

**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**

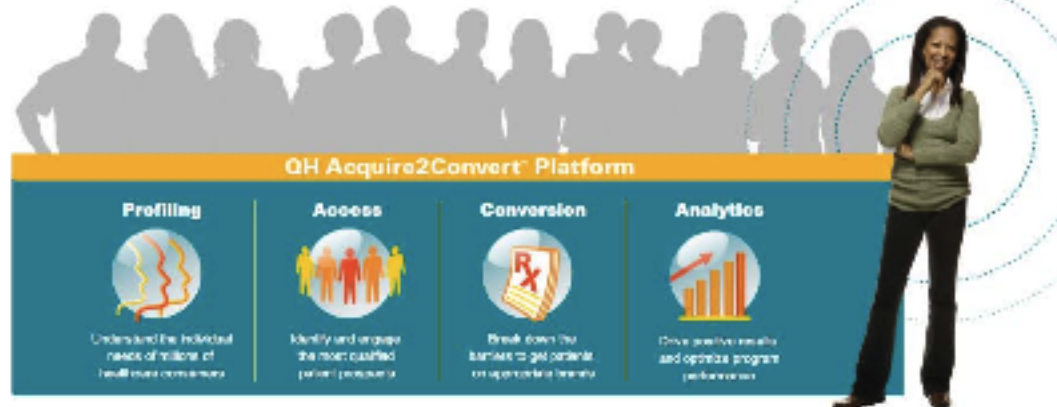
I. Introduction

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.”¹

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.”³³



Turn consumers into customers



health properties."³⁵ 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."³⁶

The screenshot shows the AdRx Media website interface. In the top left corner is the AdRx Media logo, consisting of three overlapping hexagons in shades of purple and grey. To the right of the logo is a navigation menu with the following items: ADVERTISERS, PUBLISHERS, ABOUT, and CONTACT. In the top right corner, there is a 'Publisher Login' section with a 'User Name' input field, a 'Password' input field, and a 'LOGIN' button. The main content area features a large teal hexagonal graphic with the text: 'Advertisers who partner with AdRx Media gain access to several benefits not offered by other health properties:'. Below this, a list of targeting options is displayed: Demographic Targeting, Geo-medical Targeting, Behavioral Targeting, Custom Sponsorships, Condition-specific, and Contextual Targeting. To the left of this graphic, the word 'Targeting' is written in a large, dark purple font. Below 'Targeting', there are three paragraphs of text: 'In addition to targeting based on geographic and other standard technical targeting methods, AdRx Media offers a wealth of sophisticated targeting options.', 'Other retargeting features include recency, frequency and exclusion targeting.', and 'AdRx Media reaches untapped health-conscious consumers:'. Below these paragraphs are 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, there is a small note: '*comScore Media Matrix, May 2008'.

ADVERTISERS
PUBLISHERS
ABOUT
CONTACT

Publisher Login:
User Name
Password
LOGIN

Advertisers who partner with AdRx Media gain access to several benefits not offered by other health properties:

- Demographic Targeting
- Geo-medical Targeting
- Behavioral Targeting
- Custom Sponsorships
- Condition-specific
- Contextual Targeting

Targeting

In addition to targeting based on geographic and other standard technical targeting methods, AdRx Media offers a wealth of sophisticated targeting options.

Other retargeting features include recency, frequency and exclusion targeting.

AdRx Media reaches untapped health-conscious consumers:

71.4% of AdRx Media visitors do not go to WebMD.

60.9% of AdRx Media visitors do not go to Everyday Health.

*comScore Media Matrix, May 2008

Sites & Partners

Cancer	MyNewCancerNetwork.com + ProstateCancer.com + SkinCancerAction.com
Chronic Conditions	DiabetesNetwork.com + RheumatoidArthritis.com + OtitisMedia.com MyNewDiabetes.com + MyNewRheumatoidArthritis.com + MyNewOtitisMedia.com
Digestive Health	MyNewGastroenterology.com + AutoInflammatory.com + MyNewGastro.com
Mental Health	AnxietyConditions.com + MyNewMental.com + BipolarConditions.com
Neurology	StrokeNetwork.com + MyNewNeuro.com + MultipleSclerosis.com
Pain & Arthritis	OralPainConditions.com + MyNewPainConditions.com
Respiratory	MyNewAsthma.com + MyNewCOPD.com
Sexual Health	MyNewErectileDysfunction.com + MyNewInfertility.com + MyNewSex.com
Skin Care	MyNewSkin.com
Life Cycle	MyNewPregnancy.com + MenopauseConditions.com + Incontinence.com
Learning Disabilities	Teach2Learn.com
Wellness	Wellness.com + Health.com + MyNewWellness.com

To

Media Kit Menu

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

To search, type and hit enter

Learn more about our sites and opportunities please email us at advertising@healthcentral.com



Trusted Brands	Trusted Partners

HealthCentral
healthcentral

Can your doctor help you lose weight? New study suggests a medication that does the trick might be the answer
<http://myNewDiabetes.com>
preview

Diabetes Members are taking what we are going to do about it? Watch HL reports on the diabetes conference - <http://bit.ly/1Z7Tca>
preview

Empowered Patient's top health searches are revealed by myNewWellness.com -

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

[New to Ad Exchange? Start here.](#)

[Campaign essentials](#)

[Reporting](#)

[Billing and payments](#)

[Policies](#)

[Advanced options](#)

[Targeting](#)

[Conversion tracking](#)

[Troubleshooting](#)

[Ad Exchange Self-side Help](#)

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

- BUYING DESK
- HOW IT WORKS
- + CATEGORIES**
- DEMOS
- FAQ
- FORUM
- APIs



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](#)

- | | |
|---|--|
| <input checked="" type="checkbox"/> Arts & Entertainment | <input checked="" type="checkbox"/> News & Current Affairs |
| <input checked="" type="checkbox"/> Autos | <input checked="" type="checkbox"/> Parenting & Family |
| <input checked="" type="checkbox"/> Business & Industry | <input checked="" type="checkbox"/> Society |
| <input checked="" type="checkbox"/> Career | <input checked="" type="checkbox"/> Pets |
| <input checked="" type="checkbox"/> Technology & Computing | <input checked="" type="checkbox"/> Real Estate |
| <input checked="" type="checkbox"/> Education | <input checked="" type="checkbox"/> Religion |
| <input checked="" type="checkbox"/> Finance & Money | <input checked="" type="checkbox"/> Science |
| <input checked="" type="checkbox"/> Food & Drink | <input checked="" type="checkbox"/> Sports & Recreation |
| <input checked="" type="checkbox"/> Health & Fitness | <input checked="" type="checkbox"/> Style & Fashion |
| | <input checked="" type="checkbox"/> Travel |
- Nursing
 - Exercise
 - A.D.D.
 - AIDS/HIV
 - Allergies
 - Alternative Medicine
 - Arthritis
 - Asthma
 - Autism/PDD
 - Bipolar Disorder
 - Cancer**
 - Chronic Fatigue Syndrome
 - Chronic Pain
 - Deafness
 - Dental Care
 - Depression
 - Dermatology
 - Diabetes
 - Headaches/Migraines
 - Heart Disease**
 - Herbal Health
 - Holistic Healing
 - IBS/Crohn's Disease
 - Incest/Abuse Support
 - Infertility
 - Men's Health
 - Nutrition
 - Orthopedics**

**> 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

46. HealthCentral, an array of "highly targeted condition and wellness specific interactive health sites..., offers advertising solutions across 35 condition-specific categories."⁵⁰ "We provide an interactive platform for users to engage

Past & Present Advertisers



To learn more about our sites and opportunities please email us at advertising@healthcentral.com

Media Kit Menu



To search, type and hit enter

HEALTHCENTRAL
healthcentral

Can your doctor help you lose 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.”⁵³ 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.”⁵⁴

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 >

Search Caring.com

Search

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.



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

Top concern:

Caring for:

Location:

E-mail:



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)

Address 1

Address 2

City

State

Zip Code

Occupation

Email (required)

Confirm Email (required)

Password (required)

Confirm Password (required)

Date of Birth (mm/dd/yyyy)
(required)

Gender

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

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.¹⁶⁷

The screenshot shows the CancerNFluence website in an Internet Explorer browser window. The page title is "CancerNFluence [MattsonJack]". The URL is "http://www.cancerfluence.mattsonjack.com/Filter/Default.aspx?rc=1". The navigation menu includes "Products", "Client Portal", and "Support". The main content area is for "Colorectal Cancer" and includes filters for "Resident Country" (set to "All Countries") and "Group Data By" (set to "None"). A table of physicians is displayed with columns for "First Name", "Last Name", "City", "State/Province", "Board Certification", "Total Citations", "Individual Citations", and "National International Citations".

Red callout boxes highlight the following features:

- Multiple reporting, printing, and exporting options:** Located near the top right of the filter area.
- View data by country and tumor, or apply filters to display doctors that meet specific criteria:** Located near the "Resident Country" filter.
- Sort by any column by clicking on header:** Located near the top of the physician table.
- Expands record to show nominations by country and locations of doctors who nominated this physician:** Located near the "Details" links in the table.
- Ability to automatically search Google and PubMed for additional information on doctor:** Located near the "Details" link for a specific physician.
- Links to detailed profile of doctor:** Located near the "Details" link for a specific physician.
- In-depth profile information on top-cited doctors:** Located near the detailed profile of Timothy J. Gruber.
- Geographic cite-pattern maps for each doctor by tumor and country:** Located near a map of the United States.

The detailed profile for Timothy J. Gruber includes his name, title (Professor of Medicine), affiliation (New York University School of Medicine), and a list of publications.

¹⁶⁷ MattsonJack, "CancerNFluence," <http://www.mattsonjack.com/cancerfluence.asp>

Flash Suite: Marketer Benefits

Embedded advertising in each application:

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

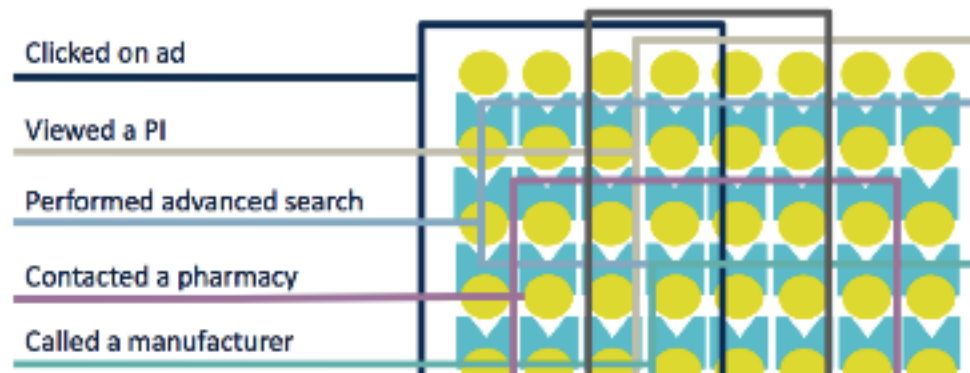
Physician activity reporting:
search, page views, sample and patient ed requests, by specialty and geography



5

Accountability: Detailed Metrics

Daily reporting available for every physician activity



patient.”¹⁸³ 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.¹⁸⁴

practice fusion™
Free, web-based Electronic Health Records

SIGN-UP LOGIN SUPPORT

WHY PRACTICE FUSION WHO IS USING US FEATURES RESOURCES

The fastest growing ^{free} Electronic Health Record community!

★ HED HERRING 100 ★ ACCREDITED CUSTOMER SHOWCASE ★ TOP INNOVATORS AWARD, FierceHealthIT

Big + Support + Training = FREE!

Free changes everything.
You get \$44,000 for using an EMR.
Practice Fusion's EMR is entirely free.
Do the math.

Sign up for our EHR >

Take a tour >
Download a whitepaper >
Read a case study >

FREE WEB-BASED LIVE IN FIVE SECURE POCKET \$44K

more about the HITECH incentives
Who qualifies for \$44,000 in HITECH incentives?
What is "meaningful use" of an EMR?
When do the health IT incentive payments begin?
Visit our Stimulus Center for answers >

recent announcements
Practice Fusion and Dell to Provide Doctors Affordable Electronic Medical Record (EMR) Package
View the Dell/Practice Fusion packaged EMR solution >
Read the press release >

DELL

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

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”).¹⁸⁸



144. 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

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

BETASERON
INFORMACIÓN BETAPLUS

INFORMACIÓN DE SEGURIDAD IMPORTANTE | Seguridad | Guía de Medicamentos

Las reacciones adversas reportadas más frecuentemente son: hinchazón, reacción en el sitio de la inyección, exantema, síntomas parecidos a los de la gripe, dolor de cabeza y dolor generalizado. El ajuste gradual de la dosis y el uso de analgésicos durante la iniciación del tratamiento pueden ayudar a reducir los síntomas... [continúe leyendo abajo](#)

Inicio | Acerca de BETASERON | Comprender la EM | Programa de apoyo BETAPLUS

Mentores | **Enfermera BETA** | **Especialistas de Acceso**

BETAPLUS 24 horas, 7 días a la semana, 365 días al año. Llame a su enfermera si tiene alguna pregunta sobre BETASERON. Siempre ahí para ayudarlo. [Más información](#)

\$0 Copago mensual*

Durante el tiempo en que toma BETASERON [Obtenga más información.](#)

Considere los tratamientos para la EM

Al considerar los tratamientos, observe con mayor atención [BETASERON.](#)

Programa de apoyo BETAPLUS® para personas con EM

Consulta con una enfermera BETA las 24 horas, todos los días del año. Además, obtenga recomendaciones para las inyecciones, ayuda con el seguro, ahorros de costos, noticias sobre EM y más.

Llame al 1-800-786-1467 [Únase a BETAPLUS ahora.](#)

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."²⁰⁰

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:

- | | |
|--|--|
| <ul style="list-style-type: none"> Neurology Critical Care HIV Transplant Endocrinology Respiratory Digestive Pain Diabetes Men's Health | <ul style="list-style-type: none"> Psychiatric/Mood Disorders Neurological/CNS STIs Cardiovascular Women's Health Diagnostics Healthcare Delivery Health Information Health Field Sales Support Pharmacy |
|--|--|

Offering Solutions for:

- | | |
|---|--|
| <ul style="list-style-type: none"> Hospitals Health Networks Device/Diagnostics Health Information Pharmacy Retail Widgets/Mobile | <ul style="list-style-type: none"> Pharmaceuticals/Biotech DTC – Branded, Unbranded Professionals/HCP Lead Generation/CRM/email Media – Display, Search, Social Research Organizations & Foundations |
|---|--|

One to One | health

www.oto1health.com

