



HOUSE OF REPRESENTATIVES

HB 2793

print advertisements; postproduction techniques prohibited

Sponsors: Representatives Hobbs, Patterson, Tovar, et al.

X Committee on Commerce

Caucus and COW

House Engrossed

OVERVIEW

HB 2793 mandates that altered or enhanced printed media advertisements are not to be displayed or distributed in the state and advertisements that have used postproduction techniques must display a disclaimer.

HISTORY

The Federal Trade Commission Division (FTC) of Advertising Practices has outlined the requirements for disclosures in advertisements in regards to consumer protection. As stated by the FTC: Advertisements often contain fine-print footnotes or video superscripts that attempt to disclaim, limit, or explain claims made elsewhere in the ad. Advertisers cannot use fine print to contradict other statements in an ad or to clear up misimpressions the ad would otherwise leave. To be effective, Commission orders require such disclosures to be clear and conspicuous. In addition to the requirements of Section 5 of the FTC Act, other federal statutes mandate that information about certain products and services be clearly and conspicuously disclosed to consumers.

PROVISIONS

- Stipulates that an advertiser may not use postproduction techniques to alter or enhance printed media advertisement in the state.
- Requires a disclaimer if postproduction techniques are made in an advertisement to clearly and legible state: *Postproduction techniques were made to alter the appearance in this advertisement. When using this product, similar results may not be achieved.*
- Authorizes the Attorney General to investigate an act or practice that violates this mandate and take appropriate action (a civil penalty of not more than twenty-five thousand dollars per violation).
- Defines *advertisements*, *postproduction techniques* and *printed media advertisements*.