

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

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

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