

Settlement prohibits company from sending mobile anti-abortion ads to women entering abortion clinics

If a woman walks into an abortion clinic, her cellphone might know that. And a Massachusetts-based company has the ability to use that data to target anti-abortion advertisements to her phone.

Under a settlement Attorney General Maura Healey announced Tuesday, the digital advertising company Copley Advertising will be prevented from targeting women entering reproductive health facilities in Massachusetts with ads.

"While geofencing can have positive benefits for consumers, it is also a technology that has the potential to digitally harass people and interfere with health privacy," Healey said in a statement. "Consumers are entitled to privacy in their medical decisions and conditions."

Geofencing is the practice of creating a virtual "fence" around a location. When a person enters the fenced area, an advertiser will display an ad in an application or web browser on that person's phone tailored to that location. For example, an advertiser can send customers coupons for a particular store.

In this case, Copley Advertising set up fences around reproductive health centers and methadone clinics in Columbus, Ohio, New York City, Pittsburgh, Richmond, Virginia, and St. Louis. Women entering the health centers were targeted with ads that took them to a website with information about alternatives to abortion.

The technology publication Rewire reported that John Flynn of Brookline started the company in 2015 and solicited companies that oppose abortion rights as his clients. According to Rewire, the practice appears to be legal, although some digital marketing experts told the publication that they considered it unethical.

Copley Advertising has not done similar targeting in Massachusetts.

The settlement announced by Healey and filed in Suffolk Superior Court will prohibit Copley Advertising from targeting women entering Massachusetts health care facilities. Healey said her office had been investigating whether the company's practices would violate state consumer protection laws.

Healey announced the settlement the same day she held a panel discussion about geofencing at the Facebook offices in Cambridge.

By: Shira Schoenberg