

# Native Advertisements Must Comply with Rules for Online Behavioral Advertising

JANUARY 6, 2015

The Online Interest-Based Advertising Accountability Program (Accountability Program) recently issued a compliance warning to companies promoting products online through native advertising campaigns. Native advertising campaigns are those that are designed to blend into the websites on which they appear, and are thus more likely to be read by visitors.

The FTC has already indicated that these ads will often need to be labeled, in particular when it is unclear that the content is an advertisement. The NAD brought a case enforcing this principle last year, and the Accountability Program has joined the fray. It has reminded companies that they must adhere to the Digital Advertising Alliance's Self-Regulatory Principles for Online Behavioral Advertising, which require notice and the ability to opt out of behaviorally served ads.

In particular, if companies "personalize[] [native ads] for consumers based on their prior browsing across websites," they must provide in-ad notice of the use of OBA. The in-ad notice should link to an opt-out mechanism (i.e., the process available at [www.aboutads.info/choices](http://www.aboutads.info/choices)) as well as more information about the use of OBA. The Accountability Program has warned that enforcement of OBA in the native advertising context will begin in January 2015.

**TIP: Companies that personalize native advertisements based on a user's browsing behavior across multiple websites or publish such native ads should ensure that they have proper notice and opt-out procedures in place.**

1 Min Read

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