

## Vote No on SB 680

SB 680 goes too far. It seems to say that businesses can't have connections to the natural world. It also presumes only one "right" way for a business to do its part to protect or improve the environment. States have adopted a wide variety of environmental and recycling requirements. Standards vary in different states and countries, as do the requirements concerning labeling related to these standards. **Labels and logos could be considered a violation of this statute along with multiple other provisions of this legislation that would put any business promoting their investments in environmentally friendly practices at risk.**

SB 680 seeks to expand the scope of the Unlawful Trade Practices Act to include environmental advertising and/or marketing that is determined to be false, misleading, deceptive, or fraudulent. This bill could result in a broad expansion of frivolous lawsuits and discourage companies from promoting products and policies that are environmentally friendly out of fear of possible lawsuits. It also puts businesses at risk that are required by other states or countries to include specific information in their advertising or on their products.

Deceptive advertising is already illegal in Oregon and subject to the Unlawful Trade Practices Act:

646.607 states "A person engages in an unlawful trade practice if in the course of the person's business, vocation or occupation the person:

- (1) Employs any unconscionable tactic in connection with selling, renting or disposing of real estate, goods or services, or collecting or enforcing an obligation.
- (2) Fails to deliver all or any portion of real estate, goods or services as promised, and at a customer's request, fails to refund money that the customer gave to the person to purchase the undelivered real estate, goods or services and that the person does not retain pursuant to any right, claim or defense the person may assert in good faith. This subsection does not create a warranty obligation and does not apply to a dispute over the quality of real estate, goods or services delivered to a customer.

This bill is not about deceptive advertising. It includes any communication a business makes in connection with selling a product or service as well as reputational advertising. It would cover logos, symbols and even brand names. The breadth and depth of ways a company could violate the provisions of this bill are so extensive that any company suggesting an environmental benefit would face potential violations.

Because of recent court decisions, a plaintiff does not need to prove they purchased a product or service based on the advertising in question. Instead, the UTPA allows anyone who claims a product has been "falsely marketed" to bring costly – and often unfounded – lawsuits against businesses selling environmentally friendly products.

Due to the bill's wide scope, all businesses would be subject to this new standard, and many businesses may be discouraged from advertising their environmentally friendly products or services out of fear that their claim may be challenged. This bill will harm Oregon's small businesses and sole proprietors the most, opening them up to unfair and unfounded lawsuits.

***Please Oppose SB 680!***

