

112TH CONGRESS
1ST SESSION

H. R. 2908

To protect the First Amendment rights of individuals to share their experiences and perceptions of the effects of foods and dietary supplements.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 13, 2011

Mr. PAUL introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To protect the First Amendment rights of individuals to share their experiences and perceptions of the effects of foods and dietary supplements.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Testimonial Free
5 Speech Act of 2011”.

1 **SEC. 2. DISSEMINATION OF CONSUMER TESTIMONIALS RE-**
2 **GARDING THE MITIGATIVE, PREVENTIVE, OR**
3 **CURATIVE PROPERTIES OF A FOOD OR DIE-**
4 **TARY SUPPLEMENT.**

5 (a) DISSEMINATION OF TESTIMONIALS.—Notwith-
6 standing the Federal Food, Drug, and Cosmetic Act (21
7 U.S.C. 301 et seq.), the Federal Trade Commission Act
8 (15 U.S.C. 41 et seq.), and any other provision of law—

9 (1) no Federal official or employee may restrict
10 dissemination of a testimonial containing a con-
11 sumer’s actual perception of the mitigative, preven-
12 tive, or curative properties of any food or dietary
13 supplement based on the consumer’s experience with
14 that food or dietary supplement; and

15 (2) if a person disseminating a testimonial rea-
16 sonably believes that the dissemination is covered by
17 paragraph (1), such dissemination shall not con-
18 stitute a violation of any Federal law.

19 (b) APPLICABILITY.—Subsection (a) applies to the
20 dissemination of a testimonial described in such subsection
21 by any person, including dissemination by the manufac-
22 turer of a food or dietary supplement for purposes of mar-
23 keting.

24 (c) DEFINITIONS.—In this Act, the terms “food” and
25 “dietary supplement” have the meanings given to those

1 terms in section 201 of the Federal Food, Drug, and Cos-
2 metic Act (21 U.S.C. 321).

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