

March 27, 2026

The Honorable Christopher Cabaldon
Chair, Senate Committee on Privacy, Digital Technologies, and Consumer Protection
1020 N Street, Room 568
Sacramento, CA 95814

Re: SB 1050 (Ashby) – Synthetic Performers – Oppose Unless Amended

Dear Chair Cabaldon,

On behalf of TechNet and the above entities, we write to respectfully oppose SB 1050 (Ashby) unless amended. While we appreciate the author's intent to promote transparency where synthetic digital performers are used in advertising and agree that consumers should not be misled. We want to ensure that any disclosure requirements are consistent with existing advertising law principles and workable in practice.

TechNet is the national, bipartisan network of technology CEOs and senior executives that promotes the growth of American innovation by advocating a targeted policy agenda at the federal and 50-state level. TechNet's diverse membership includes more than 100 dynamic American businesses ranging from startups to the most iconic companies on the planet and represents five million employees and countless customers in the fields of information technology, artificial intelligence, e-commerce, the sharing and gig economies, advanced energy, transportation, cybersecurity, venture capital, and finance.

SB 1050 raises concerns related to overbroad definitions, rigid disclosure requirements, and a litigation-driven enforcement structure that could create uncertainty and unintended consequences without advancing meaningful consumer protection.

Overbroad Definition of Synthetic Performer

SB 1050 defines "synthetic performer" broadly to include any human-like digital representation created in whole or in part using artificial intelligence or computational techniques. This definition risks sweeping in routine production tools such as CGI, visual effects, and standard post-production editing techniques that consumers reasonably understand as creative enhancements rather than attempts to mislead.

Without clearer boundaries, the bill could require disclosures in circumstances where there is no realistic risk of consumer confusion, resulting in over labeling that ultimately diminishes the effectiveness of disclosures.

We kindly ask that the definition of “synthetic performer” be changed to match the definition of “synthetic performer” in the 2025 SAG-AFTRA commercials contract (effective April 1, 2025).

Distinction Between Generative AI and Traditional Tools

The bill’s broad reference to artificial intelligence and computational techniques does not distinguish between generative AI systems and long-standing production technologies used across the advertising ecosystem. Absent this distinction, the measure risks capturing widely used tools that do not implicate the bill’s core concern—deceptive, human-like synthetic performances.

Rigid Disclosure Requirements

SB 1050 requires disclosures to appear in close proximity to the synthetic performer and in a specific format. While disclosure is appropriate, a rigid “in-ad” requirement may be technically difficult across formats and may reduce effectiveness by encouraging overuse of labels that consumers may ignore.

A more flexible approach that ensures disclosures are readily accessible and understandable would better serve the bill’s transparency goals.

Materiality or Reasonableness Standard

The bill requires disclosure regardless of whether the use of a synthetic performer would materially mislead a reasonable consumer. This departs from established advertising law principles, which focus on whether a representation is likely to influence consumer decision-making.

Without a materiality standard, the bill risks requiring disclosures of incidental or clearly fictional content, diluting the value of disclosures where they are truly needed. This approach may not align with the bill’s stated intent to prevent misleading advertising.

Enforcement Structure, Cure Period, and Compliance Safe Harbors

SB 1050 is enforceable under California’s Unfair Competition and False Advertising Law, exposing businesses to significant litigation risk, including through existing private enforcement mechanisms. This creates a framework where compliance may be determined after the fact through litigation rather than through clear, pre-event standards. A more predictable enforcement structure would better support consistent compliance and reduce unnecessary litigation.

The bill does not provide a right to cure or clear safe harbors for compliance. Given the scale and speed of modern advertising, even good-faith efforts may result in inadvertent errors. Without a cure period or defined compliance pathways, the bill risks penalizing good-faith actors rather than encouraging compliance.

We share the author's goal of promoting transparency and preventing deceptive practices. However, SB 1050, as drafted, risks creating overbroad obligations, inconsistent enforcement, and a litigation-driven compliance environment that may ultimately undermine its intended purpose.

For these reasons, TechNet respectfully opposes SB 1050 unless amended and looks forward to working with the author and Committee to address these concerns.

If you have any questions regarding our position, please contact Robert Boykin at rboykin@technet.org or 408.898.7145.

Sincerely,



Robert Boykin
Executive Director for California and the Southwest
TechNet

Ronak Daylami, California Chamber of Commerce
Aodhan Downey, Computer and Communications Industry Association