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. GALLEGo) 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 Con-
gress 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.

Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,
SECTION 1. SHORT TITLE.

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

SEC. 2. FINDINGS.

Congress finds the following:

(1) Advertisers regularly alter images used in print and electronic media to sell products and services, materially changing the appearance and physical characteristics of models’ faces and bodies, including by altering the models’ size, proportions, shape, and skin color and removing signs of ageing.

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

(3) Decades of academic evidence links exposure to such altered images with emotional, mental, and physical health issues including depression, anxiety, and eating disorders, especially among children and teenagers.

(4) In 2011, the American Medical Association adopted a policy encouraging advertising associations to work with public and private sector organizations concerned with child and adolescent health to develop guidelines for advertisements, especially those appearing in teen-oriented publications, that would discourage the altering of photographs in a
manner that could promote unrealistic expectations of appropriate body image.

(5) Despite the shift in modern advertising to rely primarily on imagery, the Federal Trade Commission continues to focus on linguistic elements of advertising, even as some advertisers use unfair or deceptive images to promote their products to consumers.

(6) The Federal Trade Commission has not made any significant revisions to its policies for identifying unfair or deceptive visual imagery in advertisements since at least 1983, well before the digital revolution in modern advertising.

SEC. 3. REPORT BY FEDERAL TRADE COMMISSION.

(a) In general.—Not later than 18 months after the date of the enactment of this Act, the Federal Trade Commission shall submit to Congress a report that contains—

(1) an assessment of the prevalence, in advertisements and other media for the promotion of commercial products and services in the United States, of images that have been altered to materially change the appearance and physical characteristics of the faces and bodies of the individuals depicted;
(2) an evaluation of the degree to which the use of such altered images in advertisements and other media for the promotion of commercial products and services may constitute an unfair or deceptive act or practice (within the meaning of section 5(a)(1) of the Federal Trade Commission Act (15 U.S.C. 45(a)(1)));

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

(4) recommendations reflecting a consensus of the stakeholders and experts described in subsection (b) to reduce the consumer harm arising from the use of such altered images in advertisements and other media for the promotion of commercial products and services.

(b) INPUT OF EXTERNAL STAKEHOLDERS AND EXPERTS.—In preparing the report required by subsection (a), the Federal Trade Commission shall solicit input from external stakeholders and experts on the data and recommendations required to be included in such report. The Commission, in consultation with the Director of the Na-
tional Institute of Mental Health and the heads of other appropriate Federal agencies, shall ensure that input is obtained from an appropriate number of stakeholders and experts and, to the extent practicable, from stakeholders and experts that are geographically and culturally diverse and that include stakeholders and experts from the physical and mental health, business, consumer advocacy, and advertising industry communities.