the Site or content or services provided on the Site for any purposes.'" John Mack, "Data Mining in the Deep, Dark Social Networks of Patients," *Pharma Marketing News*, May 2010, <http://www.news.pharmamktg.com/pmn95-article03.htm> (subscription required). At the same time, Mack adds, "Since PLM is using its own 'scraper' software to troll its closed communities to create reports for pharma clients..., it has a vested interest in preventing rouge [sic] pharma companies from hiring 'scraper' agents to mine the PLM site for the same data it is selling its own pharma clients." PLM, in other words, actively mines its own user-generated content for marketable data. As the site's FAQ acknowledges, "We take the information patients share about their experience with the disease, and sell it in a de-identified, aggregated and individual format to our partners (i.e., companies that are developing or selling products to patients).... By selling this data and engaging our partners in conversations about patient needs, we're helping them better understand the real world medical value of their products so they can improve them." PatientsLikeMe, "FAQ," <http://www.patientslikeme.com/help/faq/Corporate> (viewed 16 June 2010).

The screenshot shows the PatientsLikeMe website for Partners. The navigation bar includes Home, About Us, Products & Services (selected), Partners, Press, and Contact Us. A breadcrumb trail reads: Home > Products & Services > Pharmaceutical > Marketing. The main heading is 'Products & Services: Pharma Marketing'. Below this is a row of small images of diverse people. The text states: 'PatientsLikeMe offers pharmaceutical marketing professionals a number of **unique opportunities to foster a deeper relationship with patients.**'

- ▶ See your brand through the eyes of your targeted patient.
- ▶ Learn what causes patients to choose your brand or competing ones, stay loyal or switch, interrupt or discontinue, and more.

With our innovative services, staying in tune with patients has never been easier.

Real-World Patient Experiences	Meaningful Patient Insights	Patient Attitudes and Beliefs
<b>PatientsLikeMe Community Development</b> Partner with us to design and launch a new online community for a specific disease or medical condition. <a href="#">Learn more ...</a>	<b>PatientsLikeMeInsights™</b> Access detailed, anonymized patient-level data — including demographic, symptom, treatment and outcome information — 24/7 via an online portal. <a href="#">Learn more ...</a> <b>PatientsLikeMeLeaders™</b> Create a panel of key patient opinion leaders from one or more of the PatientsLikeMe online patient communities. <a href="#">Learn more ...</a>	<b>PatientsLikeMeListen™</b> Passively monitor specific keywords and phrases in our highly active, disease-specific forums. <a href="#">Learn more ...</a> <b>PatientsLikeMeLens™</b> Deploy fully customizable survey questionnaires directly to target patients on any variety of topics. <a href="#">Learn more ...</a>

On the right side, there is a 'Products & Services by Role' sidebar with categories: Clinical / Development, Discovery / Research / Epidemiology, EBM / Outcomes, and Market Research. A note at the bottom of the sidebar says: 'Don't see your role listed? Contact us for more information'.

119. Such monitoring, both overt and covert, has become a common practice in the online marketing community. In the words of *Pharma Marketing News*' John Mack,

Searching online patient social networks for key words and discussions about products is something pharmaceutical companies have been doing for quite some time. A recent Pharma Marketing Blog post described one way this is done.

The post described how a BzzAgent agent (aka “operative”) was trolling social networks on behalf of Johnson and Johnson (see <http://bit.ly/uZfWB>). BzzAgent is a leading word-of-mouth (WOM) marketing company that solicits consumers to be their agents in exchange for free samples and other considerations. One “operative” admitted that he took a survey through BzzAgent for Johnson & Johnson, “which basically was more of a ‘contract’ where if chosen, I agreed to notify J&J if I became aware of any negative talk about their products.”<sup>154</sup>

120. Another social media marketing technique involves the use of “digital stories” to sell pharmaceutical products, without adequate disclosure of techniques used to create those stories, however. Since the stories told often revolve

<sup>154</sup> Mack, “Data Mining in the Deep, Dark Social Networks of Patients.” Such negative talk, moreover, can be excised entirely, thanks to new content-analysis software. As D. J. Edgerton, co-founder of pharma digital marketing agency Pixels & Pills, points out, “...technology is now available—through semantic filtration as well as building applications within Facebook—to allow for the dialogue to happen but also weed out and flag conversations that might be risky.” “The Future of Pharma Advertising: DTC Goes Social,” *Social Media for Pharma Brand Managers*, June 2010, <http://www.slideshare.net/oscardmirandalahoz/sermo-21-final-0> (viewed 11 July 2010).

around powerful drugs, serious illnesses, and major health issues, moreover, the use of digital media to create consumer stories demands safeguards and ethical standards.<sup>155</sup>

121. Online health marketers may be using undisclosed social media marketing strategies to promote “fans” of their products. For example, at a pharma marketing conference in October 2010, a panel discussed “Understanding the Power of Fan Culture in Healthcare Marketing”:

- Embracing and understanding Fan Culture.
- New technology platforms and social media have created fertile ground for fans to communicate and build robust communities. How can Healthcare leverage fan theory online?
- Are you treating your patients and professionals like fans? Are you providing them a portal and tools that generate trust, understanding and most importantly, results?... Social Media Can Teach Us about the Patient Journey....
- What is the patient journey and how can it inform communications planning for pharma brands?
- How can online conversations help us understand the patient journey for a given disease?
- What are some common barriers to treatment, and how did we find them on the Web?
- How can brands identify knowledge gaps or myths and address them through patient education?<sup>156</sup>

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<sup>155</sup> One company that facilitates such narratives in the pharmaceutical marketplace is Story Worldwide, whose “transmedia editorial team tells stories across all platforms, channels, and languages, creating a multitude of entry points for consumer immersion in a brand’s story.” “Story Worldwide connects brands to customers by telling engaging and entertaining stories that audiences actually want to hear.” Story Worldwide, “Services: Creating, Telling and Spreading Stories,” <http://www.storyworldwide.com/what-we-do/#> (viewed 9 Sept. 2010). Or, as a session at the upcoming eyeforpharma eCommunications and Online Marketing Summit 2010 explored,

What makes your customer tick? Storytelling as a key weapon in your arsenal

- Delve deeper into the narrative aspect of your eCommunications plans to connect with the humanity of your customer
- Leverage storytelling to understand and connect with your customer more effectively
- Why storytelling is of paramount importance for a patient to get behind their disease and your product.

“Eyeforpharma eCommunications and Online Marketing Summit 2010,” <http://www.eyeforpharma.com/ecom/e-brochure.pdf> (viewed 30 Sept. 2010).

<sup>156</sup> “4<sup>th</sup> Annual Digital Pharma East Agenda,” Philadelphia, 18-21 Oct. 2010, <http://www.exlpharma.com/event-agenda/409> (viewed 30 Sept. 2010).

122. In seeking information and advice from seemingly independent health bloggers, patients and other consumers rely on what they believe to be genuine, unsolicited testimonials. But often these statements are the products of arrangements with spokespersons who are compensated for their comments. Sanofi-aventis U.S., for example, maintains a formal program called A1C Champions, “a patient-led approach to diabetes education” involving “people with diabetes who share diabetes self-management and lifestyle strategies based on extensive training and their personal experience.” These participants are also paid spokespersons for Sanofi-aventis, who “receive a speaker fee for each presentation” they make.<sup>157</sup> Such is also the case with the Facebook site, [ADHDMoms](#), which, while acknowledging the fact that the physicians participating in the program are paid consultants, obscures the fact that several of the “moms” involved in the site are also paid by McNeil Pediatrics, a Division of Ortho-McNeil-Janssen Pharmaceuticals, Inc. The failure to disclose such sponsorship arrangements may, in fact, violate the FTC’s recently revised Endorsement guidelines, which the FTC extended to the Internet last year.
123. In light of these revised guidelines concerning endorsements and testimonial ads, it is imperative that the commission look closely at the migration of DTC pharma advertising to the online arena, especially in the area of social media, where sponsored testimony and paid endorsements often assume the guise of independent, word-of-mouth conversations.<sup>158</sup> Such discussions often reflect

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<sup>157</sup> A1C Champions, “Frequently Asked Questions,” <http://www.a1cchampions.com/faq.aspx> (viewed 30 Sept. 2010). Sanofi-aventis used paid spokespersons on its now-defunct GoInsulin.com, as well as on that site’s replacement, [WhyInsulin.com](#).

<sup>158</sup> As described in a commission press release of 5 Oct. 2009, the following aspects of the revised guidelines are especially pertinent to the pharmaceutical and healthcare sector: “The revised Guides ... add new examples to illustrate the long standing principle that “material connections” (sometimes payments or free products) between advertisers and endorsers—connections that consumers would not expect—must be disclosed. These examples address what constitutes an endorsement when the message is conveyed by bloggers or other ‘word-of-mouth’ marketers. The revised Guides specify that while decisions will be reached on a case-by-case basis, the post of a blogger who receives cash or in-kind payment to review a product is considered an endorsement. Thus, bloggers who make an endorsement must disclose the material connections they share with the seller of the product or service. Likewise, if a company refers in an advertisement to the findings of a research organization that conducted research sponsored by the company, the advertisement must disclose the connection between the advertiser and the research organization. And a paid endorsement—like any other advertisement—is deceptive if it makes false or misleading claims.” Federal Trade Commission, “FTC Publishes Final Guides Governing Endorsements, Testimonials: Changes Affect Testimonial Advertisements, Bloggers, Celebrity Endorsements,” 5 Oct. 2009, <http://www.ftc.gov/opa/2009/10/endortest.shtm> (viewed 19 Oct. 2010).



the phenomenon of “fan culture,” in which entertainment or sports celebrities are called upon (often without clear disclosure) to promote goods and services far removed from their areas of talent or expertise. In advance of the launch of Yaz, for example (a low-dosage oral contraceptive approved by the FDA for treating Pre-Menstrual Dysphoric Disorder, or PMDD), Bayer “created an unbranded education campaign to drive engagement with young women.”<sup>159</sup>

124. So-called “patient empowerment,” in which individuals are encouraged to seek information for themselves from trusted social networks online, while a notable goal, requires transparent and meaningfully accountable marketing practices.<sup>160</sup> Too often, the network of alliances and sponsorship behind these sites is not fully disclosed. WEGO Health, for example, is billed as “the home of Health Activists—vigorous advocates, avid connectors, daily contributors and social media opinion leaders who bring the expertise of having been there, survived that.”<sup>161</sup> The funding arrangements for such expertise, however, is not made clear on the WEGO Health website. WEGO is also active in recruiting collaborators among the more than 300,000 Ning social networks, as it announces on the Ning website:

If you are the Network Creator for an active Ning Network primarily focused on health related content and community, you’re invited to apply for WEGO Health’s sponsorship program. As a participating network, you will receive all of the features in Ning’s Plus package (unlimited membership, groups, chats, full branding control, etc.). The top navigation of your Ning Network will display a simple, “Brought to you by WEGO Health” message. In addition, you will be invited to the WEGO Health Ning Network, an exclusive community of Health Activists who can provide support for developing and extending your Network’s reach and impact. WEGO Health will be leveraging their strong relationships with leading companies in the health care industry

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<sup>159</sup> “We enlisted the band The Veronicas (21 year-old Australian twin sisters with a growing college following) to record their own version of the classic hit We’re Not Gonna Take It as the theme tune for the initiative. Simultaneously, we set up an unbranded microsite—[www.wngti.com](http://www.wngti.com) (for We’re Not Gonna Take It)—to house content about The Veronicas and the song. Visitors could download a free copy of the song, view behind-the-scenes Veronicas footage, and submit their own video version of the song for a chance to win concert tickets and a day with The Veronicas. Whenever visitors interacted with the site, they were prompted to visit another site—[www.understandpmdd.com](http://www.understandpmdd.com)—where consumers could learn more about PMDD....” MEC, “Bayer (Yaz), <http://www.mecglobal.com/bayer-yaz/> (viewed 19 Oct. 2010).

<sup>160</sup> For an example of the “empowered patient” concept, see Klick Pharma’s “e-Patient Dave” video, <http://www.klick.com/pharma/epatientdave/> (viewed 30 Sept. 2010).

<sup>161</sup> WEGO Health Portal, <http://www.wegohealth.com/about-us.html> (viewed 30 Sept. 2010).

to co-sponsor this program. Qualifying networks in this program will be notified of additional sponsorship opportunities as they become available.<sup>162</sup>

125. Participating Ning health networks are emblazoned with the WEGO Health logo, and presumably follow the WEGO sponsorship model, as described by the company’s CEO and founder, Jack Barrette: “WEGO Health’s Activist Social Network is the trusted community liaison to pharmaceutical and health marketers, familiar with professional key opinion leader programs. Marketers engage the Activist Social Network through innovative sponsorships, industry advisory panels, collaborative content development, widget distribution and more.”<sup>163</sup>

126. The use of social networks to recruit patients for clinical trials raises privacy concerns, especially if participants are not fully apprised of how their personal data might be shared with and by others. Acurian’s Click it Forward (CIF) campaign, for example, seizes upon “today’s social networking phenomenon”

<sup>162</sup> WEGO Health, “Ning Plus for Health Networks,” <http://about.ning.com/wegohealthsponsorship/> (viewed 30 Sept. 2010).

<sup>163</sup> “The New York Healthcare Technology Group—Health 2.0 NYC,” FairCareMD Blog, 18 Aug. 2010, <http://blog.faircaremd.com/healthcare-and-social-media-connubial-bliss-or-collision-course/> (viewed 30 Sept. 2010).

as “the perfect channel for spreading the word about medical causes and research participation....”<sup>164</sup> According to Scott Connor, vice president of marketing at Acurian, the campaign hopes to spread the word about clinical trials from user to user, in much the same way the viral advertising campaigns are carried out: “The initiative invites Facebook and MySpace users to add CIF, a cause-related social marketing application, to their profile pages, in exchange for a donation to a selected health-related cause. Based on the cause or causes that each user selects, Acurian displays specific clinical trial participation opportunities on the CIF dashboard and sends IRB-approved e-mails to users who have provided permission to be contacted.”<sup>165</sup>

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<sup>164</sup> Click it Forward, <https://ols5.acuriantrials.com/jsp/facebook/about.html> (viewed 10 July 2010).

<sup>165</sup> Scott Connor, “Social Media: Going Where Many Have Gone Before,” PharmTech Talk, 7 July 2010, <http://blog.pharmtech.com/2010/07/07/going-where-many-have-gone-before/>. See also Acurian, “About Acurian,” <https://www.acurian.com/about-acurian.html>; and Acurian, “Experience,” <https://www.acurian.com/experience.html>. Acurian also targets minority consumers: “According to Connor, ‘We craft our outreach to appeal to the desired ethnic background. As a result we have seen minorities respond to our outreach efforts either in line with or in greater proportions than the general population. We are definitely debunking some common myths about minorities and clinical trials.’” Quoted in “Acurian Fills the Need for Minority Patient Recruitment,” 17 May 2010, [http://www.businesswire.com/portal/site/home/permalink/?ndmViewId=news\\_view&newsId=20100517006161&newsLang=en](http://www.businesswire.com/portal/site/home/permalink/?ndmViewId=news_view&newsId=20100517006161&newsLang=en) (all viewed 10 July 2010).

click it  
FORWARD

GET INVOLVED | FAQs | ABOUT ACURIAN

SUPPORT YOUR CAUSE. SPREAD THE WORD.

The First Click  
Hi, I'm Kate. Married. Mother of two. And in pretty good health, all things considered. But I know others in my family, in my neighborhood, in my church, and in my schools who aren't so fortunate:

- My brother, with high blood pressure
- My son's soccer coach, with rheumatoid arthritis
- My pastor, just diagnosed with multiple sclerosis

For them, medical research means hope. Yet I was surprised at how few people actually knew about opportunities to advance medical care through volunteering in clinical research.

*That's why I joined  
Click it  
Forward*

- *Get involved*
- *Frequently Asked Questions*
- *About Acurian*

GET STARTED

127. There is also evidence that pharmaceutical companies are using social media to take unfair advantage of patient confidentiality. “While trial sponsors are under-utilizing the tool” of social networking, explains Carmen Gonzalez, communications manager at the Health Care Communications Group, “some recruitment vendors are blatantly disregarding rules set forth by the Health Insurance Portability and Accountability Act by soliciting private health care information on social networking sites. These are ‘red flags’ of overdue FDA guidance.”<sup>166</sup>

### **e-Detailing: Targeting Physicians and Healthcare Professionals**

128. Online databases are being used by pharmaceutical marketers to pinpoint doctors, medical specialists and other health professionals for targeting with specialized sales strategies designed to encourage the adoption and promotion

<sup>166</sup> Quoted in Deborah Borfitz, “A Social Approach to Patient Recruitment,” *Bio-IT World*, May-June 2010, <http://www.bio-itworld.com/2010/05/21/patient-recruitment.html> (viewed 16 June 2010).

of specific drug brands. Kantor Health, for example, offers a “CancerNfluence” product that “profiles physicians in the U.S. and Europe who influence treatment decisions in oncology in highly competitive cancers,” including breast, head and neck, pancreatic, and prostate cancer. CancerNfluence gives health marketers “immediate access to a wealth of information, all at your fingertips,” including “the level of influence” individual physicians have in encouraging adoption of cancer treatments.<sup>167</sup>

The image displays two screenshots of the CancerNfluence website. The top screenshot shows the main interface with several callouts:
 

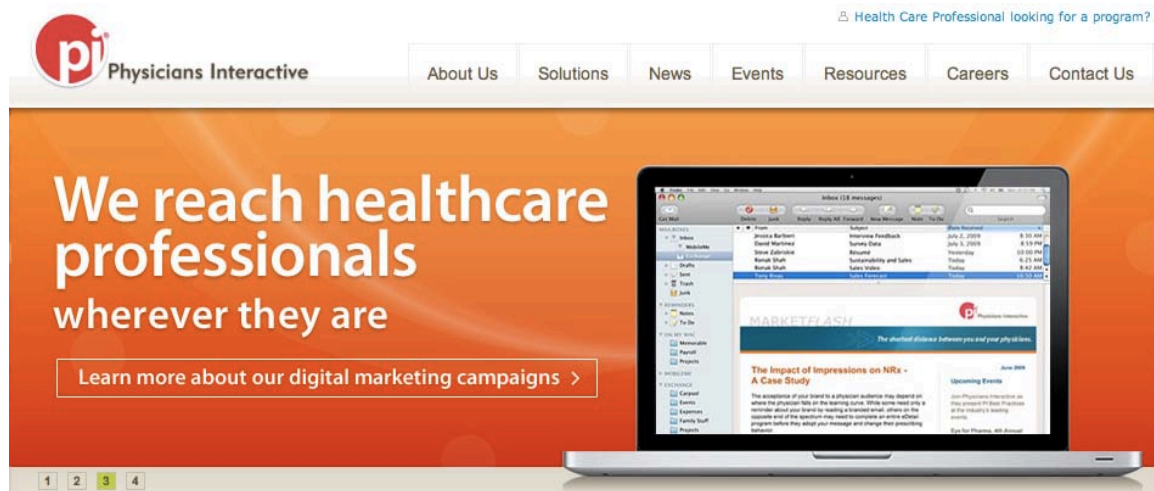
- Multiple reporting, printing, and exporting options:** Points to the 'Export/Print Physician Grid' button.
- View data by country and tumor, or apply filters to display doctors that meet specific criteria:** Points to the 'Select Tumor' dropdown (set to 'Colorectal Cancer') and 'Respondent Country' dropdown (set to 'All Countries').
- Sort by any column by clicking on header:** Points to the column headers of the physician table.
- Expands record to show nominations by country and locations of doctors who nominated this physician:** Points to the 'Details' links in the table.

 The bottom screenshot shows a detailed profile for a physician named Timothy. Callouts include:
 

- Ability to automatically search Google and PubMed for additional information on doctor:** Points to a search bar above the profile.
- In-depth profile information on top-cited doctors:** Points to the detailed text of the physician's profile.
- Geographic cite-pattern maps for each doctor by tumor and country:** Points to a map of the United States showing citation patterns.

<sup>167</sup> MattsonJack, “CancerNfluence,” <http://www.mattsonjack.com/cancernfluence.asp> (viewed 18 Oct. 2010). For other examples of physician targeting, see MD Mindset, “Solutions,” <http://www.mdmindset.com/solutions.php>; and Aptilon Products, “eSamples,” <http://www.aptilon.com/esamples.aspx> (both viewed 30 Sept. 2010).

129. Physicians, including such specialists as cardiologists, as well as nurses, dentists, and pharmacists, are being targeted via the Bizo Targeting Platform for online advertisers.<sup>168</sup> Editorial content for targeted health professionals is shaped by the advertising. Behavioral targeting warehouses, such as eXelate (which partners with Bizo), offer a “health care professional” category.<sup>169</sup> The company explains that “This service allows a marketer to create landing pages and websites that are personalized to each visitor coming to the site. For example, if a visitor from the healthcare industry comes to a landing page, the marketer can now serve their healthcare-focused case study.”<sup>170</sup>
130. Mobile marketers have also turned their attention to physicians and healthcare professionals. Noting the common uses for smartphones among health care providers—“Checking Email (85%) Jotting down notes and memos (72%) Prescription drug reference (50%)”—Augme Mobile Health enables “instant communication for patients and health care providers to receive product information, samples, or educational materials through any mobile device. Plus, our exclusive behavioral tracking, analytics, and database targeting capabilities are designed to work seamlessly with pharma brands’ physician and patient databases.”<sup>171</sup>



<sup>168</sup> Bizo, “Targetable Segments,” [http://www.bizo.com/marketer/targetable\\_segments](http://www.bizo.com/marketer/targetable_segments); Russell Glass, “Bizo Enhances Analyze and Targetable Segments,” Bizo Blog, 23 Feb. 2010, [http://blog.bizo.com/2010\\_02\\_01\\_archive.html](http://blog.bizo.com/2010_02_01_archive.html) (both viewed 26 Oct. 2010).

<sup>169</sup> eXelate, “Buyers: Targeting Segments.” Kristina Knight, “eXelate, Bizo Partner for B@B Marketers,” BizReport, 30 June 2009, [http://www.bizreport.com/2009/06/exelate\\_bizo\\_partner\\_for\\_b2b\\_marketers.html#](http://www.bizreport.com/2009/06/exelate_bizo_partner_for_b2b_marketers.html#) (viewed 31 Oct. 2010).

<sup>170</sup> Russell Glass, “Bizo—Supercharging B2B Landing Pages—BizAudience API Available in Beta Today,” Bizo Blog, 1 Feb. 2010, <http://blog.bizo.com/2010/02/bizo-supercharging-b2b-landing-pages.html> (viewed 26 Oct. 2010).

<sup>171</sup> Augme Mobile—Health, <http://augme.com/health> (viewed 14 June 2010).

131. Noting that 81 percent of physicians will have smartphones by 2012, HC Plexus targets doctors with “personalized products... designed to make physicians’ lives easier, so they can focus on healing patients.” In the process, HC Plexus focuses on delivering targeted ads, with its Brand Launch Program (“Advertising can drive qualified physicians to the brand contact center, drive eSample fulfillment and access to branded and unbranded websites”) and through its Physician Relationship-Building program.<sup>172</sup>
132. Pharma marketers even use flash drives providing drug information and distributed to doctors to foster digital advertising. HC Plexus explains that “[e]mbedded advertising options across the Flash Suite applications allow marketers to have their message present throughout the physicians’ day, offering multiple opportunities for direct contact. Activity metrics ensure that messaging efforts are measurable. Physicians must register to download the suite of applications to their system. As a registered user, a physician is invited to receive automatic on line updates for the all the applications. Content and brand messaging will stay current.”<sup>173</sup>

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<sup>172</sup> HC Plexus, <http://hcplexus.com/mobile-solutions/TLBB-Mobile>; HC Plexus, “Brand Launch Program,” <http://hcplexus.com/Multi-Platform-Solutions/Brand-Launch-Program>; HC Plexus, “Physician Relationship-Building,” <http://hcplexus.com/Multi-Platform-Solutions/Physician-Relationship-Building> (all viewed 9 Nov. 2010).

<sup>173</sup> HC Plexus, “TLBB Flash Suite,” <http://hcplexus.com/Online-Solutions/TLBB-Flash-Suite> (viewed 9 Nov. 2010).

# Flash Suite: Marketer Benefits

Embedded advertising in each application:

- Drives physicians to contact center
- Creates frequent exposure to brand message

Physician activity reporting:  
search, page views, sample and patient ed requests, by specialty and geography

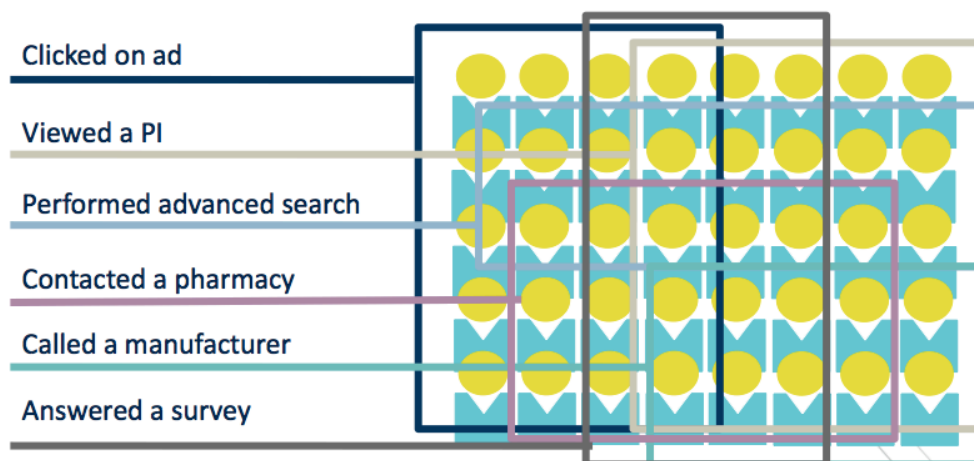


HCPlus

5

# Accountability: Detailed Metrics

Daily reporting available for every physician activity



14

HCPlus



133. Physicians Interactive (PI) offers “A Full Menu of Digital Marketing Tactics— ... behavior-based, integrated campaign strategies with the right blend of tactics. Tried-and-true formats mingle with innovative new ideas for a mix of creative that’s always true to your brand message, credible to your audience, and mindful of your targets’ behavior patterns.”<sup>174</sup> Among Physicians Interactive’ offerings are the following:

134. “Physicians analytics analyzes your target list to identify and recommend segments of opportunity. With a set of unique proprietary tools and methodologies, we can estimate the cost of each tactic by segment to predict breakeven values based on the latest new prescriptions (NRx) and true prescriptions (TRx) data from your customer universe. Using physician detailing analytics, Physicians Interactive tailors campaign tactics to the right audience segments and maximizes the potential return. In addition, with the low cost-per-call of many eMarketing initiatives, we have been able to identify new segments of opportunity within low- and mid-decile groups.

“From the start of any program Physicians Interactive measures and tracks prescribing performance and trends, makes recommendations, and provides feedback that allows a brand to make actionable targeting and tactical campaign decisions. This data provides Physicians Interactive customers return-on-investment (ROI) insight, allowing them the advantage of aligning investments to campaign performance strengths.”<sup>175</sup>

135. “SmartRecruit™ allows you to begin targeting in a smarter, more organized fashion. Physicians Interactive can help you set up a targeted campaign that penetrates your customer base at the right decile level with the right economic value for the best ROI. Based on our 13+ years of experience in understanding physician behavior coupled with the industry’s best data partners, we can help you model the most effective direct response campaigns.”<sup>176</sup>

136. “Mobile Media Platform: Reaching Physicians via Mobile—PI now offers a mobile media platform that helps you engage physicians. This trusted

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<sup>174</sup> Physicians Interactive, “Solutions,” <http://www.physiciansinteractive.com/solutions/> (viewed 14 June 2010).

<sup>175</sup> Physicians Interactive, “Data Analytics,” <http://www.physiciansinteractive.com/solutions/data-analytics/> (viewed 14 June 2010).

<sup>176</sup> Physicians Interactive, “Digital Marketing,” <http://www.physiciansinteractive.com/solutions/digital-marketing/> (viewed 14 June 2010).

physicians resource is available through our recent acquisition of Skyscape, Inc. and is uniquely designed to help you build brand awareness, engage with physicians on their terms, and ensure you build a long term relationship that extends well beyond each encounter with your physicians.”<sup>177</sup>

137. “As the average physician migrates health care administrative needs to the digital world,” explains Robert Kadar, vice president of sales for Physician Interactive’s mobile division, “a number of companies, including Physicians Interactive, are finding ways to reach health care providers seamlessly within their workflow. This might take place while a doctor is researching a drug on a smartphone or engaged in an electronic patient record. Or it could be when a doctor is sending an electronic prescription or ordering a drug sample online.”<sup>178</sup>

138. PI is also targeting nurses in an effort to drive prescriptions: “Physicians Interactive launched a multi-channel recruiting campaign targeting nearly 5,500 Oncology Nurses, PAs and NPs. All communications contained branded messages and instructions for accessing the interactive program hosted on the Physicians Interactive Platform.... Non-MD targets have a higher participation rate and are highly responsive. Recruiting to non-MDs was more cost effective in this program than MDs. NPs and PAs have prescribing ability in all 50 states, 80% of NPs polled in a 2004 study claimed their prescribing habits were directly influenced by pharmaceutical details.”<sup>179</sup>

139. Another physician-targeting technology is Aptilon’s AxcelRx:

Give targeted physicians 24/7 access to your message with online content including peer education programs, virtual details and interactive case studies.

- Engage targeted physicians for an average of 16 minutes
- Achieve multiple interactions with key content through a simple, compelling branded “dashboard”

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<sup>177</sup> Physicians Interactive, “Solutions,” <http://www.physiciansinteractive.com/solutions/> (viewed 14 June 2010).

<sup>178</sup> Robert Kadar, “Improving Patient Outcomes Via Digital Communications,” *Marketing: Health*, 9 July 2010, emphasis in the original, [http://www.mediapost.com/publications/?fa=Articles.showArticle&art\\_aid=131466](http://www.mediapost.com/publications/?fa=Articles.showArticle&art_aid=131466) (viewed 10 July 2010).

<sup>179</sup> Physicians Interactive, “Brand Increases Market Saturation by Targeting RNs,” [http://www.physiciansinteractive.com/wordpress/wp-content/uploads/2009/06/pi\\_successbrief\\_1.pdf](http://www.physiciansinteractive.com/wordpress/wp-content/uploads/2009/06/pi_successbrief_1.pdf) (viewed 29 June 2010).

- Access physicians through the most effective professional recruiting channel available today

Generate multiple interactions via an extended range of supplemental services through your brand's service dashboard.<sup>180</sup>



140. Claiming to deliver “more audience for your programs and services,” Aptilon’s ReachNet promises to “Drive your sales and marketing campaigns by reaching online and hard-to-see PCPs [primary care providers], specialists, or industry-shy physicians.”<sup>181</sup> Aptilon’s eSamples program, moreover, claims to “Drive new patient starts with non-called on, or no-see physicians. Electronic signature process provides simple and easy ordering, with an ongoing reminder system to keep targeted physicians engaged.... AxcelRx eSamples provides a low cost method of getting your samples into the hands of targeted physicians.”<sup>182</sup>
141. Good Health Media's use of medical advertising to support a “free Electronic Medical Records (EMR)” system, working with Practice Fusion, raises privacy issues for both consumers and health professionals alike. A top executive at Good Health Media claims that its EMR “advertising programs give a small medical practice the chance to add a time-saving, life-saving technology solution—for free. It's a benefit for the advertiser, the doctor and the

<sup>180</sup> Aptilon Products, “Virtual—Deliver Internet-Based Educational Content,” <http://www.aptilon.com/virtual.aspx> (viewed 30 Sept. 2010).

<sup>181</sup> Aptilon Products, “ReachNet,” <http://www.aptilon.com/virtual.aspx> (viewed 30 Sept. 2010).

<sup>182</sup> Aptilon Products, “eSamples,” <http://www.aptilon.com/esamples.aspx> (viewed 30 Sept. 2010).

patient.”<sup>183</sup> But given its “ConditionMatch” and other behavioral targeting data profiling model, there are privacy and consumer-protection implications for ad-based EMR’s. The FTC should also examine Practice Fusion’s relationship to federal stimulus funds related to physician adoption of EMRs.<sup>184</sup>

142. In 2007 Pfizer forged a partnership with Sermo, the nation’s largest online physician community, “designed to redefine the way physicians in the U.S. and the healthcare industry work together to improve patient care.... Through this collaboration, Sermo’s community of physicians will have access to Pfizer’s clinical content in tangible ways that allow for the transparent and efficient exchange of knowledge. With access to comprehensive and up-to-date information on Pfizer products, physicians will be able to find the data they

<sup>183</sup> Good Health Media, “News & Updates: Can an Ad-Supported EMR Fuel Healthcare’s Technology Revolution?” 15 Aug. 2010, [http://ghmedia.com/news\\_updates.php](http://ghmedia.com/news_updates.php). See also Practice Fusion, “EHR Features,” [http://www.practicefusion.com/pages/ehr\\_features.html](http://www.practicefusion.com/pages/ehr_features.html) (both viewed 25 Oct. 2010).

<sup>184</sup> Practice Fusion, “EHR Stimulus Incentive,” [http://www.practicefusion.com/pages/HITECH\\_healthcare\\_stimulus.html](http://www.practicefusion.com/pages/HITECH_healthcare_stimulus.html); Practice Fusion, “Can an Ad-Supported EMR Fuel Healthcare’s Technology Revolution?” <http://www.practicefusion.com/pages/pr/can-ad-supported-emr-fuel-healthcare-technology-revolution.html> (both viewed 25 Oct. 2010).

need, when they need it, to make informed decisions.”<sup>185</sup>

143. As Sermo tells its prospective clients, “Now you can engage 115,000 verified physicians on Sermo for promotion, awareness, and lead generation campaigns. In addition to its market research services (surveys, online focus groups) Sermo has developed a new set of promotional offerings that leverage its social media platform for faster, more measurable results.”<sup>186</sup> Sermo’s Dashboard interface, moreover, allows marketers to “take the pulse of the entire Sermo physician community,” providing “a looking glass into what over 115,000 practicing physicians are saying about drugs, devices and treatment options....

With the Sermo Dashboard, you can:

- Find, track and capture brand and market information
- Create customized Watchlists to monitor MD discussions for relevant content
- Analyze a range of data within your Watchlists for quick assessments
- Set email alerts to get up-to-the-minute intelligence

Clients use the Dashboard to:

- Monitor MD discussions around specific brands, competitors and therapeutic categories
- See what physicians were talking about on a specific day

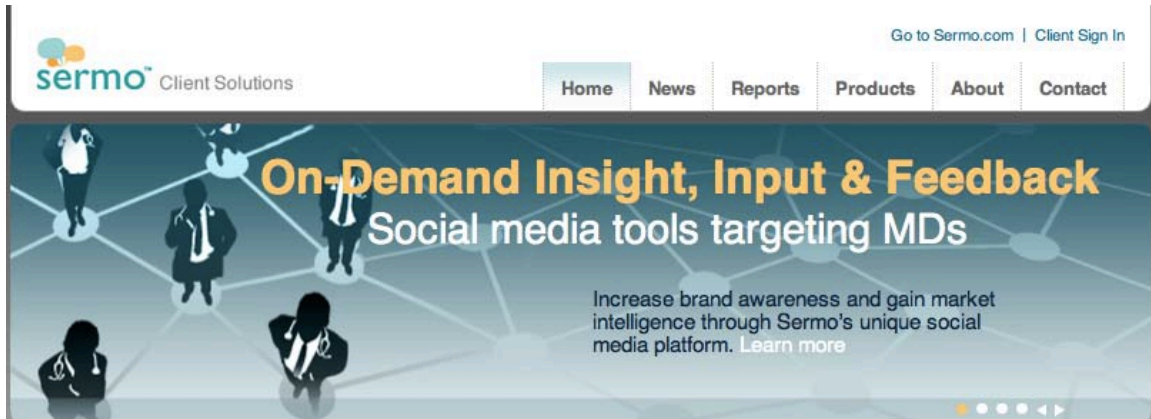
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<sup>185</sup> “Pfizer Engages with Nation’s Physicians Through Sermo to Improve Patient Care,” 15 Oct. 2007, <http://www.sermo.com/about-us/pr/10/october/1/pfizer-engages-nation's-physicians-through-sermo-improve-patient-care>. The key to social networks such as Sermo, as *Newsweek* makes clear, is the ready access they provide to the latest trends in the medical community, insight that pharmaceutical companies are more than willing to purchase. “These sites may be free for doctors,” *Newsweek* explains, “but they are not nonprofits. Sermo makes money by selling access to doctor talk, mostly to Big Pharma. Lately the data has become so rich that the financial industry has taken interest. Bloomberg inked a deal with Sermo this fall that allows Bloomberg subscribers to see comments by Sermo members related to particular companies and products. WebMD similarly gives its paying clients tools like a trend graph reminiscent of Google Trends, which tracks keywords hot on the lips of its physicians. With a few clicks, WebMD’s clients can deconstruct the clinical chatter via detailed demographic profiles, zooming in on threads by practice years, specialty, geographic area and so on. Purchasing access is a no-brainer for drug marketers.” Ford Vox, “When Doctors Talk...” *Newsweek*, 10 Mar. 2009, <http://www.newsweek.com/id/188604> (both viewed 16 Feb. 2010).

<sup>186</sup> Sermo, “Promote Your Product on Sermo,” <http://emailactivity.ecn5.com/engines/publicPreview.aspx?blastID=250427&emailID=89082257> (viewed 29 June 2010).

- Identify KOLs [key opinion leaders] in your therapeutic area<sup>187</sup>

Other Sermo promotional and data-gathering services include Sermo Surveys (“Target MDs on-demand and instantly gauge clinical opinions”), Sermo Postings (“Spark discussions with MDs across 68 specialties”), and Sermo Panels (“Get qualitative insights from the right physicians—in real-time”).<sup>188</sup>



144. [DoctorDirectory.com](http://www.doctordirectory.com) is another example of a patient and doctor health portal in which there is insufficient disclosure that marketing is taking place. Although ostensibly a “powerful search engine [that] has matched thousands of patients seeking medical services with the right Healthcare Professional,” the site is also an aggressive healthcare marketer:

DoctorDirectory.com is an information-resources and marketing-solutions company for patients, physicians, and industry clients who need access to high-quality information and virtual, innovative, interactive programs. We provide a flexible, results-focused platform that improves decision making resulting in better care and optimal use of available resources. Our expertise and solutions include: Market research, eSampling, eDetailing, physician recruiting, e-mail messaging and targeted online advertising. IncreaseRx, our flagship solution, is a virtual sales and marketing solution for brands that need to increase physician reach and maximize untapped market share potential thereby generating incremental revenue. What makes this solution unique is that IncreaseRx employs a gain-share model that guarantees a positive return on investment. The bottom line is guaranteed results of increased incremental revenue and a positive impact on relative market

<sup>187</sup> Sermo, “Learn What Over 115,000 Physicians are Saying,” <http://www.sermo.com/client/product/client-center> (viewed 29 June 2010).

<sup>188</sup> Sermo, “Get Insight, Input and Feedback in Real-time,” <http://www.sermo.com/client/product/overview> (viewed 29 June 2010).

share.<sup>189</sup>

## Video Advertising

145. The use of online videos to influence consumer decision-making can have a much greater impact than traditional TV advertising.<sup>190</sup> According to Yahoo, its new Enhanced Interactive Video Ads maximized engagement for an unnamed “pharmaceutical giant,” delivering a “click-through rate more than two to three times that of traditional video ads throughout the 10-week campaign. Additionally:

- More than 40 percent of those users who saw the interactive ad canvas stayed for the entire 60-second video
- 58.8 percent interacted with the supplemental content rollover
- 8.3 percent interacted with the scrollable disclosures module
- 3.6 percent clicked on the call to action button.<sup>191</sup>

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<sup>189</sup> “Packaging & Sample Fulfillment,” Pharmaceutical Marketers Directory, <http://order.pmdcentral.com/PMDselectiondetail.asp?PMDSection=PackagingO>. A DoctorDirectory job posting makes clear the company’s marketing aspirations: “Join our fast paced, growing company to develop and deploy advanced predictive models to improve ROI and optimization of sophisticated alternative sales and marketing programs/campaigns deployed for our fortune 500 clients,” [http://seeker.dice.com/jobsearch/servlet/JobSearch?op=101&dockey=xml/7/3/730736ca-d581a8b7c0a3a568ff91ab6f@endecaindex&c=1&source=20&src\\_divjobs=1283356373&divkey=03207a1e2b58e5d779b1b57b192d8784&utm\\_campaign=diversityjobs&utm\\_source=diversityjobs](http://seeker.dice.com/jobsearch/servlet/JobSearch?op=101&dockey=xml/7/3/730736ca-d581a8b7c0a3a568ff91ab6f@endecaindex&c=1&source=20&src_divjobs=1283356373&divkey=03207a1e2b58e5d779b1b57b192d8784&utm_campaign=diversityjobs&utm_source=diversityjobs) (both viewed 30 Sept. 2010).

<sup>190</sup> In December 2009, for example, Tremor Media launched “Rx In-Stream, the first in-stream advertising solution created to address the unique needs of the pharmaceutical industry.” Among those unique needs is the FDA’s fair balance requirements, which “... require that the benefits and risks of prescription drugs are displayed equally.” Tremor Media’s technology appears to allow pharmaceutical to meet the minimum requirements of the fair balance law, while ensuring that the focus of the video messages remains squarely on the brand and its purported benefits: “With Rx In-Stream, Tremor Media provides the only solution in the market that gives pharmaceutical advertisers the means to satisfy these requirements in online video advertising without having to rely upon long-form video ads to communicate Important Safety Information (ISI). Rx In-Stream allows advertisers to create shorter-form, pre-roll advertising because they can utilize the companion banner for ISI while using the video to focus on product messaging and branding.” “Tremor Media Launches Rx In-Stream to Help Pharmaceutical Advertisers Meet FDA Guidelines,” 9 Dec. 2009, <http://www.tremormedia.com/about-us/news-room/press-releases/december-9th-2009/> (viewed 30 Sept. 2010).

<sup>191</sup> Yahoo, “Reframing Online Video,” 2010, [http://l.yimg.com/a/i/us/ayc/pdf/eiva\\_case\\_study.pdf](http://l.yimg.com/a/i/us/ayc/pdf/eiva_case_study.pdf) (viewed 29 June 2010). Describing its “rich media” advertising products, PointRoll explains that “Rich media is digital banner advertising that drives response with interactive elements such as video, data collection,

146. There are roughly 36,000 videos on YouTube devoted to some aspect of surgery.<sup>192</sup> The popularity of healthcare videos on YouTube in particular is clear:
- Of YouTube's 180 million viewers, 32% watch health videos—more than food or celebrity....
  - Of those viewers 79% of health consumers have watched videos about their specific health condition
  - 93% take action after viewing health information
  - 69% conduct further online research as a result of the video they watched
  - And 60% interact with their doctor.<sup>193</sup>
147. A number of pharmaceutical companies have established YouTube channels for marketing purposes, including [Abbott](#), [AstraZeneca](#), [Bayer](#), [Boehringer Ingelheim](#), [Concerta's ADHD Channel](#), [Excedrin](#), [GlaxoSmithKline](#), [Alergan's Lap-Band System](#), [Janssen-Cilag's Living with ADHD Channel](#), [Lilly](#), [Lunesta](#), [Novartis](#), [Pfizer](#), [Sanofi Pasteur](#), and [TevaNeuroHealth](#). While the issues of advertising ethics and adherence to existing DTC ad standards are raised by these promotional outlets, of even greater concern are the *unbranded* (or covertly branded) YouTube channels that a number of pharmaceutical companies have introduced:
- [Help Prevent Cervical Cancer](#) is part of a cervical cancer awareness campaign sponsored by GlaxoSmithKline.

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couponing, polling and much more. A rich media ad can be as full featured as a mini-website and just as measurable, tracking everything from interaction with the ad itself and the various elements within to how much time a consumer spent on the ad and ultimately conversion.

Additionally, rich media advertising – unlike standard banners – offers brand managers the tracking functionality of a traditional web site, including how much time a consumer spends interacting with an ad and how they interacted. Within rich media ads, online users can interact with pharmaceutical brands by watching video and TV spots, downloading coupons or free trial offers, participating in patient surveys/polls, and even setting medication reminders in their personal email or calendar programs.” PointRoll, “The Online Advertising Prescription: PointRoll Rich Media,” <http://www.iirusa.com/upload/wysiwyg/2010-P-Div/P1506/PointRoll.pdf> (viewed 18 Nov. 2010).

<sup>192</sup> Jane Sarasohn-Kahn, “The Wisdom of Patients: Health Care Meets Online Social Media,” Apr. 2008, p. 18, <http://www.chcf.org/~media/Files/PDF/H/HealthCareSocialMedia.pdf> (viewed 16 June 2010).

<sup>193</sup> Kevin Silverman, “Looking to Reach Consumers in the Healthcare Space? Consider Tuning into YouTube,” 360 Digital Influence, 5 Aug. 2010, <http://blog.ogilvypr.com/2010/08/looking-to-reach-consumers-in-the-healthcare-space-consider-tuning-into-youtube/> (viewed 30 Sept. 2010).



- [InBedStory](#) is Bayer Schering Pharma's effort to use animated comic strips to explore erectile dysfunction, with links to a similarly unbranded website, [InBed](#).
- [MyTreatmentDecision](#), a channel devoted to breast cancer, is actually designed to promote Genomic Health's Oncotype DX Recurrence Score test.
- [FluFlix Video Contest](#), launched in 2007, is Novartis' effort to attract user-generated content on behalf of its various influenza remedies.
- [GrowthHormoneTherapy](#) is Genentech's channel in support of its Nutropin prescription drug.
- [Parkinson's Matters](#) is Boehringer Ingelheim's effort to raise awareness and understanding of Parkinson's Disease.
- [Stroke Prevention](#), similarly, is another Boehringer Ingelheim production.
- [Stay Smart Stay Healthy](#) is a "new-media venture designed to deliver guidance, and to support awareness and understanding of the healthcare industry," produced by Humana.
- [UC Success](#) is an unbranded site promoting Asacol as a treatment for ulcerative colitis.

The image shows a screenshot of a YouTube channel page. At the top, the YouTube logo is on the left, and search, browse, upload, create account, and sign in options are on the right. The main banner features the text "EXCEDRIN EXPRESS GELS" in a stylized font, with "\$15k SPEED CHALLENGE" in large, bold letters to the right. Below the banner, the channel name "ExcedrinExpressGels \$15k Speed Challenge" is displayed, along with a "Subscribe" button and navigation tabs for "All", "Uploads", "Favorites", and "Playlists". The main video player shows a box of "EXCEDRIN EXTRA STRENGTH EXPRESS GELS" with the text "HEADACHE RELIEF STARTS IN 15 MINUTES". The video title is "Excedrin Express Gels Rocket" and it has 2,646 views. To the right of the main video, there are sections for "Uploads (13)" and "Favorites (38)", each listing several videos with their respective view counts and upload dates.

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- Dancing with Pain**  
54 views - 1 day ago
- Children Without Worms**  
102 views - 6 days ago
- Every Mother, Every Child**  
2,134 views - 1 month ago

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2 weeks ago  
[more info](#)
- Innovation**  
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[more info](#)
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2 weeks ago  
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**Connect With Us**

**Help Prevent Cervical Cancer**

HelpPrevent's Channel

0:02 / 0:31

360p

**Perfume - Help Prevent Cervical Cancer**

From: HelpPrevent | February 22, 2010 | 34,045 views

A startling cervical cancer diagnosis.

<http://www.helppreventcervicalcancer.com>

Date Added
Most Viewed
Top Rated

**Perfume - Help Prevent Cervical Cancer**

34,045 views - 8 months ago

**Front Porch - Help Prevent Cervical Cancer**

5,443 views - 8 months ago



148. The use of online video, such as YouTube, for interactive pharma marketing, requires greater transparency about the data targeting process. Few users know, we believe, that companies are being encouraged to buy ads: “If a person enters ‘chemotherapy’ into the YouTube search bar, your ad can pop up alongside the latest video from the NHS or eHow Health.”<sup>194</sup>

## Related Research

149. According to a recent linguistic analysis of websites for the 100 most popular drugs of 2009, the record of the pharmaceutical industry for sending clear and appropriate messages to consumers is spotty at best:

- Was safety information given at least as much space on the home page as benefits? 74%
- Was safety information visible without having to scroll down? 54%
- Was safety information chunked into manageable paragraphs? 81%
- Were key items in safety information bulleted? 49%
- Were research sources provided? 16%
- Was a physician’s opinion provided? 0%

<sup>194</sup> Andrew Tolve, “eMarketing: A Seven-step Guide to Optimizing Potential,” eyeforpharma, 6 Sept. 2010, <http://social.eyeforpharma.com/story/emarketing-seven-step-guide-optimizing-potential> (viewed 30 Sept. 2010).

- Were benefits stated in a detached, non-hyped tone? 39%
- Was condition/ailment information prominent? 79%
- Was condition/ailment information kept distinct from product info or promotion 18%

150. The study also found that pharma websites tend to mix “information and promotion ... unpredictably. Content, verbal style, visuals, and paralinguistic features (font, layout etc) served sometimes to distinguish and more often to fuse the two.” Safety information, moreover, “commonly in small font and in poorly chunked blocs below each page’s scrolling ‘fold’, was subordinated to promotional text and visuals.”<sup>195</sup> “Communicating via a website is common practice today,” explains one of the authors of the study, Lewis Glinert, professor of linguistics at Dartmouth, “and consumers are very savvy about doing their own research on the Internet. The FDA has rules about direct-to-consumer print and television drug advertising, so we think it makes sense to also regulate websites and other marketing tools when it comes to prescription medicine. Consumers need consistent and balanced information.”<sup>196</sup>

151. More recently, Prof. Glinert has observed that “...it is by now clear that the hype of drug promotion has migrated to the Web; and there, far from being fenced off as with labeling or print ads, it mingles in an unstable and unpredictable manner with serious content such as risk and safety information. Combining with the intrinsic cognitive difficulties of the Web, this kind of discourse may be jeopardizing the effectiveness of risk information and undermining the credibility of the whole.”<sup>197</sup>

152. Unfortunately, as U.S. consumers are becoming increasingly vulnerable to unfair and deceptive practices from the pharmaceutical and health products industry, the FDA has failed to offer adequate protection. Studies have recently shown, for example, that the FDA has inadequately addressed both the approval and marketing of drugs—many of which can have fatal consequences to consumers. As Dr. Marcia Angell of Harvard Medical School recently asserted, “there is growing evidence that the Center for Drug Evaluation and

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<sup>195</sup> Preliminary findings from Lewis Glinert and Jon Schommer, “Manufacturers’ Prescription Drug Web Sites: A Grey Area of Discourse and Ethics,” presentation to the 2010 COMET (Communication, Medicine and Ethics) Conference, 28 June 2010, Boston University.

<sup>196</sup> Quoted in Susan Knapp, “Linguistics Professor Examines Prescription Drug Websites,” *Dartmouth Now*, 30 June 2010, <http://now.dartmouth.edu/2010/06/linguistics-professor-examines-prescription-drug-websites/> (viewed 10 July 2010).

<sup>197</sup> Lewis Glinert, “Prescription Drug Brand Web Sites: Guidance Where None Exists,” *Innovations in Pharmacy* 1, no. 1 (2010): 10, [http://www.pharmacy.umn.edu/innovations/prod/groups/cop/@pub/@cop/@innov/documents/article/cop\\_article\\_256358.pdf](http://www.pharmacy.umn.edu/innovations/prod/groups/cop/@pub/@cop/@innov/documents/article/cop_article_256358.pdf) (viewed 10 Nov. 2010).

Research (CDER), the part of the [FDA] that regulates prescription drugs, has become the servant of the industry it regulates. This has resulted in the sale of drugs of uncertain benefits, some with serious side effects, and in the agency's failure to respond promptly to evidence that a drug is dangerous.... CDER also does not fulfill its obligation to oversee the marketing of prescription drugs, thus permitting misleading drug ads and illegal practices...." The stakes for the public ensuring their health and safety from the potential and real dangers from unfair marketing to both consumers and medical professionals are enormous.<sup>198</sup>

### **Multicultural Marketing**

153. It is incumbent upon the FTC to monitor non-English-language pharmaceutical marketing as well, to determine whether forms of racial and ethnic profiling and data collection are being used, as well as whether a site fairly provides Spanish-language consumers with accurate information.<sup>199</sup>

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<sup>198</sup> Dr. Angell notes that "[m]ost people over age sixty-five take at least three prescription medications daily," as 3.9 billion prescriptions for drugs were written last year for "an average of 12.6 per person." The FDA also faces serious understaffing in the Division of Drug Marketing, Advertising and Communication, which is responsible for evaluating the marketing of drugs and medical products. Dr. Angell underscored the inadequacy of this FDA division: "How... can only fifty-one people ensure that tens of thousands of ads and promotional campaigns accurately convey the balance between risks and benefits of prescription drugs?" Marcia Angell, "This Agency Can Be Dangerous," review of Daniel Carpenter, *Reputation and Power: Organizational Image and Pharmaceutical Regulation at the FDA* (Princeton, NJ: Princeton University Press, 2010), *New York Review of Books*, 30 Sept. 2010, <http://www.nybooks.com/articles/archives/2010/sep/30/agency-can-be-dangerous/> (subscription required).

<sup>199</sup> Bayer HealthCare, "Betaseron," <http://betaseron.com/espanol/> (viewed 10 July 2010).

En inglés  Profesionales de atención médica Ampliación del texto:  Búsqueda  INICIO

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154. As Hispanic marketing specialist Terra points out, “...7,601,000 unique visitors, or 40.2% of the US Hispanic online audience has visited content in the health category, of which 29.4% have visited content within the health-information subcategory, and 6.7% have visited content within the pharmacy subcategory....” Terra also singles out the Stop & Shop chain, which “has announced that all of its Pharmacies now offer Spanish language prescription labels and information. Every day more and more marketers are recognizing the importance of advertising to this market.”<sup>200</sup>

<sup>200</sup> Terra, “Be a Smart Marketer, Pharma within Health Content for Hispanics Online,” *Smart Marketer Newsletter*, Feb. 2008, [http://www.terra.com/advertise/newsletters/TradeNewsletter\\_February08.htm](http://www.terra.com/advertise/newsletters/TradeNewsletter_February08.htm) (viewed 19 Oct. 2010).

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 Son causadas por más de 30 distintas bacterias, virus y parásitos; la mayoría pueden conducir a enfermedades crónicas, esterilidad y eventualmente la muerte.  
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155. Media D’Vine, for example, claims to be “the leader in online marketing solutions for professionals around the world looking to target the diverse Hispanic population.... Whether it is within the cosmetic, plastic or anti-aging arena, or within the legal, dental or insurance industry, our team of marketing experts work together to determine how best to promote and increase the visibility of our clients to the Latinos in their particular marketplace.”<sup>201</sup> As the “largest Hispanic Online Advertising network for Medical Doctors, Plastic Surgeons, Lawyers and Insurance Agents combined,” Media D’Vine’s engages in online lead generation, “to attract and convert online visitors into high quality potential customers,” including on major search engines Google, Yahoo and Bing.<sup>202</sup>

<sup>201</sup> Media D’Vine, “Hispanic Marketing Solutions,” <http://www.mediadvine.com/index.html> (viewed 19 Oct. 2010).

<sup>202</sup> Media D’Vine, “Lead Generation Services,” <http://www.mediadvine.com/networks.html> (viewed 19 Oct. 2010).



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## Neuromarketing

156. Neuromarketing is increasingly employed to research, design, and implement online advertising campaigns—including those for health and medical products.<sup>203</sup>
157. NeuroFocus, a firm that specializes in the application of brainwave research to advertising, programming, and messaging, uses “neurological testing [that] delves down to the subconscious mind,” far below such “corrupting factors” as education, language, and cultural variances.<sup>204</sup> Measuring as many as 64-128 sectors of the brain at 2,000 times per second, NeuroFocus promises results that are “unambiguous, accurate, and actionable.” In the words of NeuroFocus CEO A.K. Pradeep, because each response is “subconscious” and delivered in one-third of a second, the result is “a scientific measurement without biases and pitfalls.”<sup>205</sup> In 2008, the Nielsen Company made a “strategic investment” in

<sup>203</sup> See, for example, the Advertising Research Foundation’s Engagement Council, <http://www.thearf.org/assets/engagement-council> (viewed 16 Feb. 2010).

<sup>204</sup> Jack Bush and A.K. Padreep, “Maximizing Message Impact for Alcon Laboratories,” presentation at the 2009 annual national conference of the PMRG, 8-10 Mar. 2009.

<sup>205</sup> James Chase, “Alcon Labs Uses Brains to Test Ad Effectiveness,” *Medical Marketing & Media*, 15 Mar. 2009, <http://www.mmm-online.com/alcon-labs-uses-brains-to-test-ad-effectiveness/article/129850/>.

NeuroFocus.<sup>206</sup>

158. Pradeep has described the research in support of his company's approach to neuromarketing:

...[W]e have identified 67 specific 'best practices' that should be implemented when words and images are presented on a screen (any screen, from a TV or PC to a mobile phone or movie theater). They are the result of advanced neurological research into various brain functions, and especially research that has delved into the mysteries of diseases like Alzheimer's, and brain conditions like ADD/ADHD, obsessive/compulsive behavior, and bipolar disorder.<sup>207</sup>

159. Among the pharmaceutical companies that have turned to NeuroFocus for assistance is Alcon, which sought help with a 30-second DTC TV spot for Pataday, a new prescription eye drop. "They wanted precise neuroscientific measurements of exactly how allergy sufferers responded to this new DTC

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<sup>206</sup> "Nielsen Makes Strategic Investment in NeuroFocus, An Innovative Leader in Neuromarketing Research," press release, 7 Feb. 2008, [http://www.nielsen.com/media/2008/pr\\_080207.html](http://www.nielsen.com/media/2008/pr_080207.html) (viewed 24 Sept. 2008). See also NeuroFocus, <http://www.neurofocus.com/> (viewed 16 Feb. 2010).

<sup>207</sup> A.K. Pradeep, "Absorption: How Messages Morph into Meaning and Value in the Mind," Sept. 2008, [http://www.neurofocus.com/pdfs/NeuroFocusWhitePaper\\_Absorption.pdf](http://www.neurofocus.com/pdfs/NeuroFocusWhitePaper_Absorption.pdf) (viewed 16 Feb. 2010). More generally, NeuroFocus's Pradeep has spoken of his company's Social Operating System: "Until now, the focus has been on hardware (three screens) and media distribution channels, but that perspective misses the larger phenomenon that is altering marketing on a worldwide and permanent basis," said Dr. A. K. Pradeep, Chief Executive Officer of NeuroFocus. "Companies would be wise to stop dwelling on these silos and shift their attention to this new 'Social Operating System'. It is remaking marketing, and through brainwave measurements and analysis we are quantifying the effects on consumers' subconscious responses across multiple platforms. The medium is no longer the message; instead, it's context that influences how consumers conceive of your brand."

"The brainwave-based research revealed the power of social media as a marketing communications platform. Topline findings are:

- Highest overall effectiveness for the ad, especially with women: Facebook
- Purchase intent generated by the ad: highest on both Facebook and TV
- Messaging carried by the ad strongest on: Internet platform, with Facebook stronger than website
- Highest attention-getter: Internet.

"Neurofocus Defines New 'Social Operating System' as Critical Component of 21st Century Marketing," 6 Apr. 2010, <http://www.prnewswire.com/news-releases/neurofocus-defines-new-social-operating-system-as-critical-component-of-21st-century-marketing-89984287.html> (viewed 4 Oct. 2010).

ad.”<sup>208</sup>

## Critical Neurological Metrics

**attention level**

**emotional engagement**

**memory retention**

**ATTENTION**  
Based on the science behind ADD/ADHD clinical diagnosis

**EMOTION**  
Based on the science behind mania & phobia clinical diagnosis

**MEMORY RETENTION**  
Based on the science behind Alzheimer's clinical diagnosis

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MAXIMIZING BRAND POTENTIAL IN A VOLATILE MARKETPLACE

- <sup>208</sup> Specifically, Alcon asked NeuroFocus to use its proprietary methodology to answer:
- What are the most influential and most distracting components of this DTC ad?
  - Which demographic is impacted most strongly? Least? Why?
  - Did the audience act—did they make doctors appointments to obtain a prescription? Why or why not?
  - What is the longevity of its influence/motivation?

Subconscious Resonance testing revealed how strongly or weakly the spot communicated client-determined attributes (such as “relief” and “fast-acting”). These unconscious attributes are revealed neurologically at a pre-verbal level and would have been impossible to obtain using traditional verbal self-reporting measures. Gender differences revealed in the brainwave response also gave Alcon critical information about its consumers’ deepest responses to their product. Recommendations were made to emphasize some attributes in subsequent print and online spots, and to de-emphasize others, in accordance with Alcon’s campaign goals.

Chase, “Alcon Labs Uses Brains to Test Ad Effectiveness.” Swiss pharmaceutical giant Novartis is currently in the process of acquiring Alcon. Katie Ried, “Novartis to Push Ahead with Disputed Alcon Buyout,” Reuters, 26 Aug. 2010 (viewed 8 Sept. 2010).

**Neurological Metrics  
tell us what a consumer:**

**NOTICES**  
what attracts attention?  
what doesn't?

**FEELS**  
what engages emotions?  
what leaves someone cold?

**REMEMBERS**  
what's retained in memory?

from these metrics, we derive indicators  
of market performance

2009 ANNUAL  
NATIONAL CONFERENCE

PMRG

MAXIMIZING  
MESSAGE POTENTIAL  
IN A VOLATILE  
MARKETPLACE

160. The use of “subconscious-response” neurological metrics, such as “Evoked Response Potential” and other measures focused on “attention, emotion, memory, [and] engagement,” analyzing how consumers react to particular ads in order to create new ads that appeal directly to consumers’ subconscious raises questions about fairness and deception in marketing. Instead of a rational discussion of the potential advantages and risks associated with a particular drug, pharmaceutical neuromarketing can be used to deliberately bypass the rational decision-making process.<sup>209</sup>
161. Other companies have turned to similar techniques, including functional magnetic resonance imaging (fMRI) and eye-tracking studies, in an effort to assess the effectiveness of various advertising campaigns. Google, Microsoft and Yahoo and others have all conducted research involving neuromarketing.<sup>210</sup> The ad firm Draftfcb, whose pharmaceutical clients include

<sup>209</sup> Jack Bush and A.K. Padreep, “Maximizing Message Impact for Alcon Laboratories,” presentation at the 2009 annual national conference of the PMRG, 8-10 Mar. 2009.

<sup>210</sup> See, for example, “Microsoft and Mediabrands Unveil Groundbreaking Research,” PRNewswire, 9 Dec. 2009, <http://www.prnewswire.com/news-releases/microsoft-and-mediabrands-unveil-groundbreaking-research-78874342.html>; “New MTV Networks Study Reveals The “Game Plan” For Casual Gaming Advertising,” 10 June 2009, <http://www.casualconnect.org/newscontent/06-2009/casualmtv.html>; Laurie Sullivan,

Lilly, Merck, and Pfizer, is increasingly focusing on neuromarketing, through its new “Institute of Decision Making.”<sup>211</sup> And researchers in the User Experience department at Digitas Health have created psychological profiles to “recognize and capitalize on the needs and values of health information seekers:

In recent research conducted with 21 participants explicitly interested in specific health-related topics, we mapped their behaviors to three distinct personas and formulated a strategy for each.... In persona-driven design, research-based profiles are used to find and illuminate the path to success, rather than to define it. While defining a campaign objective based upon a demographic profile establishes measurable goals, referring to personas throughout the design process allows the creative and media teams the opportunity to evaluate or test content, interaction, creative, and placement before the campaign goes live....”<sup>212</sup>

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“In-Game Ads In The Ad Game,” *Online Media Daily*, 16 June 2009, [http://www.mediapost.com/publications/?fa=Articles.showArticle&art\\_aid=108089](http://www.mediapost.com/publications/?fa=Articles.showArticle&art_aid=108089); Laurie Burkett, “Neuromarketing: Companies Use Neuroscience for Consumer Insights,” *Forbes*, 29 Oct. 2009, <http://www.forbes.com/forbes/2009/1116/marketing-hyundai-neurofocus-brain-waves-battle-for-the-brain.html>; Mike Shields, “Google, MediaVest Gauge InVideo Responses,” *AdWeek*, 23 Oct. 2008, [http://www.adweek.com/aw/content\\_display/news/digital/e3i47a4eaa11fb7b68ac541297ba68a5860](http://www.adweek.com/aw/content_display/news/digital/e3i47a4eaa11fb7b68ac541297ba68a5860); Mark Walsh, “Google: This is Your Brain on Advertising,” *Online Media Daily*, 23 Oct. 2008, [http://www.mediapost.com/publications/?fa=Articles.showArticle&art\\_aid=93319](http://www.mediapost.com/publications/?fa=Articles.showArticle&art_aid=93319). In “Google Video Advertising Solutions for Advertisers,” the company explains how online video is more powerful ad medium than TV, <http://www.youtube.com/watch?v=Jn05M2WdDlq> (all viewed 16 Feb. 2010). Elsewhere, Google claims that “New ad formats call for new measurement”:

- Directly measure brain response using EEG (measures brain activity in milliseconds, before conscious “deliberation”)
- Eye-tracking, pupil dilation, and GSR (or skin response) further tracks attention and emotional reactions
- Diagnostic-level measurements show precise identification of participants’ attention, memory, retention, and emotional engagement

Google and MediaVest, “Research in Biometric Engagement with InVideo Overlay Ads,” WebEx event, n.d.

<sup>211</sup> “Draftfcb Launches Institute of Decision Making,” 30 June 2010, <http://www.draftfcb.com/press-release.aspx?press=265> (viewed 30 Sept. 2010).

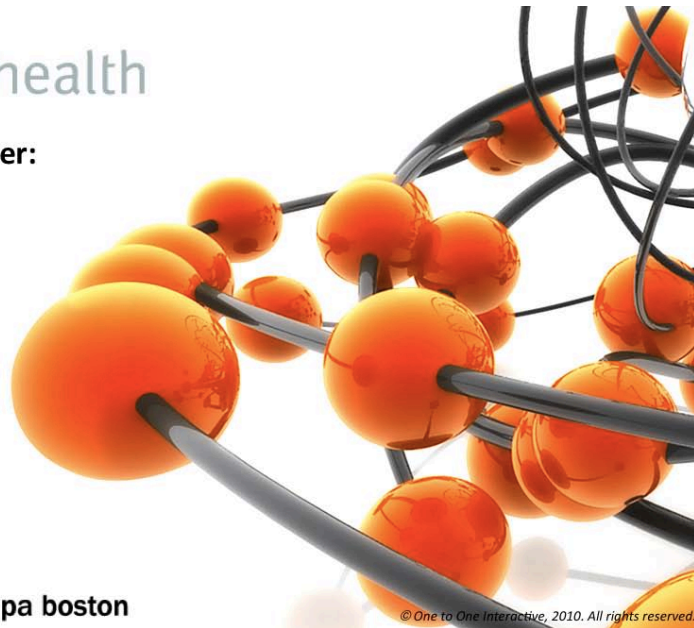
<sup>212</sup> “Subjects were first asked to just ‘surf the Web’ to establish their eye-tracking patterns (and rapport with the facilitator). Once the device (an SMI iView X RED) was calibrated, the unit remained unnoticed by the participants and enabled the recognition of scanning and reading behavior for each participant.... Analyzing the entire population, we distilled three distinct personas [‘Allen,’ ‘Christina,’ and ‘Vivian’] with similar needs but significantly different values that inform the content, design, and placement of ads.... The best strategy to reach Allen is through a sponsored partnership.... The best strategy for engaging with

162. Quantemo (“OTOinsights’s NeuroMarketing Research Lab that offers a scientific approach to measuring a target audience’s engagement with a brand”) uses neuroscientific techniques to measure engagement, including for health marketers.<sup>213</sup>



**Beyond the Voice of the Customer:**  
Neuromarketing Insights into  
Patient Engagement with  
Pharmaceutical Brand Web Sites

June 9, 2010



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Christina is the use of quizzes, polls, and the promise of interactive content that will allow her to express.... The best strategy for Vivian is to appeal to her empathy with the promise of personally relevant content on a topic of personal interest....” Dante Murphy and Georgia Spangenberg, “e-Marketing: Awareness and Engagement in Online Health Advertising,” *Med Ad News*, Oct. 2009, <http://pharmalive.com/magazines/medad/?issueid=154> (subscription required).

<sup>213</sup> “Quantemo helps brands understand how consumers engage with them by measuring an individuals perceptual, pre-cognitive, and cognitive emotional responses when interacting with products, interfaces, advertising, etc. Data collected from these modalities are captured real-time and displayed via the Quantemo Player, a robust data analysis dashboard. Finally, this data is processed through OTOinsight’s patent pending algorithm, the Quantemo Engagement Index (QEI), to provide a single quantitative measure of engagement.” One to One Interactive, “What is Quantemo,”

<http://www.onetooneinteractive.com/otoinsights/quantemo/what-is-quantemo/> (viewed 30 Sept. 2010). See also, One to One Interactive, “One to One Health—Allergy Webinar,” 8 Apr. 2010, <http://www.slideshare.net/OnetoOneInteractive/otoinsights-one-to-one-health-allergy-webinar-apr-8-2010> (viewed 30 Oct. 2010).

# About One to One Health

One to One Health is a specialized practice group within One to One Interactive dedicated to delivering innovative, transformational healthcare and life sciences marketing strategies, programs and creative. Building on a broad base of category experience (including pharmaceuticals, devices, health information and healthcare delivery) combined with deep interactive channel, digital media, CRM, and social media marketing experience, we help clients chart the right path for them in what we call the “Digital Health Information Ecosystem™.”

## Sampling of Clients:



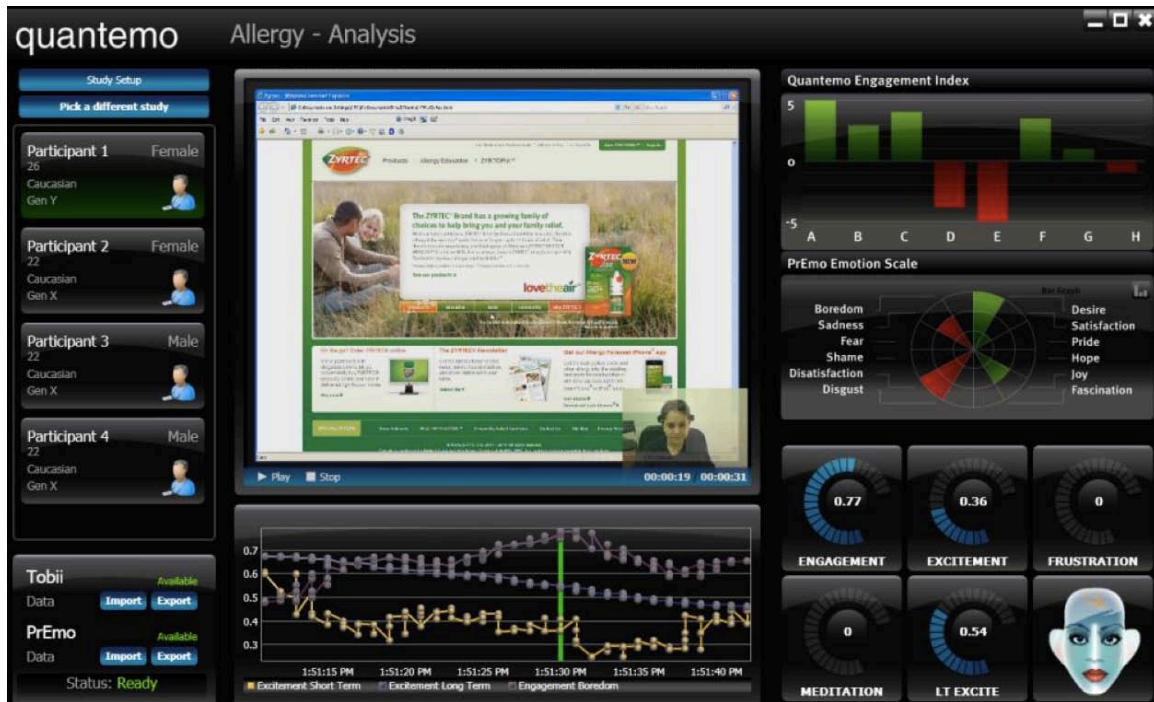
## Sampling of Therapy and Focus Areas:

- |               |                            |
|---------------|----------------------------|
| Radiology     | Psychiatric/Mood Disorders |
| Critical Care | Neurological/CNS           |
| HIV           | STDs                       |
| Transplant    | Cardiovascular             |
| Endocrinology | Woman's Health             |
| Respiratory   | Diagnostics                |
| Digestive     | Healthcare Delivery        |
| Pain          | Health Information         |
| Diabetes      | Health Field Sales Support |
| Men's Health  | Pharmacy                   |

## Offering Solutions for:

- |                    |                                      |
|--------------------|--------------------------------------|
| Hospitals          | Pharmaceuticals/Biotech              |
| Health Networks    | DTC – Branded, Unbranded             |
| Device/Diagnostics | Professional/HCP                     |
| Health Information | Lead Generation/eCRM/email           |
| Pharmacy Retail    | Media – Display, Search, Social      |
| Widgets/Mobile     | Research Organizations & Foundations |

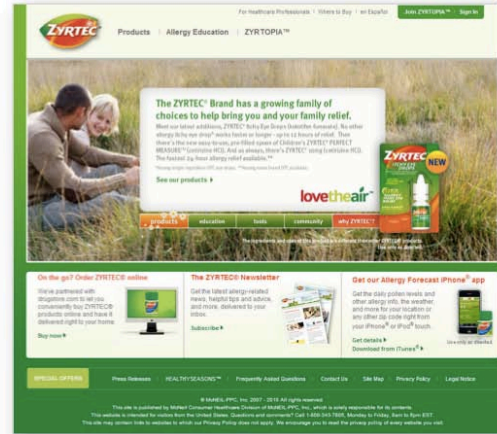
www.otoihealth.com



# Claritin and Zyrtec

Over the counter pharmaceuticals have an advantage over prescription medications

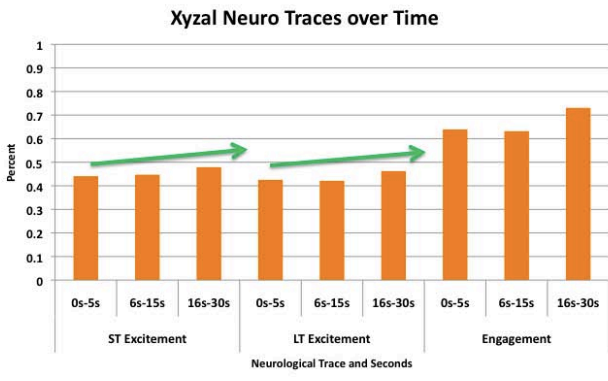
- Higher levels of overall engagement
- Claritin and Zyrtec had almost no associated negative emotions



## Insight: The Elements of High & Low Engagement

A prominent, lengthy ISI treatment can be detrimental to consumer engagement

- For Xyzal, neurological excitement increases while users focus on Features and ISI
- Time is split in the last 15 seconds between the bottom Feature and the ISI



163. Examples of Quantemo’s neuromarketing research include the following topics:

164. “Prompting the desired emotional reaction is core to connecting with prospects and providing the interaction that naturally leads to positive experience, customer conversion, and client retention. Quantemo measures this emotional connection in users and identifies the core cause(s) of both positive and negative engagement; based on an



advanced algorithm ,which takes into account perceptual, pre-cognitive neurological, and cognitive emotional reactions.”<sup>214</sup> “The benefits of applying Pre-Cognitive Emotional Engagement techniques to consumer research is the ability to gather feedback on a customers emotional state or level of arousal, without disturbing their experience with distractions. Findings from Pre-Cognitive Emotional Engagement research provide useful indicators towards consumers’ preference for a particular brand or product.”<sup>215</sup>

165. According to Olson Zaltman Associates, a leading firm focused on promoting subconscious connections for marketers, whose pharmaceutical clients include AstraZeneca, GlaxoSmithKline, Immunex, Johnson & Johnson, McNeil, Merck, Oticon, and Pfizer, “Only 5% of thought occurs consciously. It’s the other 95%—the ‘hidden knowledge’—that we uncover and understand to shed light on the challenges organizations face today. Olson Zaltman Associates combines patented scientific processes with sharp business acumen. Using these resources, we delve into the hidden meanings that drive human behavior and affect people’s decisions about the actions they take, the views they hold, and the products they buy.”<sup>216</sup>

## V. Legal Analysis

### **The FTC’s Section 5 Authority**

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<sup>214</sup> One to One Interactive, “Quantifying Engagement,” <http://www.onetooneinteractive.com/otoinsights/quantemo/quantifying-engagement/> (viewed 30 Sept. 2010).

<sup>215</sup> One to One Interactive, “Pre-Cognitive Emotional Engagement,” <http://www.onetooneinteractive.com/otoinsights/quantemo/pre-cognitive-emotional-engagement/> (viewed 30 Sept. 2010). Quantemo also specializes in “Pre-Cognitive Measurement: Even before visual perception has reached a customers conscious awareness, it has already been emotionally tagged and may initiate bodily responses such as increased heart rate, smiles, etc. In order to capture this pre-cognitive activity Quantemo utilizes a state of the art 16 channel, high resolution, neuro-signal acquisition and processing wireless neuroheadset. A proprietary algorithm calculates direct EEG output, this research instrument allow Quantemo to measure affective measures such as excitement, engagement/boredom, meditation, and frustration on a second by second basis.” One to One Interactive, “What is Quantemo,” <http://www.onetooneinteractive.com/otoinsights/quantemo/what-is-quantemo/> (viewed 30 Sept. 2010).

<sup>216</sup> “How Can You See into the Mind of a Consumer?” <http://www.olsonzaltman.com/> (viewed 30 Sept. 2010).

166. The companies named in this complaint, as well as others involved in real-time tracking and bidding—including those that provide data optimization services for profiled targeting—are engaged in unfair and deceptive practices.<sup>217</sup>
167. A trade practice is unfair if it “causes or is likely to cause substantial injury to consumers which is not reasonably avoidable by consumers themselves and not outweighed by countervailing benefits to consumers or to competition.”<sup>218</sup>
168. The injury must be “substantial.”<sup>219</sup> Typically, this involves monetary harm, but may also include “unwarranted health and safety risks.”<sup>220</sup> Emotional harm and other “more subjective types of harm” generally do not make a practice unfair.<sup>221</sup> Secondly, the injury “must not be outweighed by an offsetting consumer or competitive benefit that the sales practice also produces.”<sup>222</sup> Thus the FTC will not find a practice unfair “unless it is injurious in its net effects.”<sup>223</sup> Finally, “the injury must be one which consumers could not reasonably have avoided.”<sup>224</sup> This factor is an effort to ensure that consumer decision making still governs the market by limiting the FTC to act in situations where seller behavior “unreasonably creates or takes advantage of an obstacle to the free exercise of consumer decisionmaking.”<sup>225</sup> Sellers may not withhold from consumers important price or performance information, engage in coercion, or unduly influence highly susceptible classes of consumers.<sup>226</sup>

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<sup>217</sup> Clifford, “Instant Ads Set the Pace on the Web”; Steel, “Exploring Ways to Build a Better Consumer Profile”; and Learmonth, “Holy Grail of Targeting Is Fuel for Privacy Battle.”

<sup>218</sup> 15 U.S.C. § 45(n); see, e.g., *Fed. Trade Comm’n v. Seismic Entertainment Productions, Inc.*, Civ. No. 1:04-CV- 00377 (Nov. 21, 2006) (finding that unauthorized changes to users’ computers that affected the functionality of the computers as a result of Seismic’s anti-spyware software constituted a “substantial injury without countervailing benefits.”).

<sup>219</sup> FTC Unfairness Policy, *supra* note 113.

<sup>220</sup> *Id.*; see, e.g., *Fed. Trade Comm’n v. Information Search, Inc.*, Civ. No. 1:06-cv-01099 (Mar. 9, 2007) (“The invasion of privacy and security resulting from obtaining and selling confidential customer phone records without the consumers’ authorization causes substantial harm to consumers and the public, including, but not limited to, endangering the health and safety of consumers.”).

<sup>221</sup> FTC Unfairness Policy, *supra* note 113.

<sup>222</sup> *Id.*

<sup>223</sup> *Id.*

<sup>224</sup> *Id.*

<sup>225</sup> *Id.*

<sup>226</sup> *Id.*

169. The FTC will also look at “whether the conduct violates public policy as it has been established by statute, common law, industry practice, or otherwise.”<sup>227</sup> Public policy is used to “test the validity and strength of the evidence of consumer injury, or, less often, it may be cited for a dispositive legislative or judicial determination that such injury is present.”<sup>228</sup>
170. The FTC will make a finding of deception if there has been a “representation, omission or practice that is likely to mislead the consumer acting reasonably in the circumstances, to the consumer’s detriment.”<sup>229</sup>
171. First, there must be a representation, omission, or practice that is likely to mislead the consumer.<sup>230</sup> The relevant inquiry for this factor is not whether the act or practice actually misled the consumer, but rather whether it is likely to mislead.<sup>231</sup> Second, the act or practice must be considered from the perspective of a reasonable consumer.<sup>232</sup> “The test is whether the consumer’s interpretation or reaction is reasonable.”<sup>233</sup> The FTC will look at the totality of the act or practice and ask questions such as “how clear is the representation? How conspicuous is any qualifying information? How important is the omitted information? Do other sources for the omitted information exist? How familiar is the public with the product or service?”<sup>234</sup>
172. Finally, the representation, omission, or practice must be material.<sup>235</sup> Essentially, the information must be important to consumers. The relevant question is whether consumers would have chosen another product if the deception had not occurred.<sup>236</sup> Express claims will be presumed material.<sup>237</sup> Materiality is presumed for claims and omissions involving “health, safety, or

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<sup>227</sup> *Id.*

<sup>228</sup> *Id.*

<sup>229</sup> FTC Deception Policy, *supra* note 112.

<sup>230</sup> FTC Deception Policy, *supra* note 112; *see, e.g., Fed Trade Comm’n v. Pantron I Corp.*, 33 F.3d 1088 (9th Cir. 1994) (holding that Pantron’s representation to consumers that a product was effective at reducing hair loss was materially misleading, because according to studies, the success of the product could only be attributed to a placebo effect, rather than on scientific grounds).

<sup>231</sup> FTC Deception Policy, *supra* note 112.

<sup>232</sup> *Id.*

<sup>233</sup> *Id.*

<sup>234</sup> *Id.*

<sup>235</sup> *Id.*

<sup>236</sup> *Id.*

<sup>237</sup> *Id.*

other areas with which the reasonable consumer would be concerned.”<sup>238</sup> The harms of the online marketers outlined above are within the scope of the FTC’s authority to enforce Section 5 of the FTC Act and its purveyors should face FTC action for these violations.

173. A 2009 consent order by the FTC highlights an example of bad-faith data collection with substantially inadequate notice to consumers similar to the acts committed by the online marketers named above. The FTC filed a complaint in June 2009 against Sears Holding Management Corp. concerning the company’s dissemination of “a software application for consumers to download and install onto their computers” and charged that Sears Holding had violated the FTC Act.<sup>239</sup> The Commission said in its complaint that Sears Holding:

failed to disclose adequately that the software application, when installed, would: monitor nearly all of the Internet behavior that occurs on consumers’ computers, including information exchanged between consumers and websites other than those owned, operated, or affiliated with respondent, information provided in secure sessions when interacting with third-party websites, shopping carts, and online accounts, and headers of web-based email; track certain non-Internet-related activities taking place on those computers; and transmit nearly all of the monitored information (excluding selected categories of filtered information) to respondent’s remote computer servers. These facts would be material to consumers in deciding to install the software. Respondent’s failure to disclose these facts, in light of the representations made, was, and is, a deceptive practice.<sup>240</sup>

174. The consent order required that Sears Holding “clearly and prominently ... disclose: (1) all the types of data that the Tracking Application will monitor, record, or transmit, ... (2) how the data may be used; and (3) whether the data may be used by a third party ...”<sup>241</sup>

## VI. Prayer for Investigation and Relief

175. As the country’s leading consumer protection agency, with growing expertise

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<sup>238</sup> *Id.*

<sup>239</sup> Federal Trade Commission, “Complaint in the Matter of Sears Holding Management Corp., FTC File No. 082 3099” (June 4, 2009), <http://www.ftc.gov/os/caselist/0823099/090604searscomplaint.pdf> (viewed on 6 Nov. 2010).

<sup>240</sup> *Id.* at 5.

<sup>241</sup> Federal Trade Commission, “Decision and Order in the Matter of Sears Holding Management Corp., FTC File No. 082 3099” 3-4 (Aug. 31, 2009), <http://www.ftc.gov/os/caselist/0823099/090604searsdo.pdf> (viewed on 6 Nov. 2010).

in digital marketing, including mobile advertising, the FTC has a critical leadership role to play in this important marketplace. It should immediately conduct a thorough investigation and analysis of contemporary Digital Direct Marketing to Consumers of drug and health-related products and information. In addition to seeking the appropriate injunctions and other relief, we also urge the FTC to issue a report and recommendations designed to inform consumers and health professionals of the issues raised by interactive ads for medical products and services. Specifically, the FTC should promptly undertake the following:

176. Examine and analyze the data collection and usage practices of pharmaceutical advertisers to assess the extent of consumer information collected through websites, social networks, online video sites, and other interactive means. This should include personal information, IP addresses, cookies, flash cookies, Web bugs, tracking pixels, Web analytic tools, conversational and sentiment analysis, and any other “data-mining” applications. We urge the FTC to resist suggestions that such data collection methods are appropriate because they can help identify risk-averse-related information. The FTC should provide the public with information on what data are collected and how they are used. (For example, what is considered by pharmaceutical marketers to be so-called non-personal information?)
177. Require companies engaged in digital marketing of health products under its purview to provide information on the kinds of online targeting techniques and methods they utilize, especially behavioral advertising and retargeting. Consumers need to know whether and how they are being tracked and targeted—including via “condition-specific” channels. This should include information on specific targeting and data collection and analysis techniques undertaken by companies’ own or “unbranded” sites, as well as on health-oriented and ad-supported sites, other online advertising networks, and ad exchanges. The FTC should specifically ask whether companies are profiling and targeting consumers based on racial and ethnic data.<sup>242</sup>

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<sup>242</sup> See, for example, Audience Science, “Agency Solutions,” [http://www.audiencescience.com/agencies/agency\\_solutions.asp](http://www.audiencescience.com/agencies/agency_solutions.asp); ValueClick Media, “Improving Performance with Retargeting,” Nov. 2008, [http://www.valueclickmedia.com/medialounge/downloads/improving\\_performance\\_with\\_retargeting.pdf](http://www.valueclickmedia.com/medialounge/downloads/improving_performance_with_retargeting.pdf); AdRx Media, “Targeting,” <http://www.adrxmedia.com/targeting.shtml>; AOL Advertising, “Targeting,” <http://advertising.aol.com/technology/targeting/>; AOL Advertising, “AOL Health,” <http://advertising.aol.com/brands/aol-health>; Revolution Health, “Media Kit: Ad Solutions,” <http://rh.bstro.com/#/adsolutions/>; Revolution Health, “Media Kit: Sponsorships,” [http://rh.bstro.com/#/adsolutions/page\\_sponsorships/](http://rh.bstro.com/#/adsolutions/page_sponsorships/); Healthline, “2009 Media Kit,” [http://www.healthline.com/corporate/media/healthline\\_media\\_kit\\_2009.pdf](http://www.healthline.com/corporate/media/healthline_media_kit_2009.pdf) [note the “HealthSTAT (Semantic Taxonomy Ad. Targeting)” feature]; HealthGuru Media, “Advertising

178. Conduct its own review of the privacy policy pages on websites and services, including the leading social networks promoting health products under its purview. It should immediately require health marketers to provide adequate information on privacy policies, instead of incomplete or relatively inaccessible content (and work with the FDA to develop new rules for consumer privacy related to health information marketing online).<sup>243</sup>
179. Analyze how health-related social media marketing influences consumer behavior and attitudes on drug use and about medical conditions. The agency should examine social media marketing applications for the health market designed to foster “viral” marketing approaches, including the targeting of specific consumers in order to influence their own network of relationships.<sup>244</sup>

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& Sponsorship Opportunities,” [<sup>243</sup> See, for example, MyMSMyWay, “Privacy Policy,” \[https://www.mymyway.com/privacy\\\_policy/index.php\]\(https://www.mymyway.com/privacy\_policy/index.php\). Nor should consumers have to provide pharmaceutical companies with access to additional information in order to access privacy information via Facebook. The FDA should review, for example, ADHD Moms, Facebook, \[http://www.facebook.com/ADHDMoms?v=box\\\_3\]\(http://www.facebook.com/ADHDMoms?v=box\_3\); ADHD Moms Moments, Facebook, \[http://apps.facebook.com/adhdmomsmoments\\\_prod/terms.html#privacy\]\(http://apps.facebook.com/adhdmomsmoments\_prod/terms.html#privacy\) \(all viewed 16 Feb. 2010\).](http://www.healthguru.com/info/advertisers;HealthCentral,“AdvertisingPolicy,”http://www.healthcentral.com/contents/408/adpolicy.html;HealthCentral,“CapturingtheHealth‘LongTail,’”http://www.scribd.com/doc/25850527/Longtail-Health-2-0-Stat-Flat-site;“TechnicalSpecificationsforWebMD360YahooAdUnitsonYahoo!Network,”http://img.webmd.com/dtmcms/live/webmd/consumer_assets/site_images/miscellaneous/sales/WebMD_Tech_Specs_for_360_Yahoo.pdf;DebriannaObara,“TechnologyOnlinecanAddValuetoPharmaMarketersviaSegmentation/Targeting,”Razorfish,Jan.2009,http://www.razorfish.com/download/img/content/Technology%20Online%20can%20Add%20Value%20to%20Pharma%20Marketers%20via%20Segmentation%20Targeting.pdf;EverydayHealth,“AdSolutions,”http://www.everydayhealth.com/advertise/ad-solutions/(allviewed16Feb.2010).</a></p>
</div>
<div data-bbox=)

<sup>244</sup> The FDA should review the tools used in social media marketing to determine whether and how users are being incentivized to pass along content. See, for example, Ripple6, “For Marketers,” <http://www.ripple6.com/our-solutions/social-networking-marketers>; Visible Technologies, “Solutions—Listen,” <http://www.visibletechnologies.com/listen.html>; Buddy Media, “Our Solutions,” <http://www.buddymedia.com/our-solutions>; Gigya, “Platforms & Services: Analyze,” <http://www.gigya.com/public/platform/analyze.aspx>; Wildfire Interactive, “Get Word of Mouth,” [http://wildfireapp.com/tour/word\\_of\\_mouth](http://wildfireapp.com/tour/word_of_mouth); Justin Smith, Facebook Marketing Bible: The Guide to Marketing Your Brand, Company, Product, or Service Inside Facebook, Feb 2010, <http://www.insidefacebook.com/facebook-marketing-bible/>; “iCrossing Partners with Media6Degrees to Connect Brands with ‘Friends of Friends,’” [http://www.media6degrees.com/news/m6\\_icrossing.html](http://www.media6degrees.com/news/m6_icrossing.html); Kontagent, “The Kontagent Fact Sheet,” <http://www.kontagent.com/about/>; Meteor Solutions, “How it

180. Investigate whether there is a violation of the FTC's Endorsement guidelines (which the FTC has extended to the Internet) when advice is given to patients or consumers from seemingly independent health bloggers who do not disclose that they are paid or sponsored by pharmaceutical or other companies.<sup>245</sup>
181. Obtain from pharmaceutical companies a list of the keywords used for paid search campaigns. The companies should also be required to inform the FTC of the techniques and applications they may use in so-called organic search to show up prominently in the results. U.S. consumers should be informed by the FTC of the implications of search marketing practices when they are looking for information and advice.<sup>246</sup>
182. Evaluate the role of Web design, including the use of eye-tracking and so-called "A/B" testing for landing pages to influence how consumers react to content on pharmaceutical and health-ad-supported sites and services. The issue of how best to present risk information and other important disclosure information needs to be understood in the context of work by digital marketers on engagement, including design.<sup>247</sup>
183. Investigate the use of so-called "unbranded" sites funded by pharmaceutical companies, in order to assess whether such sites are structured and designed to support the promotion of specific drugs. The agency should also analyze whether the interactive environment created for such sites provides a balanced and honest reflection of the health risks and condition-specific issues.
184. Conduct an inquiry on the use of neuromarketing-related techniques

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Works," <http://www.meteorsolutions.com/howitworks.php?fbid=bXUUZMgvARD> (all viewed 16 Feb. 2010).

<sup>245</sup> See paragraph 118 for more information.

<sup>246</sup> See, for example, Kyle Getz, "Optimizing Your Microsoft adCenter Campaigns for Improved Health Results on Bing," adCenter Blog, 8 Feb. 2010, <http://community.microsoftadvertising.com/blogs/advertiser/archive/2010/02/08/optimizing-for-improved-health-results-pages.aspx> (viewed 16 Feb. 2010).

<sup>247</sup> See, for example, OneUpWeb, "Seeing Search Go Social: An Eye Tracking Analysis of Social Networking Sites," 2009, [http://www.ergophile.com/wp-content/uploads/2009/08/oneupweb\\_eye\\_tracking\\_study\\_2009.pdf](http://www.ergophile.com/wp-content/uploads/2009/08/oneupweb_eye_tracking_study_2009.pdf); SiteSpect, "Split test for Landing Page Optimization," <http://www.sitespect.com/testing-landing-pages-and-site-content.shtml>; Omniture, "Test&Target Product Overview," <http://www.omniture.com/en/products/conversion/testandtarget> (all viewed 16 Feb. 2010).

designed to influence or measure subconscious responses.<sup>248</sup>

185. Work with the Food and Drug Administration and other appropriate agencies to develop a set of policies for regulating the use of behavioral targeting, data collection, and other digital techniques in the marketing of drugs and health-related products.

Respectfully submitted,

Jeff Chester  
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<sup>248</sup> Mark Walsh, "Google: This is Your Brain on Advertising," Online Media Daily, 23 Oct. 2008, [http://www.mediapost.com/publications/?fa=Articles.showArticle&art\\_aid=93319](http://www.mediapost.com/publications/?fa=Articles.showArticle&art_aid=93319); Chris Jaffee and Jill Strawbridge, "Measuring Online Ad Effectiveness Using Advanced Research Methods," Yahoo, Apr. 2009, [http://l.yimg.com/a/i/us/ayc/aa\\_insights\\_advrsmeth.pdf](http://l.yimg.com/a/i/us/ayc/aa_insights_advrsmeth.pdf); "Microsoft and Mediabrands Unveil Groundbreaking Research," PRNewswire, 9 Dec. 2009, <http://www.prnewswire.com/news-releases/microsoft-and-mediabrands-unveil-groundbreaking-research-78874342.html> (all viewed 16 Feb. 2010).