

HR 3394

Freedom of Health Speech Act

Congress: 111 (2009–2011, Ended)

Chamber: House

Policy Area: Commerce

Introduced: Jul 29, 2009

Current Status: Referred to the Subcommittee on Health.

Latest Action: Referred to the Subcommittee on Health. (Jul 30, 2009)

Official Text: <https://www.congress.gov/bill/111th-congress/house-bill/3394>

Sponsor

Name: Rep. Paul, Ron [R-TX-14]

Party: Republican • State: TX • Chamber: House

Cosponsors (3 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Burton, Dan [R-IN-5]	R · IN		Jul 29, 2009
Rep. Rohrabacher, Dana [R-CA-46]	R · CA		Jul 30, 2009
Rep. Chaffetz, Jason [R-UT-3]	R · UT		Nov 15, 2010

Committee Activity

Committee	Chamber	Activity	Date
Energy and Commerce Committee	House	Referred to	Jul 30, 2009
Energy and Commerce Committee	House	Referred to	Jul 30, 2009

Subjects & Policy Tags

Policy Area:

Commerce

Related Bills

No related bills are listed.

Freedom of Health Speech Act - Amends the Federal Trade Commission Act to prohibit considering the content of any publication as advertising regulable under the Act unless the content is intended by a product seller to promote that product's sale and the content includes the name of the product, an express offer to sell, and a purchase price. Prohibits considering any content excerpted in whole or part from a peer-reviewed scientific publication as advertising regulable under the Act.

Prohibits the Federal Trade Commission (FTC) from beginning an investigation of possible false advertising regarding a dietary supplement or a dietary ingredient unless the FTC already possesses clear and convincing evidence that the advertisement is false and misleading.

Places the burden of proof on the FTC to show, by clear and convincing evidence, that an advertisement for a dietary supplement or dietary ingredient is false, that the advertisement actually caused consumers to be misled into believing to be true that which is false, and that, but for the false advertising content, the consumer would not have made the purchase at the price paid. Requires the FTC, if a claimed health benefit is alleged to be false advertising, to additionally establish, based on expert scientific opinion and published peer-reviewed scientific evidence, that the claim is false.

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### **Actions Timeline**

- **Jul 30, 2009:** Referred to the Subcommittee on Commerce, Trade and Consumer Protection.
- **Jul 30, 2009:** Referred to the Subcommittee on Health.
- **Jul 29, 2009:** Introduced in House
- **Jul 29, 2009:** Sponsor introductory remarks on measure. (CR E2086-2087)
- **Jul 29, 2009:** Referred to the House Committee on Energy and Commerce.