

## CALIFORNIA ENERGY COMMISSION

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## Regulatory Advisory

October 2017

### Improper “Title 24 Compliant” Labeling and Advertising

**The California Energy Commission does not certify or endorse any particular product or service. Despite this, some marketing materials improperly claim that products are “Title 24 Compliant,” and that the Energy Commission has certified or approved them.**

Title 24 of the California Code of Regulations is composed of 12 parts. Products being used to comply with the *Building Energy Efficiency Standards* (California Code of Regulations, title 24, part 1, chapter 10, and part 6) may not necessarily meet all requirements in Title 24, so advertising should not make broad statements about Title 24 requirements. Examples of improper labels include:



California law makes it: “unlawful for any person, firm, corporation, or association that is a nongovernmental entity to...solicit the purchase of or payment for a product or service...by means of a mailing, electronic message, or Internet website that contains a seal, insignia, trade or brand name, or any other term or symbol that reasonably could be interpreted or construed as implying any state or local government connection, approval, or endorsement.” (Bus. & Prof. Code, § 17533.6.) The law provides for injunctions and civil penalties of \$2,500 per violation. (Bus. & Prof. Code, §§ 17535, 17536.) Violations are also considered misdemeanors. (Bus. & Prof. Code, § 17534.)

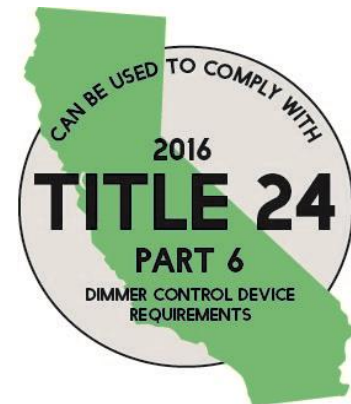
Manufacturers must certify appliances that are within the scope of the *Appliance Efficiency Regulations* (California Code of Regulations, title 20, §§ 1601-1609) to the Energy Commission in order for those appliances to be used to comply with the *Building Energy Efficiency Standards*. Additionally, there are systems, equipment, appliances (not within the scope of the *Appliance Efficiency Regulations*), and building components that are required by the *Building Energy Efficiency Standards* to be certified to the Energy Commission by manufacturers. (See Cal. Code Regs., tit. 24, pt. 6, § 100.1(b).) Note that some regulated appliances require certification to the Energy Commission pursuant to the *Appliance Efficiency Regulations* and the *Building Energy Efficiency Standards* to guarantee lawful sale and installation in new construction.

Systems, equipment, appliances, and building components that have been certified by manufacturers to the Energy Commission are listed either in the Energy Commission's Modernized Appliance Efficiency Database System (MAEDBS) or online at [www.energy.ca.gov/title24/equipment\\_cert/](http://www.energy.ca.gov/title24/equipment_cert/), but labeling or advertising these products as "Title 24 Certified" or "Title 24 Compliant" is improper. The Energy Commission does not certify products. Rather, manufacturers are certifying that their products meet specific requirements. (Cal. Code Regs., tit. 20, § 1606, and tit. 24, pt. 6, § 100.1(b).) Note that this includes light sources certified according to Reference Joint Appendix JA8, which should not be labeled or advertised as "JA8 Certified" or "JA8 Compliant."

Furthermore, the *Building Energy Efficiency Standards* has requirements for how the status of regulated products certified to the Energy Commission by manufacturers may be confirmed. The certification status of any system, equipment, appliance, or building component shall only be confirmed by reference to a directory published or approved by the Energy Commission; a copy of the manufacturer's application for certification and the acceptance letter from Energy Commission staff; written confirmation from the publisher of an Energy Commission-approved directory that a device has been certified; or an Energy Commission-approved label on the device. (Cal. Code Regs., tit. 24, pt. 6, § 110.0(b)3.) Confirming certification status through advertising or other promotional materials is not allowed.

**Products can be advertised in ways that comply with the law if the language used is accurate and specific to the Title 24, Part 6 requirements in question.**

Examples include:



### For more information

Additional questions about the *Building Energy Efficiency Standards* may be addressed by contacting the Energy Standards Hotline at (800) 772-3300 (toll-free in California), (916) 654-5106 (outside California), or via email at [title24@energy.ca.gov](mailto:title24@energy.ca.gov).

Additional questions about the *Appliance Efficiency Regulations* may be addressed by contacting the Title 20 Appliance Compliance Assistance Call Center at (888) 838-1467 (toll-free in California), (916) 651-7100 (outside California), or via email at [appliances@energy.ca.gov](mailto:appliances@energy.ca.gov).