

118TH CONGRESS
2D SESSION

H. R. 10338

To direct the Federal Trade Commission to promulgate regulations that prohibit the practice of deceptive downsizing, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 10, 2024

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

A BILL

To direct the Federal Trade Commission to promulgate regulations that prohibit the practice of deceptive downsizing, and for other purposes.

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 “Deceptive Downsizing
5 Prohibition Act of 2024”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) Manufacturers of consumer products, in-
9 cluding food, are reducing the size of such products

1 while continuing to use packaging designed for the
2 same or similar product of a larger size.

3 (2) The practice of deceptive downsizing sub-
4 stantially harms consumers and reduces the pur-
5 chasing power of consumers.

6 (3) Consumers frequently do not appreciate or
7 recognize that the size of a consumer product has
8 changed until after the purchase, if ever.

9 (4) The trend toward producing consumer prod-
10 ucts of reduced size without reducing the price has
11 driven inflation, causing substantial injury to con-
12 sumers that is not reasonably avoidable.

13 (5) The Federal Government plays an essential
14 role in protecting consumers from unfair or decep-
15 tive acts or practices, including ensuring manufac-
16 turers of consumer goods do not deceive customers.

17 (6) This Act shall protect consumers by prohib-
18 iting manufacturers of consumer products from sell-
19 ing such products, regardless of price or cost, of re-
20 duced size in packaging previously used for the same
21 or similar product of a larger size.

22 **SEC. 3. DEFINITIONS.**

23 In this Act:

24 (1) COMMISSION.—The term “Commission”
25 means the Federal Trade Commission.

1 (2) CONSUMER PRODUCT.—The term “con-
2 sumer product” has the same meaning given the
3 term in section 101 of the Magnuson-Moss War-
4 ranty—Federal Trade Commission Improvement Act
5 (15 U.S.C. 2301).

6 (3) DECEPTIVE DOWNSIZING.—The term “de-
7 ceptive downsizing” means the practice of a manu-
8 facturer of a consumer product selling such a prod-
9 uct of reduced size using the same packaging that
10 was used for any prior version of the same or sub-
11 stantially similar product that was of larger size.

12 (4) LARGER SIZE.—The term “larger size”
13 means a consumer product of greater volume, size,
14 mass, weight, or quantity relative to the consumer
15 product that is the subject of the alleged deceptive
16 downsizing.

17 (5) REDUCED SIZE.—The term “reduced size”
18 means a reduction in volume, size, mass, weight, or
19 quantity of a consumer product relative to any prior
20 version of the same or substantially similar con-
21 sumer product.

22 **SEC. 4. PROHIBITION ON DECEPTIVE DOWNSIZING.**

23 A manufacturer of a consumer product may not en-
24 gage in deceptive downsizing with respect to such con-
25 sumer product.

1 **SEC. 5. REGULATIONS RELATING TO PROHIBITION ON DE-**
2 **CEPTIVE DOWNSIZING.**

3 The Commission may promulgate, under section 553
4 of title 5, United States Code, any regulations the Com-
5 mission determines necessary to carry out the provisions
6 of this Act.

7 **SEC. 6. ENFORCEMENT BY FEDERAL TRADE COMMISSION.**

8 (a) UNFAIR OR DECEPTIVE ACTS OR PRACTICES.—
9 A violation of this Act shall be treated as a violation of
10 section 18(a)(1)(B) of the Federal Trade Commission Act
11 (15 U.S.C. 57a(a)(1)(B)) regarding unfair or deceptive
12 acts or practices.

13 (b) POWERS OF COMMISSION.—The Commission
14 shall enforce this Act in the same manner, by the same
15 means, and with the same jurisdiction, powers, and duties
16 as though all applicable terms and provisions of the Fed-
17 eral Trade Commission Act (15 U.S.C. 41 et seq.) were
18 incorporated into and made a part of this Act, and any
19 person who violates this Act shall be subject to the pen-
20 alties and entitled to the privileges and immunities pro-
21 vided in the Federal Trade Commission Act.

22 (c) RULE OF CONSTRUCTION.—Nothing in this Act
23 may be construed to limit the authority of the Commission
24 under any other provision of law.

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