

Friday, April 11, 2008

Ms. Jessica Rich  
Federal Trade Commission  
Room H-135 (Annex N)  
600 Pennsylvania Avenue, NW  
Washington, DC 20580

**Via Electronic Mail and Overnight Delivery**

Ms. Rich:

Thank you for the opportunity to comment on the Federal Trade Commission's ("FTC") proposed *Online Behavioral Advertising - Moving the Discussion Forward to Possible Self-Regulatory Principles*. We applaud the efforts of the FTC in recognizing the importance and benefits of behavioral marketing to consumers and look forward to participating in the process of potentially creating self-regulatory principles.

*About AdShuffle:*

Our company, AdShuffle, was created in 2005 and is an innovative ad serving solution for advertisers and publishers. AdShuffle's unique interface integrates both advertiser and publisher solutions within the same system to provide real-time custom reporting, creative landing page optimization and remarketing, as well as advanced inventory management and forecasting.

AdShuffle realizes that online advertising gives more precise and immediate results than any other type of advertising, thereby allowing advertisers to more effectively spend their advertising dollars and ultimately lower cost to consumers. When companies are able to maximize and streamline their advertising budgets, they are able to lower costs for consumers. In order to do this, companies must be able to study the behavioral patterns of their potential customers in a safe, secure, and well-protected environment.

*FTC Proposed Principles:*

- (1) Transparency and consumer control – Given the wide range of companies using behavioral marketing to provide the best products and services for their customers, we would like to encourage the FTC to continue working with industry on reasonable transparency policies that are not too prescriptive. Consumers enjoy the benefits of behavioral marketing strategies, which can act as a filter for already flooded inboxes and WebPages. By understanding what the consumer wants and needs, a consumer can have advertisements served to them that will provide direct benefits and allow quicker access to the products and services they desire. As a result, the consumer will not be digging through a mass of mostly irrelevant advertisements and e-mails.
- (2) Reasonable security and limited data retention – We appreciate that the proposed principle differentiates the different types of data that a company collects and retains. We further encourage the FTC to differentiate between information collected that poses little risk to the consumer versus information that could harm the consumer if breached or sold/released. We respectfully request that the FTC pay careful consideration to this issue and work with industry on not only defining the terms, but developing reasonable data retention regulations that protect small businesses that utilize this type of marketing.
- (3) Affirmatively express consent for material changes to existing privacy promises – Disclosure is a common tool in communicating with consumers, and we support ensuring our consumers stay well-informed on how a company protects their privacy. Again, we encourage the FTC to remain mindful of the difference between informative disclosure of updates in privacy policies and disclosures that will overburden the consumer. Also, we strongly urge the FTC to consider electronic notifications as sufficient for informing consumers of updated privacy policies.
- (4) Affirmatively express consent to (or prohibition against) using sensitive data for behavioral advertising – We encourage the FTC to work with industry on narrowing the scope of this very broad proposed principle. Many consumers appreciate the ease

of finding a product or service advertised to them based on their search terms. Many find communities and resources they would not have easily found had they not been offered the advertising option based on their search. While we understand the concern, there are consumers that appreciate and welcome this service, and it would be unfair not to consider these individuals' needs. We need to be considerate of and balance the needs of all Internet consumers.

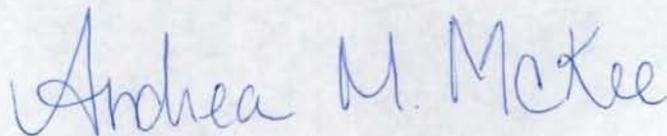
- (5) Call for additional information: using tracking data for purposes other than behavioral advertising – Reiterating an earlier point, we believe the definition of behavioral advertising has to be clarified first. Once the definition is clear, we must bear in mind things the customer appreciates and prefers. We commend the FTC for recognizing that many secondary uses of data benefit the consumer in a variety of ways.

### *Conclusion*

Once again, we appreciate the opportunity to comment on the Commission's proposal and commend you for continued efforts in addressing privacy concerns for consumers. We look forward to working with the Commission in preparing principles that protect the public while also allowing the consumer to receive the best possible products and services from the businesses that serve them.

Thank you for your consideration of our comments. Should you have any questions or need additional information, please do not hesitate to contact Terra Gray McClelland, AdShuffle, via e-mail at [terra.mcclelland@adshuffle.com](mailto:terra.mcclelland@adshuffle.com).

Yours respectfully,



Andrea McKee  
President  
AdShuffle