

United States of America

[DATE]

Via Federal Express

[NAME] [ADDRESS]

> Re: Deceptive or Unfair Acts or Practices Relating to the Marketing or Advertising, Including Lead Generation, of Health Insurance and Healthcare-Related Products

Dear [NAME]:

The Federal Trade Commission ("FTC" or "Commission") is an independent federal agency whose mission is to protect the public from deceptive or unfair business practices and from unfair methods of competition through law enforcement, regulation, advocacy, research, and education. As part of that mission, we work to educate marketers and businesses about their rights and responsibilities, and where necessary, initiate investigations and enforcement actions against alleged wrongdoers.

It has come to our attention that companies that provide marketing or advertising, including lead generation, related to <u>Affordable Care Act Marketplace</u> health insurance and healthcare-related products, such as limited benefit plans or medical discount programs, may be violating the FTC Act and rules enforced by the Commission.

Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), prohibits several types of deceptive claims that have been made by marketers or advertisers, including lead generators, of health insurance and healthcare-related products, which have been the subject of consumer complaints. These include but are not limited to:

misrepresenting the benefits included in a healthcare-related product, including any insurance benefits;

E.D.N.Y. No. 1:2010-cv-03551 (settlements ordering telemarketing operation to pay \$7 million in refunds to consumers who paid for medical discount plans pitched with false claims about their benefits, including that the plans were affiliated with state-sanctioned healthcare programs, or were qualified health insurance plans under the Patient Protection and Affordable Care Act).

FTC staff is not singling out your company or suggesting that you have engaged in illegal conduct. We are widely distributing similar letters to other companies engaged in marketing and lead generation efforts related to health insurance and healthcare-related products. You should conduct a comprehensive review of your marketing and advertising practices—including paid or other online ads, as well as representations made on your websites, on social media, in other promotional materials and communications, and through third-party distributors, marketing affiliates, and sales agents—to ensure that you are not engaging in deceptive or unfair conduct. This lattenthexter?efcois)troeintgroded7t6 bat)a7t(ci30 (def3 1(d):301 (a)-8 (1204(1)ot1(t):4)(d:C(h)Fd) (20(om))33(u)=351(d):