

SENATE PRIVACY, DIGITAL TECHNOLOGIES, AND CONSUMER PROTECTION COMMITTEE
Senator Christopher Cabaldon, Chair
2025-2026 Regular Session

SB 1050 (Ashby)
Version: February 12, 2026
Hearing Date: April 6, 2026
Fiscal: Yes
Urgency: No
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SUBJECT

False advertising: synthetic digital performers

DIGEST

This bill makes it an unlawful practice for a person, in connection with the creation or dissemination of an advertisement in this state, to use or cause to be used a synthetic performer, as defined, without a clear and conspicuous disclosure that the performer is synthetic.

EXECUTIVE SUMMARY

As AI models and applications become more sophisticated and integrated into our daily lives, more attention is being paid to where thoughtful regulation may be needed, including measures to ensure the safety and reliability of these systems. In addition, the rapid advancement of this technology, specifically the wide-scale introduction of GenAI models, has made it drastically cheaper and easier to produce synthetic content – audio, images, text, and video recordings that are not real, but that are so realistic that they are virtually impossible to distinguish from authentic content, including so-called “deepfakes.”

Existing law prohibits false advertising and falsely holding oneself out to have certain qualifications or to unlawfully use the likeness of another for commercial purposes. This bill seeks to address the increased usage of synthetic performers, specifically in advertisements, by making it unlawful for any person, in connection with the creation or dissemination of an advertisement in this state, to use or cause to be used a synthetic performer without a clear and conspicuous disclosure that the performer is synthetic.

This bill is sponsored by SAG-AFTRA. The bill is supported by various groups, including TechEquity Action and the California Initiative for Technology & Democracy. It is opposed by the Motion Picture Association and industry groups. Should the bill pass out of this Committee, it will be referred to the Senate Judiciary Committee.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Establishes the California AI Transparency Act, which becomes operative, in part, on August 2, 2026, and requires certain “covered providers” to make an AI detection tool available at no cost by which a person can assess whether content was created or altered by the provider’s GenAI system. (Bus. & Prof. Code § 22757 et seq.)
- 2) Requires a covered provider to offer users the option to include in AI-generated image, video, or audio content created by its own generative AI system a manifest disclosure that meets specified criteria, including that it identifies the content as AI-generated content. (Bus. & Prof. Code § 22757.3(a).)
- 3) Requires a covered provider to include in AI-generated image, audio, and video content created by its generative AI system a latent disclosure that is detectable by the tool specified above and is, to the extent technically feasible, permanent or extraordinarily difficult to remove. (Bus. & Prof. Code § 22757.3(b).)
- 4) Requires a large online platform, starting January 1, 2027, to do one of the following:
 - a) Detect whether any provenance data that is compliant with widely adopted specifications adopted by an established standards-setting body is embedded into or attached to content distributed on the large online platform.
 - b) Provide a user interface to disclose the availability of system provenance data that reliably indicates that the content was generated or substantially altered by a GenAI system or captured by a capture device. The user interface shall make clearly and conspicuously available to users information sufficient to identify the content’s authenticity, origin, or history of modification, including specified information such as whether provenance data is available.
 - c) Allow a user to inspect all available system provenance data that is compliant with widely adopted specifications adopted by an established standards-setting body in an easily accessible manner by any of several specified means. (Bus. & Prof. Code § 22757.3.1.)
- 5) Provides that violators of the above provisions are liable for a civil penalty in the amount of \$5,000 per violation to be collected in a civil action filed by the Attorney General, a city attorney, or a county counsel. Each day in violation is deemed a discrete violation. (Bus. & Prof. Code § 22757.4.)

- 6) Establishes the Unfair Competition Law (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, including over the internet. (Bus. & Prof. Code § 17200 et seq.)
- 7) Establishes the False Advertising Law (FAL), which proscribes making or disseminating any statement that is known or should be known to be untrue or misleading with intent to directly or indirectly dispose of real or personal property. (Bus. & Prof. Code § 17500 et seq.)
- 8) Defines “unfair competition” to mean and include any unlawful, unfair, or fraudulent business act or practice and any unfair, deceptive, untrue, or misleading advertising, and any act prohibited by the FAL. (Bus. & Prof. Code § 17200.)
- 9) Provides that any person who engages, has engaged, or proposes to engage in unfair competition may be enjoined in any court of competent jurisdiction. (Bus. & Prof. Code § 17203.)
- 10) Requires actions for relief pursuant to the UCL be prosecuted exclusively in a court of competent jurisdiction and only by specified public prosecutors and certain injured parties, as specified. (Bus. & Prof. Code § 17204.)
- 11) Provides that any person who engages, has engaged, or proposes to engage in unfair competition is liable for a civil penalty not to exceed \$2,500 for each violation. The court shall impose a civil penalty for each violation. (Bus. & Prof. Code § 17206.)
- 12) Provides remedies for individuals who have suffered damages as a result of fraud or deceit, including situations involving fraudulent misrepresentations. (Civ. Code §§ 1709-1710, 1572-1573.)
- 13) 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 purposes of advertising or selling, or soliciting purchases of, products, merchandise, goods, or services, without that person’s prior consent, or, in the case of a minor, the prior consent of their parent or legal guardian, shall be liable for any damages sustained by the person or persons injured as a result thereof. (Civ. Code § 3344(a).)

This bill:

- 1) Makes it unlawful for any person, in connection with the creation or dissemination of an advertisement in this state, to use or cause to be used a

synthetic performer without a clear and conspicuous disclosure that the performer is synthetic.

- 2) A disclosure required by this section shall, at a minimum, satisfy all of the following:
 - a) Appear in close proximity to the synthetic performer.
 - b) Be presented in a manner and duration sufficient for a reasonable consumer to understand that the performer is not a real human being.
 - c) Use wording substantially similar to “this performance features a synthetic digital performer,” or “no human performer is depicted.”
- 3) Defines the relevant terms:
 - a) “Advertisement” means any 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 described in the FAL.
 - b) “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.
 - c) “Synthetic performer” means a human-like digital figure, voice, or representation created in whole or in part using artificial intelligence, machine learning, or computational techniques, and not based on, derived from, or intended to depict any particular identifiable natural person as described in Section 3344 of the Civil Code.
- 4) Clarifies that it shall not be construed 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, except to require the factual disclosure described in subdivision (b).
 - c) Affect or limit any rights or remedies available under Section 17200 or 17500 or any other law 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 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.
- 5) Provides that a violation constitutes a violation of the FAL and may be enforced pursuant to the UCL.

- 6) Includes a severability clause.

COMMENTS

1. Blurring reality: AI-generated content

GenAI can create new content, including text, images, code, or music, by learning from existing data. GenAI models can produce realistic and novel artifacts that resemble the data they were trained on, but do not copy it. For example, GenAI can write a poem, draw a picture, or compose a song based on a given prompt or theme. It enables users to quickly generate new content based on a variety of inputs.

The world has been in awe of the powers of this new technology, but the capabilities of these advanced systems lead to a blurring between reality and fiction. The National Institute for Standards and Technology frames the issue presented:

In recent years, the quality of digital content generated by artificial intelligence (AI) has advanced considerably across various modalities, including image, video, audio, and text. This surge in generative AI capability presents both opportunities and challenges – generative AI has facilitated creative expression and production, enabling artists, designers, and writers to create digital content at a much faster pace, but has also raised concerns regarding the authenticity and integrity of digital media, especially as it has become increasingly difficult to distinguish AI-generated content from human-generated content.¹

The relevant issue here is not about the growing incidence of synthetic content alone, but about the quickly blurring line between what is real and what is not. As one recent article phrased it, there is a “New Authenticity Crisis”:

OpenAI launched Sora 2 recently, an app that generates photorealistic video from text prompts. Within a week, Hollywood talent agencies called it exploitation. The Motion Picture Association objected to its copyright policies. Then came the flood of videos featuring copyrighted characters in unauthorized scenes. Despite being invite-only, the app hit one million downloads in five days. Faster than ChatGPT’s launch. Social media is now overwhelmed with synthetic clips so convincing that Zelda Williams, daughter of Robin Williams, publicly asked strangers to stop sending her AI-generated videos of her deceased father.

¹ NIST, *GenAI: Text 2026*, <https://ai-challenges.nist.gov/text-2026>. All internet citations are current as of March 23, 2026.

This is not an isolated technology story. It represents the acceleration of something larger happening across business and wider society.²

Relevant here, the deployment of online, synthetic content has exploded, from fake influencers to full advertising campaigns:

When Representative Nancy Pelosi of California, the former speaker of the House, attended the Outside Lands music festival last month in her home district of San Francisco, she took a selfie with a popular influencer who has 2.4 million followers.

“me vibing to @gracieabrams and i look up and it’s literally @speakerpelosi,” the influencer, who goes by Lil’ Miquela, captioned the photo, in which the two are seen smiling.

The catch, of course, is that Lil’ Miquela isn’t real. She is one of a slew of influencers created through artificial intelligence who have gained popularity in recent years, despite the fact that they don’t exist.

Mia Zelu, a blond-haired, blue-eyed A.I. influencer with 167,000 followers, recently made headlines for “attending” Wimbledon. And a recent report by the online creation platform Kapwing found that computer-generated celebrities are amassing millions of followers – and dollars – for the teams behind them. Lu of Magalu, a Brazilian A.I. influencer with more than eight million Instagram followers who serves as the voice of the Brazilian retailer Magalu, rakes in \$34,320 per post, while Miquela makes about \$73,920.

Introduced in 2016, and considered by many to be the “original” A.I. influencer, Miquela has appeared on magazine covers, released music and served as the face of campaigns for Calvin Klein and Prada, all while purporting to be a Brazilian American teen from Downey, Calif. (She now identifies as 22.)

The account is run by a team at the tech company Dapper Labs, which specializes in creating video games and collectibles. The team creates the story lines, images and captions that bring Miquela to life, and builds partnerships with brands, celebrities and politicians that give the impression Miquela exists beyond the computer screen.³

² Prashant Saxena, *Authenticity in the Age of AI* (December 22, 2025) California Management Review, <https://cmr.berkeley.edu/assets/documents/pdf/2025-12-authenticity-in-the-age-of-ai.pdf>.

³ Jessica Roy, *They’re Famous. They’re Everywhere. And They’re Fake*. (September 3, 2025) The New York Times, <https://www.nytimes.com/2025/09/03/style/ai-influencers-lil-miquela-mia-zelu.html?login=email&auth=login-email>.

2. Identifying synthetic content

Last session, the Legislature responded to some of these issues by passing the California AI Transparency Act (CAIT Act), SB 942 (Becker, Ch. 291, Stats. 2024), which is set to become operative, in part, later this year. The CAIT Act imposes obligations on “covered providers,” persons that create, code, or otherwise produce a GenAI system that has over 1,000,000 monthly visitors or users and is publicly accessible within the geographic boundaries of the state. It requires such providers to make an AI detection tool available at no cost by which a person can assess whether content was created or altered by the provider’s GenAI system.

The CAIT Act also regulates AI-generated images, video, or audio that are created by a GenAI system. Covered providers are required to include a latent disclosure in such content that is detectable using the above tool, and that is, to the extent technically feasible, permanent or extraordinarily difficult to remove. This latent disclosure must identify the provider, the tool, and the time and date of the content’s creation or alteration. Covered providers are also required to provide users making such content with their system with the option to include a manifest disclosure that identifies it as AI-generated content.

Last year, AB 853 (Wicks, Ch. 674, Stats. 2025) bolstered the CAIT Act by establishing similar transparency requirements on large online platforms, capture device manufacturers, and GenAI system hosting platforms.

This bill looks to tackle the issue of synthetic content in advertisements by making it unlawful for any person, in connection with the creation or dissemination of an advertisement in this state, to use or cause to be used a synthetic performer without a clear and conspicuous disclosure that the performer is synthetic. The bill details the requirements, including that the disclosure appear in close proximity to the synthetic performer; be presented in a manner and duration sufficient for a reasonable consumer to understand that the performer is not a real human being; and use wording substantially similar to “this performance features a synthetic digital performer,” or “no human performer is depicted.”

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.

Given that this bill compels specific speech, it could face a constitutional challenge pursuant to the First Amendment if enacted. Commercial speech is protected under the state and federal guarantees of free speech, but to a lesser degree than noncommercial speech.⁴ There are numerous examples of mandated commercial disclosures that have been upheld by the court, including food labeling requirements and warnings on cigarette boxes. Generally, if the information is purely factual and uncontroversial information; is reasonably related to a substantial governmental interest; and not unjustified or unduly burdensome⁵ it will likely withstand challenge. As the bill itself states:

- Consumers have a substantial interest in knowing when an advertisement uses a synthetic digital performer in a manner that could reasonably be interpreted as a human performance.
- Requiring a factual disclosure regarding the use of a synthetic performer is necessary to prevent deceptive or misleading advertising practices.

3. Stakeholder positions

SAG-AFTRA, the sponsor of the bill, writes:

SB 1050 would establish a disclosure requirement for advertisements that include synthetic performers. The disclosure must be clear, conspicuous, and understandable to a consumer. Violation of this requirement falls under the existing False Advertising Law.

Generative artificial intelligence models present unique opportunities and create serious risks. To maintain trust in a digital world, we need

⁴ See *Gerawan Farming, Inc. v. Lyons* (2004) 33 Cal.4th 1, 22.

⁵ See *Zauderer v. Office of Disciplinary Counsel of Supreme Court of Ohio* (1985) 471 U.S. 626; *Nat'l Ass'n of Wheat Growers v. Bonta*, (9th Cir. 2023) 85 F.4th 1263, 1275.

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, deepfake 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.

Writing in support, TechEquity Action argues:

Synthetic performers are increasingly being used online and in advertisements to promote products and services, often without any disclosure. The use of synthetic performers in advertisements misleads consumers into believing a real person is endorsing or demonstrating a service or product. As AI technology continues to replace or replicate human performers, the lack of transparency threatens California's creative 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 strikes a balance by setting necessary AI advertising standards without prohibiting the creation of such content. This bill is necessary to provide greater transparency and to protect workers and consumers.

The Motion Picture Association writes in opposition:

The Bill makes it unlawful to "use or cause to be used" a synthetic performer in the "creation *or dissemination* of an advertisement," without an adequate disclosure. This requirement is not limited to the entity that creates the advertisement, and without appropriate safeguards would impose liability on streaming platforms, broadcast networks, and numerous other entities that display advertisements provided by third parties. Such a sweeping obligation is both impractical and unnecessary.

As a practical matter, the operator of a medium through which advertisements are distributed – such as a streaming service – cannot possibly police advertising content as the Bill would require. As drafted, the Bill requires disclosures on human-like representations in an advertisement, which may be sufficiently realistic that it is difficult to determine whether they are AI-generated. The obligations apply not only to visual portrayals, but audio as well – such as voice-overs. The operators

of streaming platforms and broadcast networks cannot be tasked with determining which advertisements require a disclosure and rejecting those that lack one when these entities took no part in creating the advertisements.

Furthermore, there is no policy justification for putting this responsibility on broadcasters. California has already acknowledged this in its false advertising law, which specifically exempts broadcasters and publishers from liability for the false nature of advertisements they broadcast. See Cal. Bus. & Prof. Code § 17502. This common-sense policy has also been adopted in New York, where a similar synthetic performer disclosure requirement on advertisements was enacted in 2025. See N.Y. Gen. Bus. L. § 396-b (eff. June 9, 2026) (disclosure obligation only extends to parties with “actual knowledge,” and specifically exempting “any medium used for advertising”). And comparable disclosure obligations in existing California law do not broadly impose liability on the channels through which advertisements are published. See Cal. Elections Code § 20519 (exempting broadcasting stations paid to broadcast applicable advertisements).

MPA requests several amendments, many of which ask for the bill language to more closely hew with legislation recently adopted in New York. That law, S.8420-A/ A.8887-B, provides that any person who for any commercial purpose produces or creates an advertisement in any medium or media in which such advertisement appears, shall conspicuously disclose in such advertisement that a synthetic performer is in such advertisement, where such person has actual knowledge. “Synthetic performer” is defined as a digitally created asset created, reproduced, or modified by computer, using generative artificial intelligence or a software algorithm, that is intended to create the impression that the asset is engaging in an audiovisual and/or visual performance of a human performer who is not recognizable as any identifiable natural performer.

The author has committed to continuing to engage with stakeholders and this Committee on amendments to address some of these concerns.

SUPPORT

SAG-AFTRA (sponsor)

California Federation of Labor Unions, AFL-CIO

California Initiative for Technology & Democracy, a Project of California Common CAUSE

Entertainment Union Coalition

Music Artists Coalition

TechEquity Action

Transparency Coalition.AI

OPPOSITION

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

RELATED LEGISLATION

SB 1146 (Gonzalez, 2026) requires an advertisement to include a disclosure, as applicable, when it depicts a digitally altered or generated person representing themselves to be, or “identifiably depicting” a person as, a health care provider to promote the sale of a health-related consumer product or service, except as provided. SB 1146 is set to be heard in this Committee the same day as this bill.

AB 853 (Wicks, Ch. 674, Stats. 2025) *See* Comment 2.

SB 942 (Becker, Ch. 291, Stats. 2024) *See* Comment 2.
