

**ADVERTISING SELF-REGULATORY COUNCIL/COUNCIL OF BETTER
BUSINESS BUREAUS**

ONLINE INTEREST-BASED ADVERTISING ACCOUNTABILITY PROGRAM

**ADMINISTRATIVE CLOSURES
Case Numbers 47-2015, 48-2015**

DATE: May 14, 2015

CONSOLIDATED ADMINISTRATIVE CLOSURES

IN RE CASE NUMBERS 47-2015, 48-2015

Summary:

The Online Interest-Based Advertising Accountability Program (Accountability Program) has exercised its discretion under its Procedures¹ to close reviews of two companies whose websites did not provide the requisite statement of adherence to the Digital Advertising Alliance (DAA) Self-Regulatory Principles for Online Behavioral Advertising (Principles). The decision to close these formal reviews was based on the following four factors: 1) each of the websites had achieved full compliance with all other requirements of the applicable Principles; 2) the websites' adherence to the Principles was clear, despite lacking a formal declaration of adherence; 3) the requirement of a statement of adherence from websites was first introduced in the Principles and therefore was not a well-understood and standard best practice; and, 4) each company promptly added the formal statement of adherence to achieve full compliance, as soon as it understood the requirement to do so.

Background:

As part of its enforcement duties, the Accountability Program reviews and investigates consumer complaints regarding interest-based advertising (IBA). If, the Accountability Program's preliminary investigation confirms a compliance issue, the Accountability Program may initiate a formal inquiry. When determining whether to initiate any formal action, the Accountability Program may determine that an administrative closure is the most appropriate method for disposing of the matter. The two cases at issue here meet the Accountability Program's criteria for administrative closure.

In the instant cases, the companies provided compliant disclosures of their own IBA practices, as well as enhanced notice where required. The companies also offered working consumer control

¹ The Accountability Program Procedures are available at <http://www.ascreviews.org/wp-content/uploads/2012/04/OBA-Procedures2.pdf>.

mechanisms. However, these companies did not realize that, in addition to fulfilling these substantive requirements, the Principles also require a clear and prominent statement of adherence for full compliance. The Accountability Program believes that the statement of adherence is a vital and essential element of full compliance. However, in light of the following four factors, the Accountability Program has decided to exercise its discretion to close these cases without a formal disposition as the appropriate allocation of its resources:

- 1) each of the websites had achieved full compliance with all other requirements of the applicable Principles;
- 2) the websites' adherence to the Principles was clear, despite lacking a formal declaration of adherence to the Principles;
- 3) the requirement of a statement of adherence from websites was established by the Principles and therefore was not a previously established or well-understood best practice; and,
- 4) each company promptly added the formal statement of adherence to achieve full compliance as soon as it understood the requirement to do so.

Disposition:

Administratively closed.