



STATE OF UTAH

OFFICE OF THE GOVERNOR
SALT LAKE CITY, UTAH
84114-2220

JON M. HUNTSMAN, JR.
GOVERNOR

GARY R. HERBERT
LIEUTENANT GOVERNOR

March 25, 2009

The Honorable David Clark
Speaker of the House
and
The Honorable Michael G. Waddoups
President of the Senate

Dear Speaker Clark and President Waddoups:

After careful consideration and study, I have decided to veto HB 353, TRUTH IN ADVERTISING ACT AMENDMENTS, and have transmitted it to the Lieutenant Governor for filing.

While protecting children from inappropriate materials is a laudable goal, the language of this bill is so broad that it likely will be struck down by the courts as an unconstitutional violation of the Dormant Commerce Clause and/or the First Amendment.

The industries most affected by this new requirement indicated that rather than risk being held liable under this bill, they would likely choose to no longer issue age appropriate labels on goods and services. Therefore, the unintended consequence of the bill would be that parents and children would have no labels to guide them in determining the age appropriateness of the goods or service, thereby increasing children's potential exposure to something they or their parents would have otherwise determined was inappropriate under the voluntary labeling system now being recognized and embraced by a significant majority of vendors.

Sincerely,

A handwritten signature in black ink that reads "Jon M. Huntsman, Jr." with a stylized flourish at the end.

Jon M. Huntsman, Jr.
Governor