



RIGHT SIDE OF THE TRACKS

Digital marketing of healthcare products is under assault. Pharma must up transparency and educate the public about the robust consumer privacy safeguards in place, writes **Lisa Flaiz**

Misperceptions and concerns over online privacy have led advocacy groups to take aim at advertisers. In fact, Congress is considering do-not-track legislation for web browsers that would allow users to opt out of extensive data collection by internet firms. For this reason, the current focus on privacy in the digital space may have a substantial impact on marketers.

The healthcare industry specifically has been a top focus for consumers. Last year, in a 144-page brief filed with the FTC that reads like a who's who in pharma marketing, four public-interest parties—the Center for Digital Democracy (CDD), Consumer Watchdog, World Privacy Forum and US PIRG—challenged the agency to investigate charges that healthcare marketers such as WebMD, HealthCentral, QualityHealth, major pharmaceutical companies and more have “unleashed an arsenal of techniques to track and profile consumers” in an unfair and deceptive manner.

The FTC filing paints what many consider to be balanced, sophisticated and reasonable marketing approaches as not only risking consumer privacy, but also the public health at large. According to the filing: “Health consumers are being told that by using digital media services, they have become empowered ‘e-patients,’ but they are not being informed about the privacy and potential health risks connected with the use of digital marketing of pharmaceutical and health products.”

In addition to urging the FTC to issue a report and recommendations “designed to inform consumers and health professionals

of the issues raised by interactive ads for medical products and services,” on the last few pages of the brief, the CDD has a long list of specific requests that ranges from examining and analyzing the data collection and usage practices of pharmaceutical advertisers to obtaining a list of keywords used for paid search campaigns by pharma companies, and many points in between.

The industry has publicly defended the point of view, supported by data, that there are clear public health benefits for healthcare providers and patients to be able to access truthful, scientifically accurate and FDA-regulated information about medicines, online, from the companies that research and develop them.

The web is constantly evolving. To keep its technology up-to-date, so must the marketing and advertising industry. Advertisers strive to reach consumers with the most relevant messages during their online activities, enhancing user experiences. The difference is, drug companies and health information sites require the highest forms of consumer-oriented transparency, meaningful disclosure and user control.

Greater responsibility and leadership is required in the healthcare field, in order to ensure that online promotion serves patients and healthcare consumers appropriately. The challenge we face as healthcare marketers, as clearly stated in PhRMA’s response to an FTC preliminary staff report, is “to promote the free flow of information that has been vital to the development of medical interventions while appropriately safeguarding the privacy of healthcare consumers.”

Privacy matters

In today’s digital economy, consumer information is more important than ever. Advertisers are able to accomplish relevancy for consumers by using a number of advanced targeting techniques. One such technique, behavioral targeting (BT), is used by advertisers and online publishers to increase the effectiveness of their campaigns. BT helps deliver relevant online ads to those most likely to be influenced or to take an action, lowering interruptions from non-relevant ads.

Groups concerned about privacy object to the data collection, particularly a lack of transparency. There is still work to be done to improve transparency and to develop understandable and prominent privacy statements that clearly explain the collection and use of consumer data. But critics of these types of marketing techniques feel that pharma should not be afforded the same rights to advertising free speech and marketing as other industries. The industry faces the same criticisms here as it does with regard to offline DTC—that these powerful marketing techniques drive artificial interest, increase drug costs and subject the consumer to subconscious influence.

To this, industry has already proven that access to the information provided by DTC efforts helps to educate consumers to make better healthcare decisions. As people go online to find health information in unprecedented numbers, HCPs, researchers and pharmas alike are providing more information via online tools. Given the value of healthcare information that can be provided by marketers and the increased reliance on the internet, is it not our responsibility to deliver information in the most targeted, relevant way possible?

The counterargument

The opposing point of view is that utilizing these tools—which are available to every industry and which help generate highly targeted, more effective advertising—is inappropriate in a sensitive area such

as healthcare because of the heightened privacy concern. Critics also charge that more effective advertising in general, aimed at shifting the perceptions or behavior of the most “qualified” audience, should not be a goal since it doesn’t benefit the consumer or patient, and potentially even puts them at risk.

However, as PhRMA and its member companies have long recognized and verified, the benefits from the free flow of health information do not have to come at the expense of consumers’ privacy: “Because we understand that consumers have heightened expectations of privacy when it comes to information about their health, we hold ourselves to higher standards in order to protect their privacy.”

Accordingly, pharma companies have incorporated robust privacy protections into the research, development and marketing of their products. The privacy framework in place is HIPAA. No healthcare company collects specific data from the internet unless a patient has raised their hand and specifically opts into a relationship-management program. None. There are many industries that do collect personally identifiable information—even regulated ones. Credit card companies offer consumers specific promotions based on where they live and shop, their income, etc.

Pharma is not leveraging the data in this way. PhRMA has stated, “the collection of consumer health information, both on- and offline, is vital to R&D, tracking drug resistance patterns, and disease progression, compliance with FDA information requirements, correlating patient compliance with specific outcomes, and aiding law enforcement. Important as this is, however, PhRMA’s member companies collect and use consumer information only for limited purposes... and take steps to protect consumer privacy by, for example, anonymizing data and providing reasonable security for any data collected.”

But, despite industry efforts to self-regulate online advertising, the FTC is continuously urged by consumer advocacy groups to develop more aggressive online privacy policies and practices. Industry associations are working to respond to consumer concerns by striving to clarify how online targeting is utilized.

Integrity rises

In today’s digital economy, consumer information is more important than ever. Companies are using this information in innovative ways to provide consumers with new and better products and services. Many of these companies manage consumer information responsibly.

But in healthcare, where information is sensitive and regulations rigid, the integrity of the industry rises above all other verticals. Pharmaceutical manufacturers provide a significant amount of health, medical and pharmaceutical information to HCPs, patients and caregivers, both through traditional, offline means and online. Given these important public-health activities, it is important for pharma companies to be able to evaluate the effectiveness of different routes of communication and to make use of appropriate methods to make health-related information accessible and available.

At the same time, this industry recognizes that effective privacy policies and practices are essential to protect individuals who make use of such resources or may be exposed to such tools. Pharma will continue to advocate for and support the development of a privacy structure that protects and enhances the flow of information from manufacturers to patients and their caregivers. ■

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