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.”

**QualityHealth**

**Programs that Perform**

**Turn consumers into customers**

**QualityHealth Acquire2Convert Platform**

- **Profiling**: Understand the individual needs of patients and their care providers
- **Access**: Identify and engage the most qualified patient for you
- **Conversion**: Break down the barriers to get patients up and running
- **Analytics**: Optimize patient results and optimize program performance

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health properties.” 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.”

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.

*FromScore Media Metric, May 2008
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
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
- Home & Garden
- Home Improvement
- How-To & DIY
- Human Resources & HR
- Information Technology & Programming
- Investing
- Jobs
- Kids & Parenting
- Law & Legal
- Learning
- Local Business
- Medical
- Movies & TV Shows
- Music
- Pets & Animals
- Real Estate
- Recreation
- Retail & Shopping
- Science & Education
- Sports
- Travel & Leisure
- Vintage & Collectibles
- Women's Health
- Women's Interest
- Wine & Spirits
- Workplace
- World News
- Youth & Teen
- Youth & Teen Care
- YouTube
- YouTube Video Category
- Yoga & Fitness
- LGBT
- LGBTQ+ (Gay, Lesbian, Bisexual & Transgender)
- International LGBT
- Aids & HIV
- Alzheimer’s Disease
- Alternative Medicine
- Acupuncture & Chinese Medicine
- Cleansing & Detoxification
- AIDS & HIV
- Alzheimer’s Disease
- Alternative Medicine
- Acupuncture & Chinese Medicine
- Cleansing & Detoxification
- Allergies
- Arthritis
- Cancer
- Cold & Flu
- Diabetes
- Ear Nose & Throat
- Eating Disorders
- Genetic Disorders
- Heart & Hypertension
- Infectious Diseases
- Infections Diseases
- Parasites & Parasitic Diseases
- Infectious Diseases
- Vaccines & Immunizations
- Injury
- Neurological Disorders
- Obesity
- Pain Management
- Headaches & Migraines
- Respiratory Conditions
- Respiratory Conditions
- Asthma
- Skin Conditions
- Sleep Disorders
- Health Education & Medical Training
- Health Foundations & Medical Research
- Medical Devices & Equipment
- Medical Facilities & Services
- Doctors’ Offices
- Hospitals & Treatment Centers
- Medical Facilities & Services
- Medical Procedures
- Medical Tests & Exams
- Medical Facilities & Services
- Medical Procedures
- Surgery
- Medical Facilities & Services
- Physical Therapy
- Medical Literature & Resources
- Medical Photos & Illustration
- Men’s Health
- Mental Health
- Anxiety & Stress
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
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:

<table>
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<tr>
<th>What's his or her first name?</th>
<th>Age</th>
<th>Relationship</th>
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Please select your loved one's current memory symptoms:

- Repeats questions, stories, ideas within minutes (or less)
- Forgets appointments and important tasks
- Leaves self reminder notes
- Forgets difference between public and private behavior (unknowing, caring, etc.)
- Can't notably remember who just visited
- Doesn't reliably remember family, close friends
- Confuses distant memories as having occurred recently
- Can't notably remember what happened yesterday
- Generally not able to retrieve memories of recent distant past
- All memory seems lost, lives in eternal present
- None of these problems.

Now, tell us a little about you:

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<th>What's your first name?</th>
<th>What's your e-mail address? (Required)</th>
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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: Sleep & Stages: Alzheimer's Edition
- Send me occasional updates on new features and special offers from Caring.com and our trusted sponsors.
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?

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Newletters 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

Additional Notes:
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.\textsuperscript{167}

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

Accountability: Detailed Metrics

Daily reporting available for every physician activity

- Clicked on ad
- Viewed a PI
- Performed advanced search
- Contacted a pharmacy
- Called a manufacturer
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

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").

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
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."
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:

- GSK
- GlaxoSmithKline
- Johnson & Johnson
- Berlex
- Roche
- Pfizer
- AAI Pharma
- Meda Pharmaceuticals
- Siemens
- Rite Aid
- Partners Healthcare
- Biomet
- Biotherics

Sampling of Therapy and Focus Areas:

- Radiology
- Psychiatry/Neurology
- Critical Care
- Neurology/Neurosurgery
- HIV
- STDs
- Transplant
- Cardiology
- Endocrinology
- Women’s Health
- Respiratory
- Diagnostics
- Oncology
- Health Information
- Diabetes
- Health Field Sales Support
- Men’s Health
- Pharmacy

Offering Solutions for:

- Hospitals
- Health Information
- DTC—Branded, Unbranded
- Freestanding/HCOR
- Health Intervention
- Lead Generation/CRM/email
- Pharmacy
- Medical Devices, Search, Sales
- Widgets/Mobile
- Research Organizations & Foundations

www.otonehealth.com