

ASSEMBLY BILL

No. 858

Introduced by Assembly Member Jones

February 17, 2011

An act to amend Section 17533.7 of the Business and Professions Code, relating to advertising.

LEGISLATIVE COUNSEL'S DIGEST

AB 858, as introduced, Jones. False advertising.

Existing law makes it unlawful for any person, firm, corporation, or association to sell, or offer for sale, merchandise that advertises itself as being made or manufactured in the United States when any article, unit, or part of the merchandise has been entirely or substantially made, manufactured, or produced outside of the United States.

This bill would provide that a product that is made all or virtually all in the United States, within the meaning of a specified policy statement of the Federal Trade Commission, shall be deemed made within the United States, as specified. The bill would also state the intent of the Legislature in enacting the bill.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. It is the intent of the Legislature in enacting this
- 2 measure to clarify existing state law with respect to federal law in
- 3 order to improve this state's ability to successfully compete with
- 4 other states and nations for jobs, investments, and manufacturing.

1 SEC. 2. Section 17533.7 of the Business and Professions Code
2 is amended to read:

3 17533.7. (a) It is unlawful for any person, firm, corporation
4 or association to sell or offer for sale in this State any merchandise
5 on which merchandise or on its container there appears the words
6 “Made in U.S.A.” “Made in America,” “U.S.A.,” or similar words
7 when the merchandise or any article, unit, or part thereof, has been
8 entirely or substantially made, manufactured, or produced outside
9 of the United States.

10 (b) *For purposes of subdivision (a), a product that is made all*
11 *or virtually all in the United States, within the meaning of the*
12 *Enforcement Policy Statement on U.S. Origin Claims issued by*
13 *the Federal Trade Commission (62 Fed.Reg. 63756 (Dec. 2, 1997)),*
14 *shall be deemed merchandise that has been entirely or substantially*
15 *made, manufactured, or produced within the United States.*