

Dark Day For Hollywood – Law Prohibiting Online Publication of Actors’ Ages Is Unconstitutional!

California Employment Law Blog on **February 24, 2018**

A federal court has struck down as unconstitutional a California law ([AB 1687](#)) that prohibits commercial online services from publishing actors’ ages without their consent. The law, which the California legislature enacted in 2016, was undoubtedly one of the best things to happen to Hollywood since the invention of BOTOX. Now, however, a court has ruled that the statute is “clearly unconstitutional” and granted summary judgment in favor of the film and movie website Internet Movie Database ([IMDb](#)). [IMDb.com, Inc. v. Becerra/SAG-AFTRA](#). The law requires database sites like IMDb to remove an actor’s age if requested, with the stated goal of preventing age discrimination in casting. In the suit, IMDb argued that the law violated the First Amendment by “chill[ing] free speech and undermin[ing] public access to factual information” without actually addressing age discrimination. SAG-AFTRA joined the case in support of the State of California and the legislation. Ruling that “regulation of speech must be a last resort,” the district court found that the state should have attempted less invasive options, such as strengthening existing discrimination laws, rather than “censor[ing] a source of truthful information.” The court acknowledged that fighting discrimination against women was a more appropriate target for legislation in the entertainment industry, asserting that age bias in Hollywood is “at root . . . far more a problem of sex discrimination” and stating: “The defendants barely acknowledge this, much less explain how a law preventing one company from posting age-related information on one website could discourage the entertainment industry from continuing to objectify and devalue women. If the government is going to attempt to restrict speech, it should at least develop a clearer understanding of the problem it’s trying to solve.”

[View Original](#)

[Related Professionals](#)

- **Anthony J. Oncidi**

Partner