



October 10, 2025

Governor Gavin Newsom

1021 O Street, Suite 9000

Sacramento, CA 95814

Re: Assembly Bill 853: California AI Transparency Act - Signature Request

Dear Governor Newsom,

Consumer Reports¹ writes to respectfully request you sign 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

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/>.

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 AI deepfake videos of Taylor Swift to 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

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/>.

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),

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 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

<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 Gedy, New Report: Do These 6 AI Voice Cloning Companies Do Enough to Prevent Misuse?, Consumer Reports Innovation Lab, (Mar. 10, 2025),

<https://innovation.consumerreports.org/new-report-do-these-6-ai-voice-cloning-companies-do-enough-to-prevent-misuse/>.

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:

- Requiring that large online platforms, such as social media sites, mass messaging platforms, and search engines, provide consumers with an easy, conspicuous way to discover if there's any provenance information available that reliably indicates whether the content was generated with (or substantially altered by) a generative AI system or an authentic content capture device. If that information is available, the large online platform shall make clear the name of the generative AI system, or the name of the device, among other information.
- Prohibiting platforms and websites that make source code or model weights available for download from knowingly making available a GenAI system that doesn't provide the disclosures required under SB 942. That law requires providers of certain GenAI systems to include latent disclosures in the content their system generates, including the name of the company, the name and version of the GenAI system that created or altered the content, and more.
- At the point of content creation, AB 853 enables provenance markings on authentic, human-generated content by requiring that recording devices sold in California, such as cameras and video cameras, include the option to embed such information.

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 and AI-powered fraud. 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 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 supports AB 853 and respectfully requests your signature.

Sincerely,
Grace Gedye
Policy Analyst
Consumer Reports

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