

HOUSE BILL No. 5874

June 13, 1990, Introduced by Reps. Gnodtke, Hickner, Walberg, Randall, Bartnik, Giese, Miller, Stacey, Brown, DeLange, Ouwinga, Wartner, Bender, Van Singel, Hillegonds, Kosteva, London, Hart, Niederstadt, Middaugh, Oxender and Munsell and referred to the Committee on Agriculture.

A bill to amend section 17 of Act No. 39 of the Public Acts of 1968, entitled

"Michigan food law of 1968,"

being section 289.717 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 17 of Act No. 39 of the Public Acts of
2 1968, being section 289.717 of the Michigan Compiled Laws, is
3 amended to read as follows:

4 Sec. 17. A food is ~~deemed~~ CONSIDERED misbranded IN ANY OF
5 THE FOLLOWING CIRCUMSTANCES:

6 (a) If its labeling is false or misleading in any
7 particular.

8 (b) If it is offered for sale under the name of another
9 food.

1 (c) If it is an imitation of another food for which a
2 definition and standard of identity has been prescribed by
3 ~~regulations~~ RULES as provided by section 15 or under the fed-
4 eral act; or if it is an imitation of another food that is not
5 subject to ~~subsection (g) of this section~~ SUBDIVISION (G),
6 unless its label bears, in type of uniform size and prominence,
7 the word "imitation" ~~, and, immediately thereafter,~~ FOLLOWED
8 IMMEDIATELY BY the name of the food imitated.

9 (d) If its container is ~~so~~ made, formed, or filled SO as
10 to be misleading.

11 (e) If in package form, unless it bears a label containing
12 ~~(1)~~ the name and place of business of the manufacturer, packer,
13 or distributor ~~—~~ and ~~(2)~~ an accurate statement of the quan-
14 tity of the contents in terms of weight, measure, or numerical
15 count, except that reasonable variations are permitted, and
16 exemptions as to small packages shall be established by
17 ~~regulations prescribed~~ RULES PROMULGATED by the department.

18 (f) If any word, statement, or other labeling required ~~by~~
19 ~~or~~ under ~~authority of~~ this act is not prominently AND
20 CONSPICUOUSLY placed on the label ~~with conspicuousness,~~ and in
21 such terms as to render it likely to be read and understood.

22 (g) If it purports to be or is represented as a food for
23 which a definition and standard of identity has been prescribed
24 by ~~regulations~~ RULES as provided by section 15 or under the
25 federal act, unless it conforms to ~~such~~ THAT definition and
26 standard, and its label bears the name of the food specified in
27 the definition and standard, and, ~~insofar as may be~~ IF required

1 by the ~~regulations~~ RULES, the common names of optional
 2 ingredients, other than spices, flavoring, and coloring, present
 3 in ~~such~~ THE food.

4 (h) If it purports to be or is represented as EITHER OF THE
 5 FOLLOWING:

6 (i) ~~(1)~~ A food for which a standard of quality has been
 7 prescribed by ~~regulations~~ RULES as provided by section 15 and
 8 its quality falls below ~~such~~ THAT standard unless its label
 9 bears, in such manner and form as ~~such regulations specify~~
 10 SPECIFIED BY REGULATION, a statement that it falls below ~~such~~
 11 THAT standard.

12 (ii) ~~(2)~~ A food for which a standard or standards of fill
 13 of container have been prescribed by ~~regulation~~ RULE as pro-
 14 vided by section 15, and it falls below the APPLICABLE standard
 15 of fill of container, ~~applicable thereto,~~ unless its label
 16 bears, in such manner and form as the ~~regulations~~ RULES speci-
 17 fy, a statement that it falls below the standard.

18 (i) If it is not subject to ~~the provisions of~~ subdivision
 19 (g), ~~of this section,~~ unless it bears labeling clearly giving
 20 ~~(1)~~ the common or usual name of the food, if ~~any~~ there ~~be~~
 21 IS A COMMON OR USUAL NAME, and ~~(2)~~ in case it is fabricated
 22 from 2 or more ingredients, the common or usual name of each
 23 ingredient, ~~—~~ except that spices, flavorings, and colorings,
 24 other than those sold as such, may be designated as spices,
 25 flavorings, and colorings, without naming each. To the extent
 26 that compliance with ~~the requirements of clause (2) of this~~
 27 ~~subdivision~~ STATING THE COMMON OR USUAL NAME OF EACH INGREDIENT

1 is impractical or results in deception or unfair competition,
2 exemptions shall be established by ~~regulations~~ RULES promul-
3 gated by the department.

4 (j) If it bears or contains any artificial flavoring, arti-
5 ficial coloring, or chemical preservative, unless it bears label-
6 ing stating that fact. To the extent that compliance with the
7 requirements of this ~~paragraph~~ SUBDIVISION is impracticable,
8 exemptions shall be established by ~~regulations~~ RULES promul-
9 gated by the director.

10 (k) If it purports to be or is represented for special
11 dietary uses, unless its label bears ~~such~~ information concern-
12 ing its vitamin, mineral, or other dietary properties as the
13 department determines to be and by ~~regulations~~ RULES prescribed
14 ~~—~~ as necessary in order to fully inform purchasers as to its
15 value for ~~such~~ SPECIAL DIETARY uses. To the extent that com-
16 pliance with the requirements of this subdivision is impractica-
17 ble, exemptions shall be established by ~~regulations~~ RULES
18 promulgated by the department.

19 (l) If it is a product intended as an ingredient of another
20 food and when used according to the directions of the purveyor
21 will result in the final food product being adulterated or
22 misbranded.

23 (m) If it is a color additive unless its packaging and
24 labeling are in conformity with ~~such~~ THE packaging and labeling
25 requirements applicable to such color additive prescribed under
26 the provisions of the federal act.

1 (N) IF IT PURPORTS TO BE OR IS REPRESENTED AS A FOOD THAT IS
2 ORGANICALLY PRODUCED, ORGANICALLY GROWN, OR ORGANIC AND IT FAILS
3 TO COMPLY WITH THE MICHIGAN ORGANIC FOOD LAW.

4 Section 2. This amendatory act shall not take effect unless
5 Senate Bill No. _____ or House Bill No. 5873 (request
6 no. 02830'89) of the 85th Legislature is enacted into law.