

119TH CONGRESS  
1ST SESSION

# H. R. 5226

To direct the Federal Trade Commission to promulgate regulations that prohibit the practice of deceptive downsizing, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 9, 2025

Mr. CORREA (for himself, Mr. FIELDS, Mr. JACKSON of Illinois, Mr. JOHNSON of Georgia, and Ms. NORTON) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To direct the Federal Trade Commission to promulgate regulations that prohibit the practice of deceptive downsizing, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Deceptive Downsizing  
5       Prohibition Act of 2025”.

6       **SEC. 2. FINDINGS.**

7       Congress finds the following:

8               (1) Manufacturers of consumer products, in-  
9       cluding food, are reducing the size of such products

1 while continuing to use packaging designed for the  
2 same or similar product of a larger size.

3 (2) The practice of deceptive downsizing sub-  
4 stantially harms consumers and reduces the pur-  
5 chasing power of consumers.

6 (3) Consumers frequently do not appreciate or  
7 recognize that the size of a consumer product has  
8 changed until after the purchase, if ever.

9 (4) The trend toward producing consumer prod-  
10 ucts of reduced size without reducing the price has  
11 driven inflation, causing substantial injury to con-  
12 sumers that is not reasonably avoidable.

13 (5) The Federal Government plays an essential  
14 role in protecting consumers from unfair or decep-  
15 tive acts or practices, including ensuring manufac-  
16 turers of consumer products do not deceive cus-  
17 tomers.

18 (6) This Act shall protect consumers by prohib-  
19 iting manufacturers of consumer products from sell-  
20 ing such products, regardless of price or cost, of re-  
21 duced size in packaging previously used for the same  
22 or similar product of a larger size.

23 (7) Consumers need clear, conspicuous, and  
24 easily understandable notice of a change in the size  
25 of a consumer product and simply including the re-

1       duced size on the packaging without context or high-  
2       lighting does not provide sufficient notice to con-  
3       sumers to avoid a violation of this Act.

4   **SEC. 3. DEFINITIONS.**

5       In this Act:

6           (1) COMMISSION.—The term “Commission”  
7       means the Federal Trade Commission.

8           (2) CONSUMER PRODUCT.—The term “con-  
9       sumer product” has the same meaning given the  
10      term in section 101 of the Magnuson-Moss War-  
11      ranty—Federal Trade Commission Improvement Act  
12      (15 U.S.C. 2301).

13          (3) DECEPTIVE DOWNSIZING.—The term “de-  
14      ceptive downsizing” means the practice of a manu-  
15      facturer of a consumer product selling such a prod-  
16      uct of reduced size using the same or substantially  
17      similar packaging that was used for any prior  
18      version of the same or substantially similar product  
19      that was of larger size.

20          (4) LARGER SIZE.—The term “larger size”  
21      means a consumer product of greater volume, size,  
22      mass, weight, or quantity relative to the consumer  
23      product that is the subject of the alleged deceptive  
24      downsizing.

1           (5) REDUCED SIZE.—The term “reduced size”  
2       means a reduction in volume, size, mass, weight, or  
3       quantity of a consumer product relative to any prior  
4       version of the same or substantially similar con-  
5       sumer product.

6   **SEC. 4. PROHIBITION ON DECEPTIVE DOWNSIZING.**

7       (a) PROHIBITION.—A manufacturer of a consumer  
8       product may not engage in deceptive downsizing with re-  
9       spect to such consumer product.

10      (b) SAFE HARBOR.—A manufacturer of a consumer  
11      product shall not be liable for deceptive downsizing with  
12      respect to such consumer product in violation of sub-  
13      section (a) if the manufacturer sells the consumer product  
14      in a reduced size using the same or substantially similar  
15      packaging as for the larger size of the consumer product  
16      and—

17           (1) the manufacturer provides notice on the  
18           principal display panel of such packaging that the  
19           consumer product is of reduced size; and

20           (2) such notice—

21                   (A) is conspicuous, clear, and easy for con-  
22                   sumers to read and understand; and

23                   (B) states the larger size of the consumer  
24                   product and the reduced size of the consumer  
25                   product.

1 **SEC. 5. REGULATIONS RELATING TO PROHIBITION ON DE-**  
2 **CEPTIVE DOWNSIZING.**

3 The Commission may promulgate, under section 553  
4 of title 5, United States Code, any regulations the Com-  
5 mission determines necessary to carry out the provisions  
6 of this Act.

7 **SEC. 6. ENFORCEMENT BY FEDERAL TRADE COMMISSION.**

8 (a) UNFAIR OR DECEPTIVE ACTS OR PRACTICES.—  
9 A violation of this Act shall be treated as a violation of  
10 section 18(a)(1)(B) of the Federal Trade Commission Act  
11 (15 U.S.C. 57a(a)(1)(B)) regarding unfair or deceptive  
12 acts or practices.

13 (b) POWERS OF COMMISSION.—The Commission  
14 shall enforce this Act in the same manner, by the same  
15 means, and with the same jurisdiction, powers, and duties  
16 as though all applicable terms and provisions of the Fed-  
17 eral Trade Commission Act (15 U.S.C. 41 et seq.) were  
18 incorporated into and made a part of this Act, and any  
19 person who violates this Act shall be subject to the pen-  
20 alties and entitled to the privileges and immunities pro-  
21 vided in the Federal Trade Commission Act.

22 (c) RULE OF CONSTRUCTION.—Nothing in this Act  
23 may be construed to limit the authority of the Commission  
24 under any other provision of law.

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