

Date of Hearing: June 30, 2026

ASSEMBLY COMMITTEE ON JUDICIARY
Ash Kalra, Chair
SB 1050 (Ashby) – As Amended June 11, 2026

SENATE VOTE: 38-0

SUBJECT: FALSE ADVERTISING: SYNTHETIC PERFORMERS

SYNOPSIS

The development of generative artificial intelligence (GenAI) offers significant potential to enhance California's economy and improve residents' lives by rapidly generating text, images, and audio. However, the state's creative economy might suffer from the increasing use of GenAI technology. GenAI is now being used in creative endeavors, such as movies, music, and television, shrinking job opportunities from some of California's most prominent industries. Beyond those industries, GenAI is being used in advertising—historically an industry that employs creative performers—with the use of synthetic performers. Not only does the use of synthetic performers in advertising take away jobs from creative performers but also has tremendous potential to deceive people who may have no idea they are not seeing or hearing a human being. This bill would require any advertisement that prominently uses a synthetic performer to sell a product or service, to clearly disclose the use of artificial intelligence.

This bill is sponsored by SAG-AFTRA and supported by artist advocacy groups and technology/media reform organizations. This bill is opposed by the California Chamber of Commerce (CalChamber) and several advertising industry and media industry advocacy groups. The bill previously passed unanimously out of the Assembly Committee on Arts, Entertainment, Sports, and Tourism.

SUMMARY: Makes it an unlawful practice for a person, in connection with the creation or dissemination of an advertisement in this state, to use a synthetic performer, as defined, without a clear and conspicuous disclosure that the performer is synthetic. Specifically, **this bill:**

- 1) 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.”
- 2) 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; or

- e) Apply to an advertisement in which the use of GenAI solely involves the language translation of a human performer.
- 3) 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.
- 4) Provides that a violation of the bill constitutes a violation of the False Advertising Law (FAL), enforceable pursuant to the Unfair Competition Law (UCL).
- 5) 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.
- 6) Includes a severability clause.
- 7) Makes certain findings and declarations.
- 8) Defines the following terms:
 - a) “Advertisement” means 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 described in Business and Professions Code Section 17500.
 - b) “Advertising medium” means 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. “Advertising medium” does not include a person or entity that is not capable of removing, disabling access to, or ceasing further dissemination of, an advertisement.
 - c) “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.

- 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” means a digital figure, voice, or representation created in whole or in part using generative artificial intelligence that creates the realistic impression of the audio, audiovisual, or visual performance of a human performer who is not recognizable as any identifiable natural person.

EXISTING LAW:

- 1) 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, including over the internet. (Business and Professions Code Section 17200 *et seq.*)
- 2) Defines “unfair competition” for purposes of 1) to mean and include any unlawful, unfair, or fraudulent business act or practice, any unfair, deceptive, untrue, or misleading advertising, and any act prohibited by the FAL. (Business and Professions Code Section 17200.)
- 3) Provides that any person who engages, has engaged, or proposes to engage in unfair competition may be enjoined in any court of competent jurisdiction. (Business and Professions Code Section 17203.)
- 4) Requires actions for relief pursuant to the UCL to be prosecuted exclusively in a court of competent jurisdiction and only by specified public prosecutors and certain injured parties, as specified. (Business and Professions Code Section 17204.)
- 5) 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 in a suit brought by a qualified public prosecutor. (Business and Professions Code Section 17206.)
- 6) Establishes the 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. (Business and Professions Code Section 17500 *et seq.*)
- 7) 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. (Business and Professions Code Section 22757 *et seq.*)
- 8) Requires a covered provider under 7) 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. (Business and Professions Code Section 22757.3 (a).)
- 9) 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. (Business and Professions Code Section 22757.3 (b).)

10) Requires a large online platform, beginning 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 must 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; or
- 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. (Business and Professions Code Section 22757.3.1.)

11) Provides that violators of 7)-10) 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. (Business and Professions Code Section 22757.4.)

12) Provides remedies for individuals who have suffered damages as a result of fraud or deceit, including situations involving fraudulent misrepresentations. (Civil Code Sections 1572-1573, 1709-1710.)

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. (Civil Code Section 3344 (a).)

FISCAL EFFECT: As currently in print this bill is keyed fiscal.

COMMENTS: The development of generative artificial intelligence (GenAI) offers significant potential to enhance California's economy and improve residents' lives by rapidly generating text, images, and audio. However, the state's creative economy might suffer from the increasing use of GenAI technology. GenAI is now being used in creative endeavors, such as movies, music, and television, shrinking job opportunities from some of California's most prominent industries. Beyond those industries, GenAI is being used in advertising—historically an industry that employs creative performers—with the use of synthetic performers. Not only does the use of synthetic performers in advertising take away jobs from creative performers but also has tremendous potential to deceive people who may have no idea they are not seeing or hearing a human being. The author writes:

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.

California’s Creative Economy. According to the Otis College 2025 report, California’s creative economy is estimated to employ over 760,000 people, which is roughly 5% of California’s workforce. (Otis College of Art and Design, *Otis College Update on the Creative Economy* (Mar. 27, 2025) available at: https://www.otis.edu/about/initiatives/documents/25-063-CreativeEconomy_Report4_250325.pdf.) The average salary of these jobs was \$191,000 per year. (*Ibid.*) In the 2023 Otis College report, the state’s creative economy accounted for almost 15% of the overall California economy, which generated over \$194 billion in federal, state, and municipal taxes. (Otis College of Art and Design, *Otis College Report on the Creative Economy*, (2023), available at: <https://www.televisionacademy.com/files/assets/Downloads/2023-otis-report-on-the-creative-economy-v1.pdf>.) The 2023 report also detailed that about 120,000 jobs in California are in the fields of marketing, advertising, or public relations. (*Ibid.*) However, with the increasing use of GenAI, job opportunities in the creative economy may become few and far between. According to the author:

Technology used to create synthetic performers has become incredibly sophisticated, easy to use, and inexpensive. As a result, there has been an increasing use of synthetics to replace real persons in every medium, including commercials and advertisements. The use of synthetics in advertisements not only diminishes opportunities for workers but is also deceiving for consumers. A clear and conspicuous disclosure that a synthetic performer is being used in place of a human actor or spokesperson will allow consumers to understand that the “person” urging them to use a product or service is artificially created.

This bill, modeled after New York’s AB8887B, would require advertisements—both audio and video—that prominently include a synthetic performer to include a clear and conspicuous disclosure that the advertisement includes a synthetic performer. (N.Y. Asm. Bill A8887B (2025) <https://www.nysenate.gov/legislation/bills/2025/A8887/amendment/B>.) The bill clarifies that the disclosure must use wording substantially similar to “the performance features a synthetic performer” or “no human performer is depicted.” The disclosure requirement does not apply to advertisements for expressive works or when GenAI is used for language translation.

If an advertising medium receives a court order enjoining a creator from publishing an advertisement using a synthetic performer, and the advertising medium is served with the court order, then the medium must remove and disable access to the advertisement. The bill clarifies that the advertising medium has until as soon as commercially reasonable and technically feasible to remove the advertisement. The medium must also cease receiving payments.

The bill provides that any violation of the bill constitutes a violation of the False Advertising Law, which is enforceable under the Unfair Competition Law. The UCL protects consumers against unlawful, unfair, or fraudulent business practices and advertising. The UCL provides remedies for “anything that can properly be called a business practice and that at the same time is forbidden by law.” (*Cel-Tech Communications, Inc. v. Los Angeles Cellular Telephone Co.* (1999) 20 Cal.4th 163, 180 [citations omitted].) The UCL provides for civil penalties to be assessed and recovered from violators in the name of the people of California by various governmental agencies and specifically details how the proceeds from those actions are to be distributed and used.

SB 1146 (Gonzalez), which passed out of this Committee, if enacted, would place disclosure requirements on advertisements for health-related products or services, if the advertisement depicts a healthcare provider using GenAI. This bill contains a carve out, in the event both bills are enacted, so there will not be an overlap in liability.

Commercial Speech. The First Amendment provides that “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.” (U.S. Const., amend. I.) While commercial speech is a type of content-based restriction, and content-based restrictions ordinarily receive strict scrutiny analysis under the First Amendment, the U.S. Supreme Court has held that the First Amendment accords commercial speech lesser protection than other constitutionally guaranteed expression. This is in part because, unlike other varieties of speech, speech proposing a commercial transaction occurs in an area traditionally subject to *governmental regulation*. (*Central Hudson Gas & Elec. Corp. v. Public Service Commission* (1980) 447 U.S. 557, 562-63.) Ultimately, the First Amendment prohibits commercial speech against “unwarranted” governmental regulation.

The U.S. Supreme Court has articulated a four-prong test by which commercial speech regulations are evaluated for constitutionality. This test asks: (1) whether the expression concerns lawful activity and is not misleading; (2) whether the asserted governmental interest is substantial; (3) whether the regulation directly advances the governmental interest asserted; and (4) whether it is not more extensive than is necessary to achieve that interest. (*Central Hudson Gas & Elec. Corp.*, *supra*, 447 U.S. at pp. 561-66.)

Here, on the first prong, the expression in question concerns advertisements that utilize synthetic performers. Depending on how synthetic performers are utilized in the advertisement, the expression could be misleading. However, even with the use of human performers, advertisements are given wide latitude, therefore this is likely lawful activity. On the second prong, the asserted governmental interest is to prevent deceptive or misleading advertising practices. This would appear to be substantial and already appears in law when it comes to false advertising. By disclosing that the performers in the advertisement are GenAI, this advances the governmental interest of preventing deceptive or misleading advertising where people may

believe a real human being is endorsing or supporting a product or service. Lastly, for the fourth prong, the regulation does not appear to be more extensive than necessary to achieve the government's interest. The bill does not prohibit the use of synthetic performers; it simply requires a disclosure of the use of AI. However, the opposition has put forth a narrower disclosure requirement, discussed below.

Narrowing the Disclosure. The opposition to this bill suggests several amendments to the bill. One suggested amendment is to narrow the obligation to state a disclosure to specific instances where there is potential harm. There is some varying language provided, however, the essence of the proposal would only require the disclosure of the use of the synthetic performer in the advertisement if a reasonable consumer would likely be deceived regarding a claim or characteristic of the goods or services. This would mean in practice, that if a reasonable person, viewed or listened to an advertisement using a synthetic performer, could decipher that the synthetic performer was not human, the advertisement would not be required to include the disclosure. There may be challenges in the interpretation and enforcement, and therefore the narrowing of the requirement might hinder the goal of the bill. *However, if the author wishes to focus on just the harm of deceiving viewers or listeners of advertisements, they may wish to narrow the disclosure requirement.*

ARGUMENTS IN SUPPORT: This bill is sponsored by SAG-AFTRA and supported by artist advocacy groups and technology/media reform organizations. SAG-AFTRA 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 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.

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.

The California Initiative for Technology & Democracy (CITED) writes in support:

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 deceives consumers. California has long led the nation in protecting both workers and consumers. With the evolution of AI and its impact on commercial media, the state must ensure existing advertising laws are updated to reflect new realities.

CITED is pleased to support SB 1050 which 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.

ARGUMENTS IN OPPOSITION: This bill is opposed by the California Chamber of Commerce (CalChamber) and several advertising industry and media industry advocacy groups. A coalition of TechNet, CalChamber, and the Computer & Communications Industry Association write in opposition, unless amended:

Narrow the Definition of “Synthetic Performer” (§17610(a)(4))

The current definition captures any “human-like digital figure, voice, or representation” created “in whole or in part” using artificial intelligence, machine learning, or computational techniques. This definition is overbroad in two respects.

First, the “in part” language, combined with the broad reference to “computational techniques,” risks sweeping in widely used production tools — color correction, motion stabilization, image sharpening, and other standard post-production processes — that incorporate algorithmic components but do not produce anything resembling a synthetic human performance. These tools are ubiquitous in modern advertising production and their capture by this bill would require disclosures in circumstances that pose no realistic risk of consumer confusion.

Second, the inclusion of “voice” in the definition, alongside the bill’s existing exclusion of audio-only advertisements, creates inconsistency and uncertainty about whether AI-generated or AI-modified voice components in audiovisual advertisements trigger the bill’s requirements even when no synthetic visual figure is present.

[...]

Allow Flexibility in Disclosure Method

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, 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.

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.

The Motion Picture Association writes in opposition, unless amended:

First, the Bill is premised on an overbroad disclosure requirement that applies to any use of a “synthetic performer” that appears “prominently” in an advertisement, regardless of whether that use is at all deceptive or likely to confuse consumers. This requirement is unnecessary to accomplish the statute’s objectives and likely to run afoul of the First Amendment. Additionally, the Bill departs from a similar law in New York in two critical respects: it contains a private right of action, which creates an unnecessary threat of frivolous litigation, particularly where no showing of harm is required to establish a violation, and it applies to audio-only advertisements, which creates potential operational challenges.

[...]

MPA proposes an amendment that is consistent with the First Amendment and focuses on the actual potential harm to consumers. This amendment will limit the obligation to circumstances where the use of a synthetic performer may mislead consumers as to the quality or nature of the goods or services advertised. This requirement would be added to Section 17610(b), which would read, in full:

*(b) It is unlawful for any person to create and cause to be published in an advertising medium an advertisement that prominently includes a synthetic performer **which creates a false consumer perception about the nature, origin, or authenticity of the goods or services being advertised** without a clear and conspicuous disclosure that the advertisement includes a synthetic performer.*

REGISTERED SUPPORT / OPPOSITION:

Support

California Federation of Labor Unions, AFL-CIO
California Initiative for Technology & Democracy, a Project of California Common CAUSE
Common Sense Media
Creators Coalition on Ai
Entertainment Union Coalition
Genup (generation Up)
Music Artists Coalition (MAC)
National Ai Youth Council
National Association of Voice Actors
SAG-AFTRA (Sponsor)
Techequity Action
Transparency Coalition.ai

Opposition

American Advertising Federation (AAF)
American Advertising Federation Orange County
American Association of Advertising Agencies (4A's)
Association of National Advertisers

Oppose Unless Amended

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

Other

Reason Foundation

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