To require clear disclosure of seller location and country-of-origin labeling for products advertised for sale on the internet and to prohibit false and misleading representation of United States origin on products, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Ms. BALDWIN (for herself, Mr. SCOTT of Florida, Mr. MURPHY, and Mrs. LOEFFLER) introduced the following bill; which was read twice and referred to the Committee on

A BILL

To require clear disclosure of seller location and country-of-origin labeling for products advertised for sale on the internet and to prohibit false and misleading representation of United States origin on products, and for other purposes.

1 Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

2 SECTION 1. SHORT TITLE.

3 This Act may be cited as the “Country Of Origin Labeling Online Act” or the “COOL Online Act”.

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SEC. 2. MANDATORY ORIGIN AND LOCATION DISCLOSURE FOR PRODUCTS ADVERTISED FOR SALE ON THE INTERNET.

(a) In General.—It shall be unlawful for a product to be introduced, sold, advertised, or offered for sale in commerce on an internet website unless the internet website description of the product—

(1)(A) except as provided in subparagraph (B), indicates in a conspicuous place the country of origin of the product, in a manner consistent with the regulations prescribed under section 304 of the Tariff Act of 1930 (19 U.S.C. 1304) and the country of origin marking regulations administered by U.S. Customs and Border Protection; or

(B) includes, in the case of—

(i) a new passenger motor vehicle (as defined in section 32304 of title 49, United States Code), the disclosure required by such section;

(ii) a textile fiber product (as defined in section 2 of the Textile Fiber Products Identification Act (15 U.S.C. 70b)), the disclosure in labeling required by such Act;

(iii) a wool product (as defined in section 2 of the Wool Products Labeling Act of 1939 (15 U.S.C. 68)), the disclosure in labeling required by such Act;
(iv) a fur product (as defined in section 2 of the Fur Products Labeling Act (15 U.S.C. 69)), the disclosure in labeling required by such Act;

(v) a covered commodity (as defined in section 281 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1638)), the country of origin information required by section 282 of such Act (7 U.S.C. 1638a); and

(vi) a pharmaceutical product subject to the jurisdiction of the Food and Drug Administration, the disclosure required by section 502 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352); and

(2) indicates in a conspicuous place the country in which the seller of the product is located (and, if applicable, the country in which any parent corporation of such seller is located), in a manner consistent with the regulations prescribed under such section 304.

(b) LIMITATION.—The disclosure of a product’s country of origin required pursuant to subsection (a)(1) shall not be made in such a manner as to represent to a consumer that the product is in whole, or substantial part, of domestic origin consistent with the decisions and orders

(c) Application to Third Party Marketplace.—

(1) In General.—Notwithstanding section 230(c)(1) of the Communications Act of 1934 (47 U.S.C. 230(c)(1)), subject to paragraph (2), the requirements of this section shall apply to the provider or publisher of any internet marketplace.

(2) Limitation.—The requirements of this section shall not apply to the provider or publisher of any internet website marketplace that can demonstrate that it acted in good faith reliance on the written designation of a product’s country of origin made by a product’s manufacturer, marketer, or importer.


(1) Unlawful Activity.—Notwithstanding any other provision of law, including section 230(c)(1) of the Communications Act of 1934 (47 U.S.C. 230(c)(1)), it shall be unlawful to make any false or deceptive representation that a product or its parts or processing are of United States origin.
in any labeling, advertising, or other promotional materials, or any other form of marketing, including marketing through digital or electronic means in the United States.

(2) DECEPTIVE REPRESENTATION.—For purposes of paragraph (1), a representation as to United States origin is deceptive if, at the time the representation is made, it cannot be substantiated as an unqualified or qualified express or implied origin claim in accordance with—

(A) the Commission’s Enforcement Policy Statement on U.S. Origin Claims (62 Fed. Reg. 63756 et seq.); or

(B) such further rules or policies as the Commission may publish from time to time.

SEC. 4. ENFORCEMENT BY COMMISSION.

(a) UNFAIR OR DECEPTIVE ACTS OR PRACTICES.—A violation of section 2 or 3 shall be treated as a violation of a rule defining an unfair or a deceptive act or practice under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(b) POWERS OF THE FEDERAL TRADE COMMISSION.—

(1) IN GENERAL.—The Commission shall enforce this Act in the same manner, by the same
means, and with the same jurisdiction, powers, and
duties as though all applicable terms and provisions
et seq.) were incorporated into and made a part of
this Act.

(2) PRIVILEGES AND IMMUNITIES.—Any person
that violates section 2 or 3 shall be subject to the
penalties and entitled to the privileges and immuni-
ties provided in the Federal Trade Commission Act
(15 U.S.C. 41 et seq.) as though all applicable terms
and provisions of that Act were incorporated and
made part of this Act.

(3) AUTHORITY PRESERVED.—Nothing in this
Act may be construed to limit the authority of the
Commission under any other provision of law.

SEC. 5. DEFINITION OF COMMISSION.

In this Act, the term “Commission” means the Fed-
eral Trade Commission.