

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

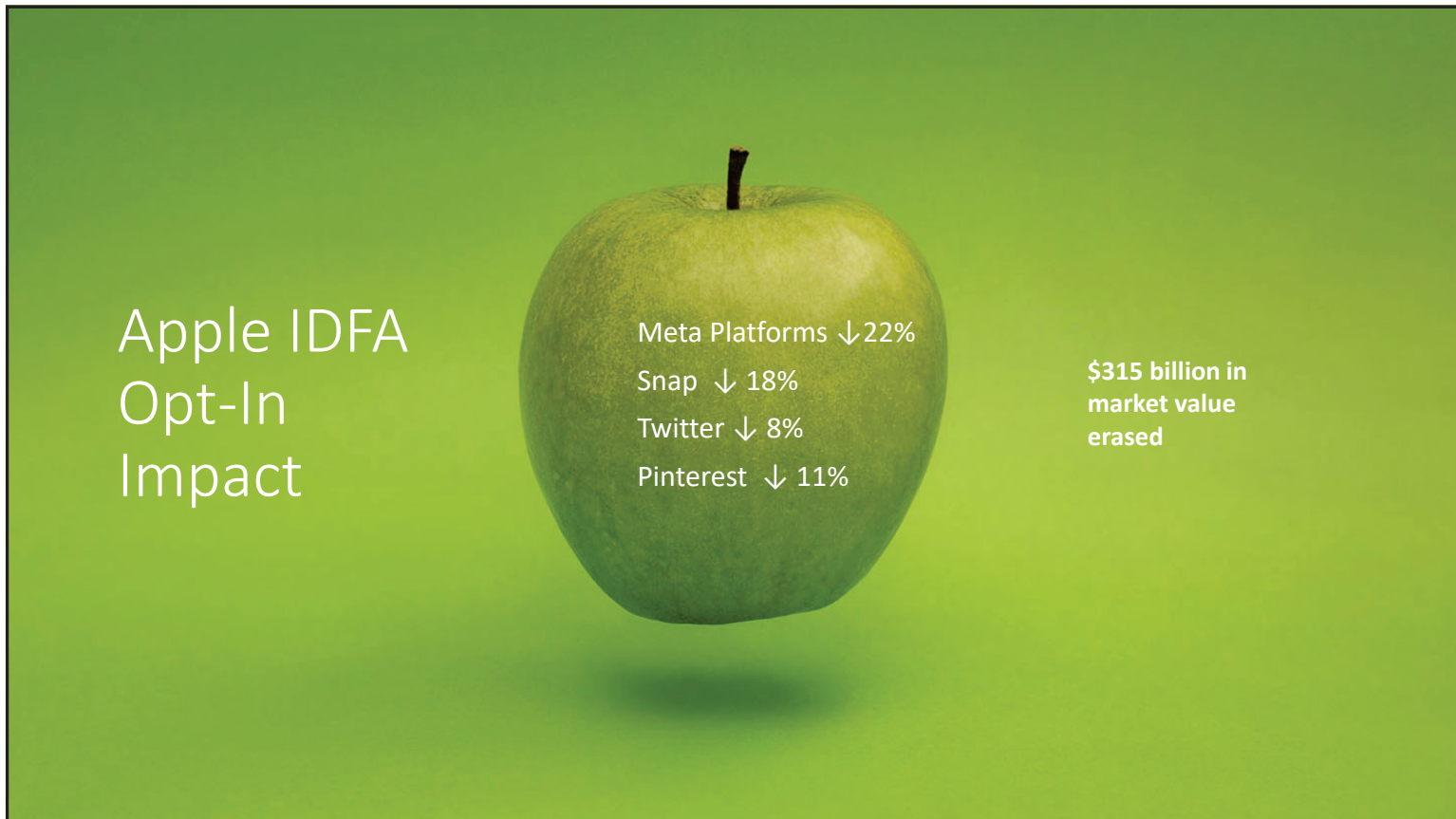
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UT LAW CLE 36th Annual Technology Law Conference

May 25, 2023

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FTC - Health Advertising Cases



\$7.8 M



\$1.5 M

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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

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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

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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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First appeared as part of the conference materials for the
36th Annual Technology Law Conference session

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