

NY Law Requires Disclosure of “Synthetic Performers” in Ads

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Last week, New York’s Governor signed a first-of-its kind law that will require companies to conspicuously disclose when their ads include any “synthetic performer,” a term that generally refers to an asset that was created using AI or other software and is intended to emulate an actual human.

Although the law applies to ads for most products and services, it does not apply to ads or promotional materials for expressive works—such as movies, TV programs, streaming content, or video games—provided that the use of a synthetic performer is consistent with its use in the expressive work. The law also includes exceptions for audio ads and instances in which the use of AI “solely involves the language translation of a human performer.”

Brands will want to work with their agencies to understand when ads include synthetic performers so that they can add the necessary disclosures to their ads. A violation of the law may result in a civil penalty of \$1,000 for a first violation and \$5,000 for any subsequent violation.

The law takes effect 180 days.