July 8, 2025
California State Assembly
1021 O Street, Room 3240
Sacramento, CA 95814

Re: Assembly Bill 853: California AI Transparency Act - Support

Dear Honorable Senators,

Consumer Reports[1] writes in support of the California AI Transparency Act, AB 853. This bill takes on a growing problem for consumers: differentiating between authentic and AI-generated content online.

AI voice and likeness cloning tools have unlocked scammers' abilities to generate deepfake videos falsely depicting celebrities and political figures endorsing products, suggesting investments, and urging citizens to take action. Recent research suggests that consumers struggle to recognize deepfake videos as false, and also overestimate their own ability to detect deepfakes.[2]

AI-powered celeb-bait has proliferated on social media. An investigation by ProPublica identified videos on Meta seemingly depicting President Trump and former president Biden—each with their distinctive tone and cadence—offering cash handouts if people filled out an online form.[3] 404 Media has reported on the spread of low-rent AI clones of Joe Rogan, Taylor Swift, Ice Cube, Andrew Tate, Oprah, and The Rock pushing Medicare and Medicaid-related scams on YouTube.[4] Scammers have used an AI deepfake of Taylor Swift to

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[1] Founded in 1936, Consumer Reports (CR) is an independent, nonprofit and nonpartisan organization that works with consumers to create a fair and just marketplace. Known for its rigorous testing and ratings of products, CR advocates for laws and company practices that put consumers first. CR is dedicated to amplifying the voices of consumers to promote safety, digital rights, financial fairness, and sustainability. The organization surveys millions of Americans every year, reports extensively on the challenges and opportunities for today's consumers, and provides ad-free content and tools to 6 million members across the U.S.

[2] Nils C Köbis et al., Fooled twice: People cannot detect deepfakes but think they can, National Library of Medicine National Center for Biotechnology Information, (2021), https://pubmed.ncbi.nlm.nih.gov/34820608/.

[3] Craig Silverman and Priyanjana Bengani, Exploiting Meta's Weaknesses, Deceptive Political Ads Thrived on Facebook and Instagram in Run-Up to Election, ProPublica, (Oct. 31, 2024), https://www.propublica.org/article/facebook-instagram-meta-deceptive-political-ads-election.

[4] Jason Koelber, Deepfaked Celebrity Ads Promoting Medicare Scams Run Rampant on YouTube, 404 Media, (Jan. 9, 2024), https://www.404media.co/joe-rogan-taylor-swift-andrew-tate-ai-deepfake-youtube-medicare-ads/.

hawk Le Creuset dishware.[5] Elon Musk's likeness has been frequently repurposed by scammers using AI video and voice tools to push fraudulent "investment" schemes. One consumer was reportedly scammed out of $690,000 after seeing a deepfaked Elon Musk endorse an investment opportunity.[6]

By far the most common use of generative AI deepfake technology appears to be creating non-consensual intimate images and pornography. A 2019 review of deepfakes online found that 96% were pornographic.[7] A 2023 analysis of non-consensual deepfakes found that at least 244,625 videos had been added to top websites set up to host deepfake porn videos in the preceding seven years, 113,000 of which were added in 2023, marking a 54% increase over the prior year.[8] Non-consensual intimate images, including of children, were readily found on Google image search and on Microsoft's Bing by NBC News.[9] Apps that promise to create an AI nude image based on an image of a real person are readily found online. Schools across the country, from New Jersey to Washington, have been grappling with students using AI to create non-consensual deepfakes of their fellow classmates.[10] Elected officials have also been targeted, and bad actors have attempted to use such images for blackmail.[11]

Consumer Reports is invested in addressing this issue. We've testified before Congress on the issue of deepfakes and AI-driven scams twice.[12] We've also conducted original research assessing six voice cloning products to determine whether they employ meaningful safeguards to stop fraud or misuse of their products.[13] That research found that it would be easy to create

[5] Tiffany Hsu and Yiwen Lu, No, That's Not Taylor Swift Peddling Le Creuset Cookware, New York Times, (Jan. 9, 2024), https://www.nytimes.com/2024/01/09/technology/taylor-swift-le-creuset-ai-deepfake.html.

[6] Stuart Thompson, How 'Deepfake Elon Musk' Became the Internet's Biggest Scammer, New York Times, (Aug. 14, 2024), https://www.nytimes.com/interactive/2024/08/14/technology/elon-musk-ai-deepfake-scam.html.

[7] Tom Simonite, Most Deepfakes Are Porn, and They're Multiplying Fast, Wired, (Oct. 7, 2019), https://www.wired.com/story/most-deepfakes-porn-multiplying-fast/.

[8] Matt Burgess, Deepfake Porn Is Out of Control, Wired, (Oct. 16, 2023), https://www.wired.com/story/deepfake-porn-is-out-of-control/.

[9] Kat Tenbarge, Fake nude photos with faces of underage celebrities top some search engine results, NBC News, (Mar. 1, 2024), https://www.nbcnews.com/tech/internet/fake-nude-photos-faces-underage-celebrities-top-search-engine-results-rcna136828.

[10] Natasha Singer, Teen Girls Confront an Epidemic of Deepfake Nudes in School, New York Times, (Apr. 8, 2024), https://www.nytimes.com/2024/04/08/technology/deepfake-ai-nudes-westfield-high-school.html.

[11] Coralie Kraft, Trolls Used Her Face to Make Fake Porn. There Was Nothing She Could Do., New York Times, (Jul. 31, 2024), https://www.nytimes.com/2024/07/31/magazine/sabrina-javellana-florida-politics-ai-porn.html

[12] Justin Brookman, Consumer Reports testifies before Senate Judiciary on AI-powered deepfakes, Consumer Reports Advocacy, (May 21, 2025), https://advocacy.consumerreports.org/research/consumer-reports-testifies-before-senate-judiciary-on-ai-powered-deepfakes/

Justin Brookman, Consumer Reports to testify at Senate Committee hearing on protecting consumers from artificial intelligence enabled frauds and scams, Consumer Reports Advocacy, (November 18, 2024) https://advocacy.consumerreports.org/press_release/consumer-reports-to-testify-at-senate-committee-hearing-on-protecting-consumers-from-artificial-intelligence-enabled-frauds-and-scams/

[13] Grace Gedye, New Report: Do These 6 AI Voice Cloning Companies Do Enough to Prevent Misuse?, Consumer Reports Innovation Lab, (Mar. 10, 2025),

deepfake voice clones of other people using publicly available audio clips without their consent. Four of the six companies CR evaluated—ElevenLabs, Speechify, PlayAI, and Lovo—did not employ any technical mechanisms to ensure that CR researchers had the speaker's consent to generate a clone or to limit the cloning to the user's own voice. Instead, they only required that users check a box, confirming that they had the speaker's consent to make a clone. Four of the six companies (Speechify, Lovo, PlayHT, and Descript) required only a customer's name and/or email address to make an account.

What AB 853 does

Last year, SB 942 was enacted to ensure provenance information will be embedded into AI-generated content that will allow users to identify its origins. AB 853 complements this effort by adding two additional tools to make provenance information more useful:

- At the point of content creation, AB 853 enables provenance markings on authentic, human-generated content by requiring that recording devices sold in California include the option to embed such information.
- At the point of content dissemination, the bill requires social media and online platforms to display the source of content shared on their platforms, leveraging provenance data.

Together with the foundation laid by SB 942, AB 853 empowers consumers to distinguish between AI-generated and human-created content, helping to slow the tide of misinformation. It equips individuals with the tools they need to make informed decisions about the trustworthiness of the media they encounter. It also would accelerate the adoption of and build upon voluntary provenance standards that major tech companies are currently developing, such as those proposed by the Coalition for Content Provenance and Authenticity (C2PA).[14]

AB 853 would be an important step towards a less deceptive, scam-filled internet. Consumer Reports strongly supports AB 853 and respectfully urges an 'aye' vote.

Sincerely,
Grace Gedye
Policy Analyst
Consumer Reports

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https://innovation.consumerreports.org/new-report-do-these-6-ai-voice-cloning-companies-do-enough-toprevent-misuse/.

[14] See Overview of Coalition for Content Provenance and Authenticity (C2PA) at https://c2pa.org/.