

HR 2045

Freedom of Health Speech Act

Congress: 112 (2011–2013, Ended)

Chamber: House

Policy Area: Commerce

Introduced: May 26, 2011

Current Status: Referred to the Subcommittee on Commerce, Manufacturing, and Trade.

Latest Action: Referred to the Subcommittee on Commerce, Manufacturing, and Trade. (Jun 3, 2011)

Official Text: <https://www.congress.gov/bill/112th-congress/house-bill/2045>

Sponsor

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

Party: Republican • State: TX • Chamber: House

Cosponsors (1 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Burton, Dan [R-IN-5]	R · IN		Jun 20, 2011

Committee Activity

Committee	Chamber	Activity	Date
Energy and Commerce Committee	House	Referred to	Jun 3, 2011

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 the content of any publication from being considered advertising regulated 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 any content excerpted in whole or part from a peer-reviewed scientific publication from being considered advertising regulated under the Act.

Prohibits the Federal Trade Commission (FTC) from attributing to an advertiser any advertising statement not actually made by that advertiser.

Requires the FTC to notify an advertiser of a dietary supplement before authorizing an investigation of false advertisement and include a date by which the advertiser may voluntarily discontinue use of the statement. Prohibits the 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 to prove that a health claim alleged to be false advertising is false based on expert scientific opinion and published peer-reviewed scientific evidence.

### **Actions Timeline**

---

- **Jun 3, 2011:** Referred to the Subcommittee on Commerce, Manufacturing, and Trade.
- **May 27, 2011:** Sponsor introductory remarks on measure. (CR E972)
- **May 26, 2011:** Introduced in House
- **May 26, 2011:** Referred to the House Committee on Energy and Commerce.