

# SENATE BILL No. 390

May 2, 1989, Introduced by Senators KELLY, DI NELLO,  
J. HART, FESSLER and O'BRIEN and referred to the  
Committee on Regulatory Affairs.

A bill to amend section 16 of Act No. 39 of the Public Acts  
of 1968, entitled  
"Michigan food law of 1968,"  
being section 289.716 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Section 16 of Act No. 39 of the Public Acts of  
2       1968, being section 289.716 of the Michigan Compiled Laws, is  
3       amended to read as follows:

4       Sec. 16. A food is deemed adulterated IF ANY OF THE FOL-  
5       LOWING APPLY:

6       (a) (1) If it bears or contains any poisonous or deleterious  
7       substance which may render it injurious to health; but if the  
8       substance is not an added substance, the food shall not be  
9       considered adulterated under this clause if the quantity of such  
10      substance in the food does not ordinarily render it injurious to

1 health; or (2) (A) If it bears or contains any added poisonous or  
2 added deleterious substance, other than one which is (i) a pesti-  
3 cide chemical in or on a raw agricultural commodity; (ii) a food  
4 additive; or (iii) a color additive, which is unsafe within the  
5 meaning of section 21; or (B) if it is a raw agricultural commod-  
6 ity and it bears or contains a pesticide chemical which is unsafe  
7 within the meaning of section 21; or (C) if it is or it bears or  
8 contains any food additive which is unsafe within the meaning of  
9 section 21; provided that where a pesticide chemical has been  
10 used in or on a raw agricultural commodity in conformity with an  
11 exemption granted or tolerance prescribed under section 21, and  
12 such raw agricultural commodity has been subjected to processing  
13 such as canning, cooking, freezing, dehydrating, or milling, the  
14 residue of such pesticide chemical remaining in or on such pro-  
15 cessed food shall, notwithstanding the provisions of sections 21  
16 and 22 and THIS clause, ~~-(c) of this section,~~ not be deemed  
17 unsafe if such residue in or on the raw agricultural commodity  
18 has been removed to the extent possible in good manufacturing  
19 practice, and the concentration of such residue in the processed  
20 food when ready to eat is not greater than the tolerance pre-  
21 scribed for the raw agricultural commodity; or (3) if it consists  
22 in whole or in part of a diseased, contaminated, filthy, putrid,  
23 or decomposed substance, or if it is otherwise unfit for food; or  
24 (4) if it has been produced, prepared, packed, or held under  
25 insanitary conditions whereby it may have become contaminated  
26 with filth, or whereby it may have been rendered diseased,  
27 unwholesome, or injurious to health; or (5) if it is the product

1 of a diseased animal or an animal which has died otherwise than  
2 by slaughter, or that has been fed upon uncooked garbage or  
3 uncooked offal from a slaughterhouse; or (6) if its container is  
4 composed, in whole or in part, of any poisonous or deleterious  
5 substance which may render the contents injurious to health.

6 (b) If any valuable constituent has been in whole or in part  
7 omitted or abstracted therefrom; or if any substance has been  
8 substituted wholly or in part therefor; or if damage or inferior-  
9 ity has been concealed in any manner; or if any substance has  
10 been added thereto or mixed or packed therewith so as to increase  
11 its bulk or weight, or reduce its quality or strength or make it  
12 appear better or of greater value than it is.

13 (c) If it is confectionery and (1) has partially or com-  
14 pletely imbedded therein any nonnutritive object: This clause  
15 shall not apply in the case of any nonnutritive object if, in the  
16 judgment of the director as provided by regulations, such object  
17 is of practical functional value to the confectionery product and  
18 would not render the product injurious or hazardous to health; or  
19 (2) bears or contains any alcohol other than alcohol not in  
20 excess of ~~1/2 of 1% volume derived solely from the use of fla-~~  
21 ~~vorizing extracts~~ 5% BY WEIGHT; or (3) bears or contains any non-  
22 nutritive substance: This clause shall not apply to a safe non-  
23 nutritive substance such as harmless coloring, harmless flavor-  
24 ing, harmless resinous glaze not in excess of 4/10 of 1%, harm-  
25 less natural wax not in excess of 4/10 of 1%, harmless natural  
26 gum and pectin, or to any chewing gum by reason of its containing  
27 harmless nonnutritive masticatory substances which is in or on

1 confectionery by reason of its use for some practical functional  
2 purpose in the manufacture, packaging, or storage of such confec-  
3 tionery if the use of the substance does not promote deception of  
4 the consumer or otherwise result in adulteration or misbranding  
5 in violation of the provisions of this act: For the purpose of  
6 avoiding or resolving uncertainty as to the application of this  
7 clause, the director may issue regulations allowing or prohibit-  
8 ing the use of particular nonnutritive substances.

9 (d) If it is or bears or contains any color additive which  
10 is unsafe within the meaning of section 21.

11 Section 2. This amendatory act shall not take effect unless  
12 Senate Bill No. 391 of the 85th Legislature is enacted into law.