Date of Hearing: June 16, 2026
Fiscal: Yes

ASSEMBLY COMMITTEE ON PRIVACY AND CONSUMER PROTECTION
Rebecca Bauer-Kahan, Chair
SB 1050 (Ashby) – As Amended June 11, 2026

**SENATE VOTE**: 38-0

**SUBJECT**: False advertising: synthetic performers

## SYNOPSIS

*Rapid advances in artificial intelligence (AI) have enabled the creation of life-like digital "performers" that can compete for roles with their human counterparts. While this Committee has considered legislation addressing "digital replicas" – digital versions of actual performers – existing law does not address "synthetic performers," which do not correspond to any actual human. The most prominent example is "Tilly Norwood," a fully AI-generated synthetic "actress" created in 2025. Tilly has a social media following, was signed by a talent agency, profiled in* The New York Times*, and has featured in multiple advertisements and videos. Her creator hailed her as the next Scarlett Johansson or Natalie Portman, leading to a swift backlash in Hollywood.*

*This bill, sponsored by the Screen Actors Guild (SAG-AFTRA), requires creators of advertisements containing synthetic performers to include clear and conspicuous disclosures that a performer is synthetic. The bill prohibits an advertising medium from transmitting, distributing, displaying, airing, or otherwise making available an advertisement containing a synthetic performer if a court has issued an order finding the advertisement violates the bill and the advertising medium is served with the order and information reasonably sufficient to identify the advertisement. A violation of this bill's requirements constitutes a violation of the False Advertising Law (FAL) and may be enforced through the Unfair Competition Law (UCL).*

*The bill is supported by the California Federation of Labor Unions, AFL-CIO, the California Institute for Technology & Democracy, and TechEquity Action. They argue the bill enhances transparency and trust for consumers while protecting human performers.*

*The California Broadband & Video Association; the California Chamber of Commerce; the Computer and Communications Industry Association; the Motion Picture Association; and TechNet take an oppose unless amended position. Recent amendments respond to some of their concerns by clarifying the bill and making its disclosure requirements less prescriptive. The amendments also add audio advertisements and align the bill more closely with a related measure – SB 1146 (Gonzalez), which would create disclosure requirements for the use of synthetic performers and digital replicas in health care advertisements.*

*If passed by this Committee, the bill will be re-referred to the Arts, Entertainment, Sports, and Tourism Committee, and to the Judiciary Committee.*

**EXISTING LAW**:

1) Provides that any person who knowingly uses another's name, voice, signature, photograph or likeness, in any manner, on or in products, merchandise, or goods, or for the purposes of advertising or selling, or soliciting purchases of, products, merchandise, goods or services, without such person's prior consent, is liable for statutory damages, actual damages, lost profits, punitive damages, and attorney's fees and costs. (Civ. Code § 3344(a).)

2) Beginning August 2, 2026, requires a covered provider to include a latent disclosure in AI-generated image, video, or audio content, or content that is any combination thereof, created by the covered provider's GenAI system that, to the extent technically feasible and reasonable, conveys the name of the covered provider, the name and version number of the GenAI system that created or altered the content, the time and date of the content's creation or alteration, and a unique identifier, either directly or through a link to a permanent internet website. (Bus. & Prof. Code § 22757.3.)

3) Beginning January 1, 2028, requires a capture device manufacturer to, with respect to any capture device the capture device manufacturer first produced for sale in the state on or after January 1, 2028, provide a user with the option to include a latent disclosure in content captured by the capture device, and to embed latent disclosures in content captured by the device by default.

4) Establishes the FAL, which proscribes making or disseminating any untrue or misleading statements in connection with advertisements. (Bus. & Prof. Code § 17500 *et seq*.)

5) Establishes the UCL, which provides a statutory cause of action for any unlawful, unfair, or fraudulent business act or practice and unfair, deceptive, untrue, or misleading advertising. (Bus. & Prof. Code § 17200 *et seq.)*

**THIS BILL**:

1) Makes certain findings and declarations.

2) Defines:

    a. "Advertisement" as any audio, video, or audiovisual message, statement, audiovisual recording, digital communication, or other representation disseminated in any manner or by any means, including through online platforms, that is intended to induce, or that is reasonably expected to induce, the purchase of goods or services, as specified.

    b. "Advertising medium" as any broadcast station, cable operator, multichannel video programming distributor, online platform, streaming service, digital advertising network, publisher, or other person or entity that distributes, displays, transmits, or makes available an audio or audiovisual advertisement to consumers in this state. Excludes entities not capable for removing, disabling access to, or ceasing further dissemination of an advertisement.

    c. "Clear and conspicuous disclosure" as a disclosure that is difficult to miss, easily understandable, and presented in a manner that a reasonable consumer would notice, read, and comprehend, taking into account the medium, format, and context in which the advertisement appears.

d. "Generative artificial intelligence" means an artificial intelligence system that can generate derived synthetic content, such as text, images, video, and audio, that emulates the structure and characteristics of the system's training data.

e. "Synthetic performer" as a human-like digital figure, voice, or representation created in whole or in part using GenAI, that creates the impression that the asset is engaging in an audio, audiovisual, or visual performance of a human performer who is not recognizable as any identifiable natural performer.

3) Makes it unlawful for any person to create and cause to be published in an advertising medium that includes a synthetic performer without a clear and conspicuous disclosure that the performer is synthetic. Such disclosures must use wording substantially similar to "this performance features a synthetic digital performer," or "no human performer is depicted."

4) Provides that the bill is not intended to do any of the following:

a. Restrict or prohibit the creation, distribution, or exhibition of synthetic content.

b. Regulate the expressive or informational content of an advertisement.

c. Affect or limit rights available under other laws concerning deceptive, unfair, or misleading business practices.

d. Apply to advertisements for expressive works, including, but not limited to, motion pictures, television programs, streaming content, documentaries, video games, or other similar audio or audiovisual works, provided that the use of a synthetic performer in the advertisement or promotional material is consistent with its use in the expressive work.

e. Apply to an advertisement in which the use of the GenAI solely involves the language translation of a human performer.

5) Prohibits an advertising medium from transmitting, distributing, displaying, airing, or otherwise making available an advertisement containing a synthetic performer if a court has issued an order finding the advertisement violates the bill and the advertising medium is served with the order and information reasonably sufficient to identify the advertisement. Upon receipt of such an order, requires the advertising medium, as commercially reasonable and technically feasible, to remove, disable access to, or cease further dissemination of the advertisement in this state, and to cease accepting payment for further dissemination of the advertisement.

6) Provides that a violation of the bill constitutes a violation of the FAL, enforceable pursuant to the UCL.

7) Provides that if SB 1146 (Gonzalez) and this bill are enacted, this bill does not apply to an entity that creates or causes the creation of an advertisement that includes a synthetic performer depicted as a health care provider to promote the sale of a health-related consumer product or service.

8) Includes a severability clause.

**COMMENTS**:

1) **Author's statement**. According to the author:

> California is home to the largest and most influential creative sector in the world. Hundreds of thousands of workers power the state's creative economy, which generates billions of dollars in economic activity. At the heart of this industry are the people who bring stories and brands to life. However, recent advances in artificial intelligence have led to the creation of human-like digital figures that convincingly appear, speak, move, and perform like real people. These 'synthetic performers' are increasingly used online and in advertisements to promote products and services, often without any disclosure to consumers. The absence of transparency threatens California's entertainment workforce and enables the continued deception of consumers.
>
> California has long led the nation in protecting both workers and consumers. With the advent of AI and its impact on commercial media, the state must ensure existing advertising laws are updated to reflect new realities. SB 1050 addresses this issue by establishing a disclosure requirement for advertisements that include synthetic performers. The disclosure must be clear, conspicuous, and understandable to a reasonable consumer, and a violation of this requirement falls under the existing False Advertising Law. This bill is necessary to provide greater transparency and to protect workers and consumers.

2) **Background**. *GenAI*. "Artificial intelligence" (AI) refers to the mimicking of human intelligence by artificial systems, such as computers. AI uses algorithms – sets of rules – to transform inputs into outputs. Inputs and outputs can be anything a computer is capable of processing, including numbers, text, audio, video, or other data.[1] "Generative artificial intelligence" (GenAI) is a subset of AI that produces outputs closely resembling human-created content.[2]

Data is the lifeblood of GenAI. Compared to conventional computer programs, which act according to pre-programmed rules, GenAI models "learn" from examples such as books, articles, photos, film, or music. This learning occurs within "neural networks" – massive systems of nodes linked by adjustable connections – that encode statistical patterns gleaned from data. During training, data is broken into fundamental units known as "tokens" – groups of syllables, pixels, or musical notes, for example – that can be represented numerically. A naïve neural network is exposed to an incomplete sequence of tokens and prompted to predict the next token in the sequence. If the prediction is incorrect, the network adjusts the strengths of its connections in order to minimize error and improve its next prediction. This process continues iteratively until the neural network can reliably emulate the human-created content it was trained on. A

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[1] AB 2885 (Bauer-Kahan & Umberg; Ch. 843, Stats. 2024) defined AI as "an engineered or machine-based system that varies in its level of autonomy and that can, for explicit or implicit objectives, infer from the input it receives how to generate outputs that can influence physical or virtual environments."
[2] AB 2013 (Irwin, Ch. 817, Stats. 2024) defined GenAI as "artificial intelligence that can generate derived synthetic content, such as text, images, video, and audio, that emulates the structure and characteristics of the artificial intelligence's training data."

trained neural network embedded in a GenAI system is known as a "model," and the strengths of its connections are known as its "model weights."[3]

Staggering quantities of data are required to train the most advanced models. For example, GPT-4 – the large language model (LLM) embedded in ChatGPT 4 – is reported to have been trained on roughly 10 trillion words of text, mostly compiled from automated web crawlers "scraping" the publicly available internet.[4] Adjusting the model's 1.8 trillion parameters continuously as it was exposed to this vast corpus required trillions upon trillions of computations, which were performed by running approximately 25,000 expensive, energy-consuming microchips for nearly 100 days nonstop, at an estimated cost of $63 million.[5] Because the model does not directly store its training data, but rather encodes abstract patterns gleaned from the data, the model itself can fit on a thumb drive.

Quality data is essential for ensuring that a model generates naturalistic outputs. Copyrighted materials are often among the highest quality content available. Developers have assembled massive datasets, often without obtaining consent or providing compensation to the creators of the expressive content in those datasets. Automated web crawlers are used to "scrape" content from the internet and compile it into sources such as Common Crawl, which includes over 300 billion web pages.[6] The content is downloaded, copied, filtered, scrubbed of attribution, and tokenized for training.

Although GenAI models learn patterns rather than directly storing data, models can sometimes absorb distinctive or duplicated content so deeply that they can summarize the content, mimic an artist's unique style, or even reproduce the content verbatim – a phenomenon researchers describe as "memorization."[7] Such outputs can directly compete with the original work or the artist, potentially substituting for them in the marketplace.

*Digital replicas*. Technological advances have had major implications for likeness rights. The term "digital replicas" is used to describe computer-generated avatars of an individual's likeness—including their face, body, voice, movement; indeed, their very identity—that can appear authentic but be manipulated to create entirely new "performances," even if the actor had no active role in the making of the performance. For example, James Dean, despite passing away over 60 years ago, was cast in a 2019 movie using a digital replica.[8]

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[3] IBM, What is generative AI?, https://www.ibm.com/think/topics/generative-ai; IBM, What is machine learning?, www.ibm.com/topics/machine-learning.
[4] Schreiner, *GPT-4 architecture, datasets, costs and more leaked*, The Decoder (Jul. 11, 2023), *available at* https://the-decoder.com/gpt-4-architecture-datasets-costs-and-more-leaked/; Begum, *OpenAI Releases GPT-4: A Smarter and Faster AI-Language Model with 'Human-level Performance*,*'* Vocal Media (2023), *available at* https://vocal.media/01/open-ai-releases-gpt-4-a-smarter-and-faster-ai-language-model-with-human-level-performance.
[5] Ludvigsen, *The carbon footprint of GPT-4,* Medium (Jul. 18, 2023), https://medium.com/data-science/the-carbon-footprint-of-gpt-4-d6c676eb21ae.
[6] Common Crawl, *available at* https://commoncrawl.org/.
[7] Freeman, *Exploring Memorization and Copyright Violation in Frontier LLMs: A Study of the* New York Times v. OpenAI *2023 Lawsuit*, arXiv (Dec. 2024), *available at* https://arxiv.org/html/2412.06370v1.
[8] "James Dean set to star in new film through digital resurrection, horrifying fans" (Nov. 7, 2019) *NBC News*, https://www.nbcnews.com/pop-culture/celebrity/james-dean-set-star-new-film-through-digital-resurrection-horrifying-n1078051.

Meanwhile, "[a]spiring musicians, actors, and models routinely sign predatory blanket, long-term (sometimes perpetual) assignments and licenses of their publicity rights as a condition of getting representation, a record deal, a role, or a photo shoot," writes Professor Jennifer Rothman, a leading scholar on the issue. "Similarly, the NCAA has had student-athletes sign contracts as a condition of participation in college athletics that the NCAA claimed assigned to it the perpetual rights to those students' names and likenesses for use in any context."[9]

Concerns regarding the use of artificial intelligence in the entertainment industry played a major role in the 2023 strike by writers and performers that brought Hollywood to a standstill. After months of negotiations with the Alliance of Motion Picture and Television Producers, SAG-AFTRA ratified an agreement that, among other things, "establishes detailed informed consent and compensation guardrails for the use of AI, hair and makeup equity, meaningful protections for the casting process, sexual harassment prevention protections and more."[10]

Last session, two bills enacted protections related to digital replicas in the entertainment industry. AB 2602 (Kalra, Stats. 2024, Ch. 259) deemed unenforceable contractual provisions governing digital replicas that (1) do not sufficiently delineate the uses of the digital replica, or (2) for which the performer lacked proper representation, either by an attorney or labor union representative. Additionally, to prevent the unauthorized reanimation of dead celebrities, AB 1836 (Bauer-Kahan, Stats. 2024, Ch. 258) established a specific cause of action for beneficiaries of deceased celebrities for the unauthorized use of a digital replica of the celebrity in audiovisual works or sound recordings.

*Synthetic performers.* In contrast to digital replicas, synthetic performers do not correspond to any particular human being. The most prominent example is "Tilly Norwood," a fully AI-generated synthetic "actress" created in 2025. Tilly has a social media following, was signed by a talent agency, profiled in *The New York Times*, and has featured in multiple advertisements and videos. Her creator hailed her as the next Scarlett Johansson or Natalie Portman.[11]

Backlash from Hollywood has been swift. SAG-AFTRA stated "'Tilly Norwood' is not an actor . . . It's a character generated by a computer program that was trained on the work of countless professional performers - without permission or compensation."[12] SAG-AFTRA's most recent agreement with the studios establishes "a principle strongly favoring human performances" and bars the use of synthetic performers unless they bring "significant additional

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[9] Jennifer E. Rothman, *The Right of Publicity: Privacy Reimagined for a Public World* (Harvard University Press, 2018), p. 117.
[10] Lawler, *Hollywood's actors vote to make their new deal official—the strikes are really over* (Dec. 5, 2023) *The Verge*, https://www.theverge.com/2023/12/5/23990186/hollywoods-actors-vote-to-make-their-new-deal-official-the-strikes-are-really-over.
[11] Joel Mathis, "Is the first AI 'actor' the beginning of Hollywood's existential crisis?" *The Week* (Oct. 1, 2025), https://theweek.com/media/first-ai-actor-tilly-norwood-hollwood-backlash.
[12] Wesley Yin-Pooole, :SAG-AFTRA Hits Out at Tilly Norwood, the AI-Generated 'Actress'That Has Enraged Hollywood" *IGN* (Sep. 30, 2025), https://www.ign.com/articles/sag-aftra-hits-out-at-tilly-norwood-the-ai-generated-actress-that-has-enraged-hollywood.

value" to a production.[13] Producers must notify and bargain with SAG-AFTRA before deploying a synthetic performer; if no agreement is reached, the union may arbitrate.[14]

*SB 942 and AB 853.* Seeking to enact a comprehensive content provenance framework to ensure transparency around the rapid online proliferation of AI-generated content, the Legislature passed SB 942 (Becker, Stats. 2024, Ch. 291). The law applies to "covered providers" – developers of publicly-accessible GenAI systems with over one million monthly users – requiring them to provide a free, publicly accessible tool that allows users to detect whether audio, image, or video content was generated or altered by their systems. The bill permits visible disclosures and requires latent, machine-detectable provenance data to be embedded into content generated by these providers' GenAI systems.

While SB 942 focused primarily on developers of large GenAI systems, AB 853 (Wicks, Stats. 2025, Ch. 674) imposed disclosure requirements on large online platforms and manufacturers of devices capable of capturing digital content (e.g. digital cameras.) Together, these bills effectively require GenAI developers to disclose that content generated by their systems is "fake" beginning in mid-2026, recording device manufacturers to disclose that content captured by their devices is "real" beginning in early 2028, and large online platforms to prominently disclose this provenance data to users beginning in early 2027.

3) **What this bill would do.** This bill makes it unlawful for any person to create and cause to be published in an advertising medium that includes a synthetic performer – a human-like digital figure, voice, or representation created in whole or in part using GenAI that gives the impression of a human performer who is not recognizable as any identifiable natural performer – without a clear and conspicuous disclosure that the performer is synthetic. "Clear and conspicuous disclosure" means a disclosure that is difficult to miss, easily understandable, and presented in a manner that a reasonable consumer would notice, read, and comprehend, taking into account the medium, format, and context in which the advertisement appears. Such disclosures must use wording substantially similar to "this performance features a synthetic digital performer," or "no human performer is depicted."

The bill prohibits an advertising medium from transmitting, distributing, displaying, airing, or otherwise making available an advertisement containing a synthetic performer if a court has issued an order finding the advertisement violates the bill, and the advertising medium is served with the order and information reasonably sufficient to identify the advertisement. Upon receipt of such an order, the bill requires the advertising medium, to the extent commercially reasonable and technically feasible, to remove, disable access to, or cease further dissemination of the advertisement in this state, and to cease accepting payment for further dissemination of the advertisement. "Advertising medium" does not include entities that are not capable of removing, disabling access to, or ceasing further dissemination of an advertisement, ensuring that certain service providers merely acting as conduits for advertisements are not subject to these requirements.

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[13] "2026 Memorandum of Agreements Between the Screen Actors Guild-American Federation of Television and Radio Artists and The Alliance of Motion Picture and Television Producers," p. 132, https://www.sagaftra.org/sites/default/files/2026-05/2026%20Theatrical-Television%20MOA.pdf.
[14] *Ibid.*

The bill does not apply to advertisements for expressive works, such as motion pictures, television programs, and video games, provided that the use of a synthetic performer in the advertisement or promotional material is consistent with its use in the expressive work. A violation of the bill constitutes a violation of the FAL, enforceable pursuant to the UCL.[15]

Finally, the bill provides that if SB 1146 (Gonzalez) and this bill are enacted, this bill does not apply to an entity that creates or causes the creation of an advertisement that includes a synthetic performer depicted as a health care provider to promote the sale of a health-related consumer product or service. This avoids duplicative enforcement of overlapping provisions.

***ARGUMENTS IN SUPPORT:*** According to SAG-AFTRA, the bill's sponsor:

> Generative artificial intelligence models present unique opportunities and create serious risks. To maintain trust in a digital world, we need guardrails on certain synthetic creations. This bill is narrowly tailored to target the use of synthetics in advertisements. People deserve to know who is selling to them, and this bill provides that safeguard.
>
> SB 1050 arrives amid increasing concerns over the proliferation of generative A.I. in media, where hyper-realistic clones, deep-fake influencers and A.I. spokespersons have blurred the line between real and fake. This bill puts consumers first, providing a level of accountability and trust urgently needed in the digital world.
>
> The transparency required by this measure also protects our creative community. Disclosure will provide advertisers and consumers with a clear choice when it comes to replacing human performers with synthetics.

***ARGUMENTS IN OPPOSITION:*** A coalition of opponents led by TechNet takes an oppose unless amended position on the bill. Some of their concerns appear to have been addressed by recent amendments. The coalition writes:

> <u>Allow Flexibility in Disclosure Method</u>
> SB 1050 requires a 55-character text disclosure to appear on the face of advertisements in close proximity to the synthetic performer. While disclosure is appropriate where there is genuine risk of consumer confusion, a rigid "in-ad" requirement may be technically difficult across formats and may reduce effectiveness by encouraging overuse of labels that consumers may ignore, risking diluting the efficacy of truly meaningful transparency.
>
> A more flexible approach that ensures disclosures are readily accessible and, understandable to customers in a way that is logical and tailored for diverse ad formats,

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[15] California's Unfair Competition Law (UCL), which prohibits "unlawful, unfair, or fraudulent" activities, including "anything that [is] a business practice and that at the same time is forbidden by law." (*Nolte v. Cedars-Sinai Medical Center* (2015) 236 Cal.App.4th 1401, 1407, internal citations and nested quotation marks omitted.) An action under the UCL may be brought by the Attorney General, a district attorney, and, in certain large jurisdictions, city attorneys and county counsels, who may seek injunctive relief and civil penalties of up to $2,500. While private plaintiffs who have suffered injury in fact and lost money because of unfair competition may bring a limited action for restitution and injunctive relief, in practice, this bill would likely be enforced almost exclusively by public prosecutors.

different surfaces, and marketing channels would better serve the bill's transparency goals.

Add a Materiality Standard to the Core Disclosure Obligation (§17610(b))
As currently drafted, §17610(b) requires a disclosure whenever an advertisement includes a synthetic performer, regardless of whether the use would actually mislead a reasonable consumer or materially affect their purchasing decision. This departs from the foundational principles of California advertising law, which has consistently required that disclosure obligations be tied to a risk of material deception.

Without a materiality threshold, the bill risks requiring disclosures of incidental, clearly stylized, or obviously fictional content — diluting the value of disclosures where they are genuinely needed, and burdening advertisers with labeling obligations that do not serve consumer protection interests. Courts have recognized that disclosure mandates untethered to consumer harm risk generating label fatigue, where consumers learn to ignore disclosures because they appear everywhere regardless of relevance.

We respectfully request that subdivision (b) be amended as follows:

(b) It is unlawful for any person to create and cause to be published in an advertising medium an advertisement that includes a synthetic performer in a manner that is likely to deceive a reasonable consumer regarding a material claim or characteristic of the goods or services without a clear and conspicuous disclosure that the performer is synthetic.

This amendment aligns the bill with established advertising law principles and ensures that disclosure obligations are calibrated to actual consumer protection risk. It does not weaken the bill's core purpose — it focuses that purpose where it matters most.

Expand Existing Carve-Outs (§17610(d))
We request two additions to the existing carve-outs in §17610(d) to address scenarios that fall outside the bill's consumer protection rationale.

First, we request that the existing carve-out for language translation in §17610(d)(5) be expanded to include other accessibility features:

(5) Apply to an advertisement in which the use of the artificial intelligence solely involves the language translation of a human performer or other accessibility features.

AI is increasingly used to make advertisements accessible to consumers with disabilities — for example, generating audio descriptions, sign language overlays, or captioning enhancements. These uses serve the public interest and pose no risk of material consumer deception. They should not trigger disclosure obligations.
Second, we request the addition of a new carve-out for synthetic performers used for illustrative or thematic purposes:

(6) Apply to an advertisement in which the synthetic performer is used for illustrative or thematic purposes and does not endorse or

make a material representation regarding the goods or services.

Many advertisements use clearly stylized, fantastical, or abstract digital figures to establish a mood, illustrate a concept, or provide visual interest — without making any claim about the advertised product. For example, an advertisement featuring blurry AI-generated figures in the background to provide lifestyle context, or a synthetic depiction of a human hand faithfully modeling the advertised product, poses no realistic risk of consumer deception. Requiring disclosures in these circumstances serves no consumer protection purpose and would require labeling that provides no meaningful information to consumers.

Enforcement Structure Requires a Right to Cure,Safe Harbor and Proportionate Penalties (§17610(f))

Even with the definitional amendments above, the bill's enforcement structure creates unreasonable risk for good-faith actors. As currently drafted, a violation of §17610 constitutes a violation of Section 17500 and is enforceable under California's Unfair Competition Law, including through its private enforcement mechanism and uncapped per-impression penalties that can quickly accumulate for scaled digital campaigns. This means that compliance will be determined after the fact through litigation — often brought by private plaintiffs — rather than through clear, predictable pre-event standards.

This is particularly concerning because the bill's key thresholds — whether content is "highly realistic," whether a use is "likely to deceive" a reasonable consumer, and whether a disclosure was "clear and conspicuous" in a given format and context — all require judgment calls that reasonable businesses may make differently. Without any opportunity to correct an inadvertent error before litigation is filed, the bill will inevitably penalize good-faith actors alongside bad ones.

We urge the committee to address this by:

- Adding a right to cure. Businesses should have a reasonable opportunity — such as 30 days following written notice — to correct inadvertent disclosure errors before a civil action may be initiated. This is standard in comparable disclosure frameworks and focuses enforcement on willful noncompliance.
- Establishing a compliance safe harbor. A business that makes a reasonable, documented good-faith determination that its content does not trigger the bill's requirements should not face liability for that determination. A safe harbor tied to reasonable compliance efforts would reduce litigation risk without weakening enforcement against bad actors.
- Private Right of Action should be eliminated. At minimum, enforcement should be primarily channeled through the Attorney General. The UCL's broad private enforcement mechanism is ill-suited to a disclosure framework requiring subjective judgment calls and is likely to generate opportunistic litigation against compliant businesses.
- Capping civil penalties. The bill's current penalty structure can escalate quickly and disproportionately given the realities of modern advertising, where brands launch multiple campaigns daily across numerous placements, surfaces, and channels. Programmatic digital ads generate impressions at scale, making it impossible to halt distribution instantly when a labeling issue is detected. A civil

penalties cap of $25,000 maintains meaningful deterrence while avoiding punitive outcomes that punish good-faith actors actively working to comply.

We share the author's goal of promoting transparency and preventing consumers from being misled by synthetic digital performers in advertising. The targeted amendments we have proposed are designed to focus the bill's obligations on the circumstances where consumer protection is genuinely at stake, consistent with established advertising law principles, while ensuring that good-faith actors have clear guidance and fair enforcement. We believe these amendments would make SB 1050 a stronger and more durable piece of consumer protection legislation.

**REGISTERED SUPPORT / OPPOSITION**:

**Support**

Sag-aftra (Sponsor)
California Federation of Labor Unions, Afl-cio
California Initiative for Technology & Democracy, a Project of California Common CAUSE
Common Sense Media
Music Artists Coalition (MAC)
Techequity Action

**Oppose**

AAF Orange County
American Advertising Federation
American Association of Advertising Agencies
Association of National Advertisers

**Oppose Unless Amended**

Calbroadband
California Broadcasters Association
California Chamber of Commerce
Computer & Communications Industry Association
Motion Picture Association
Technet

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