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University of Houston Law Center professor examines \$3 billion fertility industry

Internet marketing stresses ‘miracle’ of birth over costs and success rates

Nov. 29, 2012 -- Infertility is big business in the United States. Couples eager to conceive feed a growing, largely unregulated fertility industry that grosses more than \$3 billion a year. Professor Jim Hawkins of the University of Houston Law Center has undertaken the first empirical study of how fertility clinics market themselves on the Internet – what they emphasize and what they leave unsaid.

It might be assumed that would-be parents involved in the often lengthy and always costly process of assisted conception would be most interested in success rates and cost. But Hawkins found only 56 percent of the 372 clinics with websites posted their success rate on their “Home” or “About” pages and only 55 percent of them made any mention of price. “The fact that clinics do not list prices really increases the costs people face when they search for the best clinic,” he said. “Patients have to call the clinics or even visit to get pricing information. Coupled with the fact that clinics bundle the treatments they provide into packages differently, it makes price comparisons very difficult.”

Hawkins also explored the use of emotive selling points such as pictures of beautiful babies and the words “miracle” and “dream” as well as the role race plays in fertility advertisements. “My research found that 97.28 percent of the websites that contain pictures of babies have pictures of white babies, and 62.93 percent have pictures of *only* white babies,” he said. “Finally, I found that racial minorities are not represented among the fertility doctors themselves. If members of racial minorities do not see clinics as welcoming, it could be a serious barrier to accessing fertility care.”

Hawkins concluded by recommending tighter governmental regulations and greater diligence by the industry itself in policing its own members.

“I hope the research will encourage legislators to take a closer look at this industry because the industry’s attempts to regulate itself have not been successful,” Hawkins said. “When over half the industry fails to follow basic advertising rules, the time has come for the government to take a more active role in policing misconduct.”

Hawkins’ research will be published in an upcoming edition of the *Indiana Law Journal*.

To schedule an interview with Professor Hawkins about his study and the business of making babies, contact Carrie Criado, UH Law Center Executive Director of Communications and Marketing, 713-743-2184, cacriado@central.uh.edu; or John T. Kling, UH Law Center Communications Manager, 713- 743-8298, jtkling@central.uh.edu.

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