

Accountability Program Looks Under Hood of Online Ad Campaign: Self-Regulation Process Ensures Consumers Receive Notice of Interest-Based Ads

Kia Motors America, Initiative, Specific Media, Rocket Fuel, and Microsoft's Atlas Ad Platform Pledge Support, Implementation of Self-Regulatory Principles for Online Behavioral Advertising

Arlington, VA – Oct. 1, 2012 – The Online Interest-Based Advertising Accountability Program (Accountability Program) today released five decisions following inquiries into whether an online interest-based advertising campaign for Kia Motors America (Kia) was consistent with the Self-Regulatory Principles for Online Behavioral Advertising (OBA Principles).

The OBA Principles require that consumers receive notice and choice when served ads based on their prior browsing activity. The Accountability Program determined that certain Kia ads were served without this notice and choice mechanism. Kia responded to the Accountability Program's inquiry by stating that it supports the self-regulatory principles; that it expects (and has expected) its third-party ad networks to serve the Advertising Option Icon (the AdChoices Icon or Icon) to give notice and choice to consumers; and that it is in the process of implementing its own mechanism for providing consumers with notice and choice. Kia said that it would investigate to see whether there was a misunderstanding or miscommunication on this campaign.

In response to the Accountability Program inquiry, Kia has instructed Initiative, its media agency that it expects its third-party ad networks to comply with the OBA Principles, including serving the AdChoices Icon.

Initiative stated that, as instructed by Kia, it was working with advertising networks to ensure that all Kia OBA campaigns going forward would be in compliance with the OBA Principles. Initiative also reiterated its support for the OBA Principles.

In the other decisions released today, the Accountability Program determined that two advertising networks, Specific Media and Rocket Fuel, had served Kia ads without giving consumers notice that they were receiving these ads based on their browsing history, as required under the Principles.

Both companies pledged to begin providing notice immediately on all interest-based ads in the Kia campaign. The Accountability Program found that a third company, Microsoft Advertising's (Microsoft) ad serving platform, Atlas Solutions (Atlas), had acted only as the ad delivery platform and therefore was not covered by the OBA Principles.

These decisions also clarify for all parties in the advertising ecosystem how important it is that they communicate and work together to ensure that consumers are provided with notice and choice, as provided for under the OBA Principles.

“Today’s decisions demonstrate that self-regulation works because of strong oversight and support throughout the industry,” said Genie Barton, Vice President of the Council of Better Business Bureaus and Director of the Accountability Program. The Accountability Program provides objective, independent and vigorous monitoring and enforcement of the OBA Principles, a set of best practices developed by leading advertising trade associations to address consumers’ concerns about interest-based advertising practices. We appreciate the high levels of voluntary compliance demonstrated by all the participants in these inquiries.

The advertising industry’s OBA Principles provide new solutions that address two of consumers’ biggest concerns: their lack of knowledge and control of OBA data collection and interest-based ads. The Transparency Principle provides a way for consumers to “check under the hood” and see when data is being collected for OBA or interest-based ads are being served to them. The Consumer Control Principle gives consumers an easy-to-use opt out if they choose not to participate in OBA. Companies must give consumers notice about interest-based ads as the ad is served, a major innovation and improvement over notices buried in privacy policies. Companies most often provide this notice by placing the AdChoices Icon, a blue forward-facing triangle with an “i” in the middle, inside or near the ad. By clicking on the Icon, a consumer can learn more about OBA and choose whether to opt out. Notice can also be provided by the website operator on every Web page where data is collected for OBA or where an interest-based ad is served.

“Accountability is a key Principle that makes this self-regulatory program stand out. We are here to make sure that consumers can trust that they will have notice and choice about OBA ads delivered to them,” Genie Barton stated. “We believe today’s decisions will serve as a reminder to all companies in the advertising industry about the importance of following the OBA Principles at all times.”

Decisions:

Kia: Kia responded to the Accountability Program that it supports the OBA Principles and uses the AdChoices Icon on its interest-based campaigns. Further, as part of its response, Kia instructed its media agency to ensure that all ad networks involved in any OBA campaign comply with the OBA Principles. The Accountability Program is pleased with Kia’s prompt action and commends Kia for taking steps to clarify its support of the OBA Principles to its agency and ad network partners.

Initiative: In response to the Accountability Program’s formal inquiry, Initiative confirmed that it has acted as Kia’s media agency. Initiative also stated that it supports the OBA Principles and has taken steps to educate clients such as Kia of the self-regulatory program. Finally, Initiative stated that it is working closely with Kia to help Kia ensure that all Kia campaigns are compliant with the OBA Principles going forward. Microsoft Advertising: Microsoft’s ad serving platform, Atlas, was used to deliver ads for the Kia campaign in question. However, Microsoft neither collected nor supplied data for OBA purposes for the Kia campaign; it only provided the ad serving technology.

Therefore, Microsoft's role in the Kia campaign falls outside the OBA Principles' definition of OBA.

Specific Media: The Accountability Program found that Specific Media was serving interest-based ads for a Kia campaign without enhanced notice and choice. Specific Media stated that it typically uses the AdChoices icon, unless instructed to do otherwise, as it was in this case. Specific Media stated that it as a backstop it contractually requires its publisher partners to provide notice on every Web page where data is collected or an OBA ad served and that it believed that this was sufficient to comply with the OBA Principles. The Accountability Program found the practices Specific Media instructed its publisher partners to follow did not fully satisfy the requirements of enhanced notice. Specific Media has agreed to provide enhanced notice on all OBA ads in future by using the AdChoices Icon and/or ensuring that its publisher partners provide enhanced notice that complies with the Transparency Principle.

Rocket Fuel: Rocket Fuel was found to be out of compliance with the Transparency Principle because it was not providing enhanced notice on interest-based ads served as part of a Kia campaign. The company explained that it provides enhanced notice on OBA ads through the AdChoices Icon, but had been requested not to do so in this instance. Rocket Fuel has committed to ensuring the AdChoices Icon is served on all interest-based ads going forward. Rocket Fuel has also undertaken to educate its sales team and clients about the benefits of compliance with the OBA Principles. The company stated that compliance on all OBA ad campaigns is company policy.

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The Accountability Program's inquiries were conducted under Online Interest-Based Advertising Accountability Program Procedures which are available at <http://www.asrcreviews.org/wp-content/uploads/2012/04/OBA-Procedures2.pdf>

About Advertising Industry Self-Regulation: ASRC establishes the policies and procedures for advertising industry self-regulation, including the National Advertising Division (NAD), Children's Advertising Review Unit (CARU), National Advertising Review Board (NARB), Electronic Retailing Self-Regulation Program (ERSP) and Online Interest-Based Advertising Accountability Program (Accountability Program). The self-regulatory system is administered by the Council of Better Business Bureaus. Self-regulation is good for consumers. The self-regulatory system monitors the marketplace, holds advertisers responsible for their claims and practices and tracks emerging issues and trends. Self-regulation is good for advertisers. Rigorous review serves to encourage consumer trust; the self-regulatory system offers an expert, cost-efficient, meaningful alternative to litigation and provides a framework for the development of a self-regulatory solution for emerging issues. To learn more about supporting advertising industry self-regulation, please visit us at: www.advertisingselfregulation.org.