



Artificial Intelligence Update

September 2026

California Enacts Mandatory Disclosure Requirements for AI-Generated “Synthetic Performers” in Advertising

On September 16, California Governor Gavin Newsom [signed Senate Bill 1050 into law](#), making it unlawful to publish advertisements in California that prominently feature AI-generated “synthetic performers” without a clear and conspicuous disclosure that the advertisement includes a synthetic performer. Below, we summarize the key provisions of SB 1050 ([California Business & Professions Code § 17610](#)), which goes into effect on January 1, 2027, including its core requirements, enforcement framework, and practical implications for advertisers.

Background

The use of generative AI in advertising, including through the use of AI-generated models, is accelerating. SB 1050 responds to this trend by requiring transparency when AI-generated digital figures, voices, or representations – defined as “synthetic performers” – appear in advertisements distributed to California consumers.

California has been a leader in AI regulation more broadly. The state attorney general [issued legal advisories in January 2025](#) reminding businesses that existing California consumer protection laws, including the Unfair Competition Law (Bus. & Prof. Code § 17200 et seq.) and the False Advertising Law (Bus. & Prof. Code § 17500 et seq.), already apply to AI-generated content and deceptive AI practices. SB 1050 builds on that existing framework by imposing a specific, affirmative disclosure obligation for synthetic performers in advertising.

Key Definitions

SB 1050 introduces several defined terms critical to understanding its scope:

- *Synthetic performer.* A “digital figure, voice, or representation created in whole or in part using generative artificial intelligence that creates the realistic impression of the audio, audiovisual, or visual performance of a human performer who is not recognizable as any identifiable natural person.” Importantly, this definition covers only AI-generated figures that are not recognizable as specific real individuals.
- *Generative artificial intelligence.* An “artificial intelligence system that can generate derived synthetic content, such as text, images, video, and audio, that emulates the structure and characteristics of the system’s training data.”
- *Advertisement.* Broadly defined to include “any audio, video, or audiovisual message, statement, audiovisual recording, digital communication, or other representation disseminated in any manner or by any means, including through online platforms,” that is intended or reasonably expected to induce the purchase of goods or services.
- *Advertising medium.* Any broadcast station, cable operator, multichannel video programming distributor, online platform, streaming service, digital advertising network, publisher, or other entity that distributes, displays, transmits, or makes available advertisements to California consumers. Entities that lack the technical capability to remove or disable an advertisement are excluded from this definition.

- *Prominently.* A synthetic performer is “prominently” featured if it is (1) in the foreground demonstrating or illustrating the product or service, (2) providing or voicing the on- or off-camera narration or commercial message, or (3) illustrating or reacting to the narration or commercial message.
- *Clear and conspicuous disclosure.* A disclosure that is “difficult to miss, easily understandable, and presented in a manner that a reasonable consumer would notice, read, and comprehend,” accounting for the medium, format, and context of the advertisement.

Notable Exclusions

SB 1050 excludes several categories of content from its scope. The law does not:

- *Restrict or prohibit the creation, distribution, or exhibition of synthetic content.*
- *Regulate the expressive or informational content of an advertisement, except to require the clear and conspicuous disclosure.*
- *Apply to advertisements for expressive works, such as motion pictures, television programs, streaming content, documentaries, video games, or other similar audio or audiovisual works, provided that the use of a synthetic performer in the advertisement or promotional material is consistent with its use in the expressive work.*
- *Apply to an advertisement in which the use of the generative artificial intelligence solely involves the language translation of a human performer or other accessibility features.*

Clear and Conspicuous Disclosure Requirement

SB 1050 makes it “unlawful for any person to create and cause to be published in an advertising medium an advertisement that prominently includes a synthetic performer without a clear and conspicuous disclosure that the advertisement includes a synthetic performer.” The required disclosure must use wording “substantially similar” to one of the following phrases:

- “This performance features a synthetic performer”
- “No human performer is depicted”

Enforcement and Penalties

A violation of SB 1050 constitutes a violation of § 17500 of the Business and Professions Code – California’s False Advertising Law – and may be enforced through the Unfair Competition Law (Bus. & Prof. Code § 17200 et seq.).

This enforcement mechanism carries significant consequences, including imprisonment, fines, civil penalties, injunctive relief, and disgorgement. SB 1050 does not include an explicit provision barring private rights of action, which means that private litigants may be able to bring enforcement actions, including under the False Advertising Law, Unfair Competition Law, or California Legal Remedies Act (Cal. Civ. Code § 1750 et seq.).

Comparison with New York’s Synthetic Performer Disclosure Law

SB 1050 closely follows [New York’s Synthetic Performer Disclosure Law](#), S8420A/A8887B, which Governor Kathy Hochul signed into law in December 2025, with an effective date of June 9, 2026. New York’s law adds to the state’s consumer protection statutes and requires a “conspicuous” disclosure that a synthetic performer is in the advertisement. Unlike the California law, however, it does not cover audio-only advertisements, does not define what constitutes a conspicuous disclosure, and requires that advertisers have “actual knowledge” that a synthetic performer is used in the ad.

Practical Considerations for Advertisers

Companies that create, commission, or distribute advertisements in California should consider taking the following steps:

- *Audit current and planned advertising campaigns* for the use of generative AI tools that may produce content meeting the “synthetic performer” definition. This includes AI-generated voiceovers, digital spokespersons, and AI-created visual figures in the foreground of ads.
- *Implement disclosure protocols.* Develop standardized disclosures using language substantially similar to the statutory model phrases. Given the “clear and conspicuous” standard, disclosures should be tailored

to each advertising medium and should account for the medium, format, and context of each placement.

- *Monitor multistate compliance.* With California and New York both now imposing synthetic performer disclosure requirements, national advertisers should develop compliance frameworks that satisfy the most stringent applicable standard.

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