

105TH CONGRESS  
1ST SESSION

# H. R. 423

To direct the Federal Trade Commission to impose civil monetary penalties  
against persons disseminating false political advertisements.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 9, 1997

Mrs. MYRICK (for herself, Mr. LIPINSKI, Mr. ENGLISH of Pennsylvania, Mr. GILMAN, Mr. GRAHAM, Mr. POSHARD, and Mr. KLINK) introduced the following bill; which was referred to the Committee on Commerce

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## A BILL

To direct the Federal Trade Commission to impose civil  
monetary penalties against persons disseminating false  
political advertisements.

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 “Truth in Political Ad-  
5 vertising Act”.

6 **SEC. 2. IMPOSITION OF PENALTIES FOR DISSEMINATION**  
7 **OF FALSE POLITICAL ADVERTISEMENTS.**

8 (a) PROHIBITION AGAINST DISSEMINATION.—No  
9 person may disseminate or cause to be disseminated any

1 false political advertisement by United States mails or by  
2 any means in or having an effect upon commerce.

3 (b) PENALTY.—

4 (1) IN GENERAL.—If the Federal Trade Com-  
5 mission finds that a person has knowingly and will-  
6 fully violated subsection (a), the Commission shall  
7 (after notice and opportunity for a hearing) impose  
8 a civil monetary penalty on the person in an amount  
9 not to exceed \$10,000 for each such violation.

10 (2) CLARIFICATION OF MEDIA LIABILITY.—No  
11 publisher, radio-broadcast licensee, or agency or me-  
12 dium for the dissemination of advertising, shall be  
13 liable under this section by reason of the dissemina-  
14 tion by the publisher, licensee, or agency or medium  
15 of any false political advertisement, unless the pub-  
16 lisher, licensee, agency or medium has refused, on  
17 the request of the Federal Trade Commission, to  
18 furnish the Commission the name and post-office ad-  
19 dress of the person who caused the publisher, li-  
20 censee, agency, or medium to disseminate such ad-  
21 vertisement. No advertising agency shall be liable  
22 under this section by reason of the causing by it of  
23 the dissemination of any false political advertise-  
24 ment, unless it has refused, on the request of the  
25 Commission, to furnish the Commission the name

1       and post-office address of the person who caused it  
2       to cause the dissemination of such advertisement.

3       (c) FALSE POLITICAL ADVERTISEMENT DEFINED.—

4   In this section, the term “false political advertisement”  
5   means an advertisement disseminated for the purpose of  
6   influencing an election for Federal office which is mislead-  
7   ing in a material respect. In determining whether any ad-  
8   vertisement is misleading, there shall be taken into ac-  
9   count (among other things) not only representations made  
10   or suggested by statement, word, design, device, sound,  
11   or any combination thereof, but also the extent to which  
12   the advertisement fails to reveal facts material in the light  
13   of such representations.

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