

114TH CONGRESS
2D SESSION

H. R. 4445

To direct the Federal Trade Commission to submit to Congress a report on the consumer harm arising from the use, in advertisements and other media for the promotion of commercial products and services, of images that have been altered to materially change the appearance and physical characteristics of the faces and bodies of the individuals depicted.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 3, 2016

Ms. ROS-LEHTINEN (for herself, Mrs. CAPPS, Mr. DEUTCH, Mr. TAKANO, Mr. ELLISON, Mr. LEWIS, Ms. KAPTUR, Mr. MCGOVERN, Mr. HASTINGS, Mr. CARTWRIGHT, and Mr. GALLEGRO) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To direct the Federal Trade Commission to submit to Congress a report on the consumer harm arising from the use, in advertisements and other media for the promotion of commercial products and services, of images that have been altered to materially change the appearance and physical characteristics of the faces and bodies of the individuals depicted.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Truth in Advertising
3 Act of 2016”.

4 **SEC. 2. FINDINGS.**

5 Congress finds the following:

6 (1) Advertisers regularly alter images used in
7 print and electronic media to sell products and serv-
8 ices, materially changing the appearance and phys-
9 ical characteristics of models’ faces and bodies, in-
10 cluding by altering the models’ size, proportions,
11 shape, and skin color and removing signs of ageing.

12 (2) Such altered images can create distorted
13 and unrealistic expectations and understandings of
14 appropriate and healthy weight and body image.

15 (3) Decades of academic evidence links expo-
16 sure to such altered images with emotional, mental,
17 and physical health issues including depression, anx-
18 iety, and eating disorders, especially among children
19 and teenagers.

20 (4) In 2011, the American Medical Association
21 adopted a policy encouraging advertising associa-
22 tions to work with public and private sector organi-
23 zations concerned with child and adolescent health
24 to develop guidelines for advertisements, especially
25 those appearing in teen-oriented publications, that
26 would discourage the altering of photographs in a

1 manner that could promote unrealistic expectations
2 of appropriate body image.

3 (5) Despite the shift in modern advertising to
4 rely primarily on imagery, the Federal Trade Com-
5 mission continues to focus on linguistic elements of
6 advertising, even as some advertisers use unfair or
7 deceptive images to promote their products to con-
8 sumers.

9 (6) The Federal Trade Commission has not
10 made any significant revisions to its policies for
11 identifying unfair or deceptive visual imagery in ad-
12 vertisements since at least 1983, well before the dig-
13 ital revolution in modern advertising.

14 **SEC. 3. REPORT BY FEDERAL TRADE COMMISSION.**

15 (a) IN GENERAL.—Not later than 18 months after
16 the date of the enactment of this Act, the Federal Trade
17 Commission shall submit to Congress a report that con-
18 tains—

19 (1) an assessment of the prevalence, in adver-
20 tisements and other media for the promotion of com-
21 mercial products and services in the United States,
22 of images that have been altered to materially
23 change the appearance and physical characteristics
24 of the faces and bodies of the individuals depicted;

1 (2) an evaluation of the degree to which the use
2 of such altered images in advertisements and other
3 media for the promotion of commercial products and
4 services may constitute an unfair or deceptive act or
5 practice (within the meaning of section 5(a)(1) of
6 the Federal Trade Commission Act (15 U.S.C.
7 45(a)(1)));

8 (3) clear guidelines for advertisers regarding
9 how the Commission determines whether the use of
10 such altered images in advertisements and other
11 media for the promotion of commercial products and
12 services constitutes an unfair or deceptive act or
13 practice; and

14 (4) recommendations reflecting a consensus of
15 the stakeholders and experts described in subsection
16 (b) to reduce the consumer harm arising from the
17 use of such altered images in advertisements and
18 other media for the promotion of commercial prod-
19 ucts and services.

20 (b) INPUT OF EXTERNAL STAKEHOLDERS AND EX-
21 PERTS.—In preparing the report required by subsection
22 (a), the Federal Trade Commission shall solicit input from
23 external stakeholders and experts on the data and rec-
24 ommendations required to be included in such report. The
25 Commission, in consultation with the Director of the Na-

1 tional Institute of Mental Health and the heads of other
2 appropriate Federal agencies, shall ensure that input is
3 obtained from an appropriate number of stakeholders and
4 experts and, to the extent practicable, from stakeholders
5 and experts that are geographically and culturally diverse
6 and that include stakeholders and experts from the phys-
7 ical and mental health, business, consumer advocacy, and
8 advertising industry communities.

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