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Judiciary Committee Public Hearing Tuesday, March 14, 2006

Testimony in Support of House Bill 5801- An Act Concerning Truth in Music Advertising

Senator McDonald, Representative Lawlor, and Members of the Judiciary Committee:

I strongly support House Bill 5801 and I thank you for raising this bill, which will protect the public from deceptive advertising of bands and will help true pioneers of American music.

The "Truth in Music" bill will restrict bogus musical or singing groups from capitalizing on the names of recognizable bands by making it unlawful for anyone to advertise or conduct a live musical performance through the use of a false, deceptive or misleading affiliation, connection or association between a performing group and a recording group.

Many groups from the golden age of rock and roll and doo-wop such as The Platters and The Drifters have hundreds of imposter groups profiting off their names.

There are literally 125 versions of The Platters performing around the country. There are thousands of other groups passing themselves off as famous groups from the 50's, 60's and 70's. They are duping consumers and taking money out of the pockets of legitimate artists. This legislation will stop the imposters.

The bill would allow the Attorney General to:

- Stop a performance by an imposter band with an injunction and

- Seek civil penalties of between \$5,000 and \$15,000 against imposter bands and those who advertise such bands.

The bill will not affect a band if it is advertised as a tribute band; if at least one member was part of the original recording group; or if the band has trademark rights or authorization from a trademark holder to perform under a specific name.

Consumers are paying good money to see these performances. In essence they are being conned. This also frees artists from the burden of filing lawsuits all over the country to stop performances by fraudulent acts.

Pennsylvania, South Carolina, and North Dakota recently passed Truth in Music legislation. Currently Florida, Massachusetts, Missouri, New Jersey, and Illinois are considering similar legislation.