

Marketing Tech in the Mayhem/ Cookie Crunching: Navigating the Complex World of Adtech and Martech

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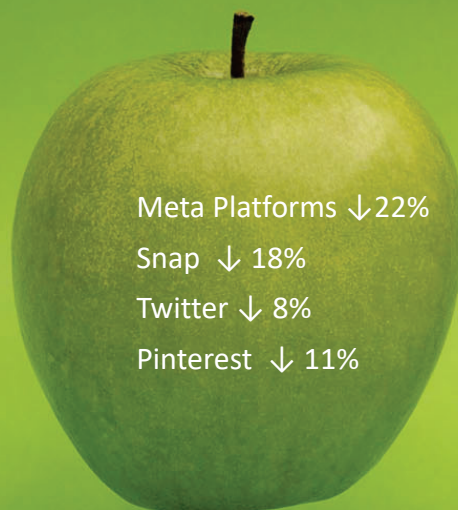
K Royal
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1

Apple IDFA
Opt-In
Impact



Meta Platforms ↓22%

Snap ↓ 18%

Twitter ↓ 8%

Pinterest ↓ 11%

\$315 billion in
market value
erased

2

FTC - Health Advertising Cases



\$7.8 M



\$1.5 M

FTC - Health Advertising Key Takeaways



Health + Sensitive Information is defined broadly

Any identifiers such as IP addresses, mobile IDs, specific geolocation or email addresses, even when hashed, can be personal information and health data when combined with health content



Sensitive Information for Online Advertising Must Be Disclosed

Retargeting, Custom Audiences, Lookalike Audiences



Limit or Disclose Independent Use of Sensitive Data by Third Parties

Standard terms usually equals sale of data



Implement Strong Governance

Oversight, Training, Processes, Documentation



Avoid Deceptive Claims

Compliance with laws
Certifications, Seals, Standards

Advertising State Law Comparison (as of 4/24/2023)

| | California | Virginia | Colorado | Connecticut | Utah | Iowa |
|---|--|--|-------------|-------------|--------------|--------------|
| Sale Opt-out | Yes (broad) | Yes (narrow) | Yes (broad) | Yes (broad) | Yes (narrow) | Yes (narrow) |
| Targeted Ads Opt-out | Yes | Yes | Yes | Yes | Yes | Yes* |
| GPC Opt-out | Yes | | Yes | Yes | | |
| Teens & Kids Behavioral Ads | U13 <i>parent consent</i> 13-15 <i>double opt-in</i> | U13 <i>parent consent</i> + <i>risk assessment</i> | U13 | No | No | No |
| Sensitive Data Choice | Opt-out <i>secondary use</i> | Opt-in | Opt-in | Opt-in | Opt-out | Opt-out |
| Profiling with significant effect opt-out | Yes | Yes | Yes | Yes | No | No |
| Dark Patterns | Yes | No | Yes | Yes | No | No |

CCPA - Sephora

- **\$12.M** Settlement
- 2 yr consent decree
- Mandated terms for service providers
- Global Privacy Control must be honored for “sale” of data



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