

ASSEMBLY BILL

No. 312

**Introduced by Assembly Member Jones
(Coauthors: Assembly Members Travis Allen, Chang, Waldron,
and Wilk)**

February 12, 2015

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

LEGISLATIVE COUNSEL'S DIGEST

AB 312, as introduced, Jones. 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 instead make 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 unless the merchandise has been all or virtually all made in the United States, and provides that “all or virtually all” has the same meaning as a specified policy statement of the Federal Trade Commission. 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 the state’s ability to successfully compete with
4 other states and nations for jobs, investments, and manufacturing.
5 SEC. 2. Section 17533.7 of the Business and Professions Code
6 is amended to read:
7 17533.7. (a) It is unlawful for any person, firm, corporation,
8 or association to sell or offer for sale in this ~~State~~ *state* any
9 merchandise on which merchandise or on its container there
10 appears the words “Made in U.S.A.,” “Made in America,”
11 “U.S.A.,” or similar words ~~when~~ *unless* the merchandise ~~or any~~
12 ~~article, unit, or part thereof, has been entirely or substantially made,~~
13 ~~manufactured, or produced outside of~~ *all or virtually all made in*
14 *the United States.*
15 (b) *For purposes of subdivision (a), merchandise that is “all or*
16 *virtually all” made in the United States has the same meaning as*
17 *in the Enforcement Policy Statement on U.S. Origin Claims issued*
18 *by the Federal Trade Commission (62 Fed. Reg. 63756 (Dec. 2,*
19 *1997)).*