

Submitter: Rachel Freed

On Behalf Of:

Committee: Senate Committee On Judiciary

Measure, Appointment or Topic: SB680

I am writing to express my opposition to Senate Bill 680, which seeks to prohibit the publication of environmental marketing claims, net zero claims, or reputational advertising that is deemed materially false, misleading, deceptive, or fraudulent. While I support the intention to promote truthful advertising, I have concerns about the potential implications and unintended consequences of this legislation.

The bill, as proposed, could stifle legitimate marketing efforts by businesses that are genuinely committed to sustainability and environmental responsibility. The criteria for what constitutes "materially false or misleading" can be subjective, and this ambiguity may lead to unnecessary legal challenges, discouraging companies from communicating their environmental initiatives altogether. This could ultimately inhibit progress toward sustainability goals, as businesses may fear repercussions for promoting their efforts.

Moreover, the bill could create an environment where innovation is hindered. Many companies are striving to develop new, sustainable practices and technologies. A restrictive approach to marketing their achievements may prevent them from sharing valuable information with consumers and stakeholders, thereby slowing the overall momentum toward sustainability.

Instead of prohibiting claims outright, I encourage the legislature to consider frameworks that promote transparency and accountability without limiting the ability of businesses to share their positive contributions to environmental efforts. An educational approach, combined with clear guidelines, could foster responsible marketing while still holding companies accountable for misleading claims.