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January 26, 2022

VIA ELECTRONIC SUBMISSION

The Honorable Lina Khan, JD

Chair

Federal Trade Commission

600 Pennsylvania Avenue, NW

Washington, DC 20580

RE: **Docket No. FTC-2021-0070**, "Petition for Rulemaking: Accountable Tech"

Dear Chair Khan:

On behalf of the American Academy of Pediatrics (AAP), a non-profit professional organization of 67,000 primary care pediatricians, pediatric medical subspecialists, and pediatric surgical specialists dedicated to the health, safety, and well-being of infants, children, adolescents, and young adults, I write in support of the rulemaking petition filed by Accountable Tech requesting the promulgation of regulations to prohibit surveillance advertising. This practice, also referred to as targeted or data-driven behavioral advertising, poses real harms to children, adolescents, and families, and swift regulatory action is needed to address it.

Today's children and adolescents are growing up immersed in a digital world that spans their school, social, and home lives. Research conducted prior to the COVID-19 pandemic has shown that young people are spending more time online than ever before and that a significant share of children and adolescents have their own smartphone or tablets.ⁱ One Pew Research Center survey showed that nearly half of teens say they use the internet "almost constantly."ⁱⁱ The dramatic changes to daily life experienced by families during the pandemic, in which many day-to-day activities went online, is likely to have exacerbated these trends. This reality increases families' exposure to data-driven behavioral advertising.

It has become increasingly clear from experience that the current digital ecosystem is not developmentally appropriate, nor is it working for families. Pediatricians counsel an approach to digital media that centers moderation in device use, high-quality content, and active engagement from users. However, families face huge headwinds using technology platforms designed to maximize profit and user engagement, goals at odds with a developmentally appropriate approach to technology. This business model, which depends on the collection and monetization of vast quantities of data from children, adolescents, and their parents to inform commercial goals, is undergirded by data-driven behavioral advertising.

Despite limitations on the collection of data from young children enshrined in the Children's Online Privacy Protection Act (COPPA), this practice has accelerated largely unabated for children of all ages. Enabled by an internet connection, companies can contact, track, and influence users, as guided by behavioral data collection, essentially a user's digital trail of location, activities, in-app behavior, likes, and dislikes.ⁱⁱⁱ These data contribute to a digital profile shared among many companies that can be used to make advertising messages more effective and technology platforms more successful.

Data-brokering services are highly complex, using evolving algorithms across multiple platforms, with business practices that are intentionally opaque, which even adults do not fully understand.^{iv} A report examining the so-called "datafication" of children concluded that school-aged children up to teenagers do not comprehend the full complexity of how digital data are collected, analyzed, and used for commercial purposes.^{v vi}

Research indicates that the use of data to target children and adolescents with highly personalized behavioral advertising is not developmentally appropriate due to immature critical thinking skills and lower impulse inhibition. Younger children have limited ability to understand the persuasive intent of an advertiser, meaning they do not realize someone else is trying to change their thoughts and behavior through the messages being shared with them.^{vii} As children get older, they begin to understand this key element of advertising, but they still lack the abstract thinking skills to understand the purpose of advertising as a commercial tool into early adolescence. Even when older adolescents are able to recognize advertising, the practices that commonly characterize data-driven behavioral advertising make it difficult to resist because the part of the brain responsible for impulse control is not yet fully developed. For instance, targeted ads are often embedded within trusted social networks, encouraged by celebrity influencers, or delivered next to personalized content that encourage rash decisions. In short, the use of data-driven behavioral advertising exploits young people's developmental predispositions for commercial gain.

Data-driven behavioral advertising can also take advantage of significant vulnerabilities that children and their parents may not even be aware of themselves based on the insights gleaned from data sources integrated across multiple platforms. These vulnerabilities can include mood dysregulation and executive function weaknesses, impulsive play and financial risk, learning abilities, and health diagnostic information. For example, young people or parents with mental health conditions can be targeted with ads for unproven treatments that are medically inappropriate. The use of data in this way to target children and parents is both unethical and manipulative. As pediatricians, we care about parent mental, financial and overall wellbeing because they are intricately tied to children's outcomes.

Additionally, these practices can also expose children, adolescents, and families to age-inappropriate, harmful, and extreme content, such as hate speech or violent content. Pediatricians are particularly concerned about misleading health information and pseudoscience that is shared online and makes work with families more challenging. The widespread availability of this information online reinforces unproven or fringe therapies, exacerbates vaccine hesitancy, and hampers the adoption of public health measures, an especially acute concern during the COVID-19 pandemic. It is important to note that the distinction between targeted advertising and content served up to users by algorithms based on that data is not always clear, and harmful content may be found in a targeted ad or other content. Furthermore, data-driven behavioral advertising and the complex algorithms that underlie it enable this harmful information to be targeted to children and families that may already be skeptical of scientific expertise, hardening their opposition to safe, effective medical and public health interventions.

Data-driven behavioral advertising may also exacerbate health disparities. Though recent data are limited, it appears that communities of color are disproportionately targeted ads for unhealthy products that worsen health. Studies have also shown that Black, Latinx, and American Indian youth are exposed to alcohol content via social media, banner ads, and video ads at disparately high rates.^{viii, ix, x} Based on experience with traditional advertising demonstrating that tobacco products and unhealthy foods are advertised to communities of color more frequently, these initial findings are not surprising. Because targeted advertising also results in different products being advertised to different populations, it can serve as a powerful tool to accentuate existing disparities.

Parents themselves broadly disapprove of data-driven behavioral advertising. In a recent study currently in preparation, 73 percent of parents of young children interviewed about media design and parenting reported they did not like how much technology companies know about them or the ways this influences what ads they see.^{xi} When asked for their reaction to these practices, parents broadly agreed that the practice was troubling. One parent expressed discomfort that targeted advertising influences "the kind of people [her daughter] sees, the things that they want her to like or how they want her to feel about herself." Overall, parents felt that the constant barrage of advertisements and sales pitches online were contributing to a heavy "cognitive load" while using media, which reduced the benefits they receive (for example, parenting support on social media) and made them more exhausted. This, in turn, can negatively impact positive parenting.

For the reasons laid out above, the AAP published a policy statement in 2020 calling for a ban on all data-driven behavioral advertising to all individuals under the age of 18, in addition to other policy protections necessary to promote the well-being of children and adolescents by addressing the harms posed by the online world.^{xii} We urge the Federal Trade Commission to undertake a rulemaking process that protects children, adolescents, and their parents by ending this harmful practice. If you have any questions, please contact Matt Mariani at mmariani@aap.org. Thank you.

Sincerely,



Moira Szilagyi, MD, PhD, FAAP
President

MAS/msm

ⁱ Rideout, V., & Robb, M. B. (2020). The Common Sense census: Media use by kids age zero to eight, 2020, available at https://www.common sense media.org/sites/default/files/uploads/research/2020_zero_to_eight_census_final_web.pdf

ⁱⁱ Pew Research Center, May 2018, "Teens, Social Media & Technology 2018," available at <https://www.pewresearch.org/internet/2018/05/31/teens-social-media-technology-2018/>

ⁱⁱⁱ Jenny Radesky, Yolanda (Linda) Reid Chassiakos, Nusheen Ameenuddin, Dipesh Navsaria, Council on Communications and Media; Digital Advertising to Children. *Pediatrics* July 2020; 146 (1): e20201681. 10.1542/peds.2020-1681

^{iv} Yao Y, Lo Re D, Wang Y. Folk models of online behavioral advertising. In: *Proceedings of the 2017 ACM Conference on Computer Supported Cooperative Work and Social Computing*; February 25–March 1, 2017; Portland, OR

^v Livingstone S, Stoilova M, Nandagiri R. *Children's Data and Privacy Online: Growing up in a Digital Age*. An Evidence Review. London: London School of Economics and Political Science; 2019

^{vi} Gelman SA, Martinez M, Davidson NS, Noles NS. Developing digital privacy: children's moral judgments concerning mobile GPS devices. *Child Dev.* 2018;89(1):17–26

^{vii} John DR. Consumer socialization of children: a retrospective look at twenty-five years of research. *J Consum Res.* 1999;26(3):183–213.

^{viii} Jernigan DH, Rushman AE. Measuring youth exposure to alcohol marketing on social networking sites: challenges and prospects. *J Public Health Policy.* 2014;35(1):91–104

^{ix} D'Amico EJ, Martino SC, Collins RL, et al. Factors associated with younger adolescents' exposure to online alcohol advertising. *Psychol Addict Behav.* 2017;31(2):212–219

^x Alaniz ML, Wilkes C. Pro-drinking messages and message environments for young adults: the case of alcohol industry advertising in African American, Latino, and Native American communities. *J Public Health Policy.* 1998;19(4):447–472

^{xi} Radesky JS, et al. Technology designs that support or undermine family wellbeing. In preparation.

^{xii} Jenny Radesky, Yolanda (Linda) Reid Chassiakos, Nusheen Ameenuddin, Dipesh Navsaria, Council on Communications and Media; Digital Advertising to Children. *Pediatrics* July 2020; 146 (1): e20201681. 10.1542/peds.2020-1681