

Pending Legislation Would Require Country of Origin Disclosures for Online Product Offerings

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The Senate recently passed the Country of Origin Labeling Online Act (COOL Online Act) with overwhelming bipartisan support. Currently, U.S. law requires that external packaging for many products state the product's country of origin. The uptick in online shopping and the sale of imported products, however, has increased interest in requiring country of origin disclosures for online offers. The proposed legislation would require online sellers to disclose country of origin in online product descriptions and online advertisements. The designation would be in a manner consistent with the Customs and Border Protection origin marking regulations and section 304 of the Tariff Act of 1930. The legislation would also require conspicuous disclosure of the seller's location and, if applicable, the country in which any parent corporation of such seller is located.

Critics of the legislation have concerns about potential inconsistency with other regulatory requirements and the burden associated with identifying and tracking the origin of a specific product, particularly for products that may be sourced from different countries or that may be purchased through an intermediary.

The FTC, not Customs, would enforce the act and certainly has experience with other statutes that require country of origin disclosures in advertising. We will continue to track the legislation.

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