



The Honorable Janice D. Schakowsky, Chair  
Subcommittee on Consumer Protection & Commerce  
House Committee on Energy & Commerce  
2125 Rayburn House Office Building  
Washington, DC 20515

The Honorable Cathy McMorris Rodgers, Ranking Member  
Subcommittee on Consumer Protection & Commerce  
House Committee on Energy & Commerce  
2322 Rayburn House Office Building  
Washington, DC 20515

January 8, 2020

Chair Schakowsky & Ranking Member McMorris Rodgers:

The Screen Actors Guild-American Federation of Television and Radio Artists (SAG-AFTRA) is greatly appreciative of the United States House Committee on Energy and Commerce Subcommittee on Consumer Protection and Commerce for holding the hearing on “Americans at Risk: Manipulation and Deception in the Digital Age.” This is an issue of great importance to us, as SAG-AFTRA represents 160,000 actors, singers, dancers, broadcasters, and recording artists who are uniquely misappropriated by bad actors in the marketplace to defraud consumers into purchasing products and services.

As technological innovation continues, the danger of digital manipulation of our members whether to sell a product they have not endorsed, appear in a fake newscast to endorse a product, or feature their likeness in pornography increases exponentially. This is a grave concern to our members as it is threatening their greatest and most personal commodity, their image. The internet has made enforcement of these rights near impossible. Even if a victim can successfully take down a fake site or advertisement, another quickly repopulates. Technology allows these bad actors to hide behind almost untraceable, anonymous accounts.

Recently, two of our members, Ellen DeGeneres and Sandra Bullock, filed a lawsuit under state right of publicity law and federal false endorsement law for the unauthorized use of their likenesses to sell products on the internet. What makes this lawsuit novel is it targets affiliate marketing and pop-up advertisements. Consumers are tricked to enter e-commerce sites by clicking on an advertisement for products claimed to be endorsed by a celebrity. For example, one ad may depict Sandra Bullock to sell an anti-aging cream. This is a serious consumer protection issue as it may deceive consumers into purchasing products

that may be ineffective or even dangerous or it may lock them into ongoing payment contracts they cannot easily escape.

SAG-AFTRA is grateful to the Committee for tackling these issues and we look forward to working with Members to address productive solutions.

Sincerely,

*Kerri Wood Einertson*

Kerri Wood Einertson  
SAG-AFTRA  
National Director, Government Affairs & Public Policy