

Dumbing Down Your Smart TV: California Prohibits the Use of Voice Recognition for Advertising Purposes

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Last week, California Governor Jerry Brown signed into law [A.B. 1116](#), prohibiting manufacturers' use of smart televisions' voice recognition feature for advertising purposes. Effective January 1, 2016, consumers must be "prominently informed" during initial set-up or installation of the operation of a voice recognition feature, and any recordings collected through the operation of the feature cannot be sold or used for any advertising purpose by either the manufacturer or the manufacturer's third-party contractor. Although the law does not create a private right of action, the Attorney General and district attorneys may seek injunctive relief, as well as a civil penalty of up to \$2,500 for each television knowingly sold or leased in violation of the statute.

The bill received bipartisan support and passed both the Senate and Assembly unanimously. Yet again, California leads the nation, becoming the first state to enact legislation addressing the growing concerns with information collection and use by connected devices. According to the bill's author, most consumers understand that they may receive targeted advertising based on their internet activity, but may not realize that their connected appliances may utilize similar technology. It will be interesting to see if other states follow California's lead.

