



HOUSE BILL No. 5395

February 17, 2000, Introduced by Reps. Martinez, Baird, Dennis, Callahan, Lockwood, O'Neil, Thomas, Cherry, Ruth Johnson, Law, Jacobs and Woodward and referred to the Committee on Agriculture and Resource Management.

A bill to amend 1968 PA 39, entitled
"Michigan food law of 1968,"
by amending section 17 (MCL 289.717).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 17. (1) A food is ~~deemed~~ CONSIDERED misbranded IF
2 ANY OF THE FOLLOWING APPLY:

3 (a) ~~If its~~ ITS labeling is false or misleading in any
4 particular.

5 (b) ~~If it~~ IT is offered for sale under the name of another
6 food.

7 (c) ~~If it~~ IT is an imitation of another food for which a
8 definition and standard of identity has been prescribed by regu-
9 lations as provided by section 15 or under the federal act; or if
10 it is an imitation of another food that is not subject to
11 ~~subsection~~ SUBDIVISION (g), ~~of this section,~~ unless its label

1 bears, in type of uniform size and prominence, the word
2 "imitation", and, immediately thereafter, the name of the food
3 imitated.

4 (d) ~~If its~~ ITS container is so made, formed, or filled as
5 to be misleading.

6 (e) ~~If~~ IT IS in package form, unless it bears a label con-
7 taining ~~(1)~~ the name and place of business of the manufacturer,
8 packer, or distributor; and ~~(2)~~ an accurate statement of the
9 quantity of the contents in terms of weight, measure, or numeri-
10 cal count ~~—~~ except that reasonable variations are permitted ~~—~~
11 and exemptions as to small packages shall be established by regu-
12 lations prescribed by the department.

13 (f) ~~If any~~ ANY word, statement, or other labeling required
14 by or under authority of this act is not prominently placed on
15 the label with conspicuousness ~~—~~ and in such terms as to render
16 it likely to be read and understood.

17 (g) ~~If it~~ IT purports to be or is represented as a food
18 for which a definition and standard of identity has been pre-
19 scribed by regulations as provided by section 15 or under the
20 federal act ~~—~~ unless it conforms to such definition and stan-
21 dard ~~—~~ and its label bears the name of the food specified in
22 the definition and standard ~~—~~ and, insofar as may be required
23 by the regulations, the common names of optional ingredients,
24 other than spices, flavoring, and coloring, present in such
25 food.

26 (h) ~~If it~~ IT purports to be or is represented as EITHER OR
27 BOTH OF THE FOLLOWING:

1 (i) ~~(1)~~ A food for which a standard of quality has been
 2 prescribed by regulations as provided by section 15 and its qual-
 3 ity falls below such standard unless its label bears, in such
 4 manner and form as such regulations specify, a statement that it
 5 falls below such standard.

6 (ii) ~~(2)~~ A food for which a standard or standards of fill
 7 of container have been prescribed by regulation as provided by
 8 section 15 ~~,~~ and it falls below the standard of fill of con-
 9 tainer applicable thereto ~~,~~ unless its label bears, in such
 10 manner and form as the regulations specify, a statement that it
 11 falls below the standard.

12 (i) ~~If it~~ IT is not subject to the provisions of subdivi-
 13 sion (g), ~~of this section,~~ unless it bears labeling clearly
 14 giving ~~(1)~~ the common or usual name of the food, if any, ~~there~~
 15 ~~be,~~ and ~~(2)~~ in case it is fabricated from 2 or more ingredi-
 16 ents, the common or usual name of each ingredient ~~,~~ except that
 17 spices, flavorings, and colorings, other than those sold as such,
 18 may be designated as spices, flavorings, and colorings, without
 19 naming each AND UNDER CIRCUMSTANCES AS ESTABLISHED BY RULES
 20 REGARDING EXEMPTIONS BASED UPON PRACTICALITY, POTENTIAL DECEP-
 21 TION, AND UNFAIR COMPETITION. ~~To the extent that compliance~~
 22 ~~with the requirements of clause (2) of this subdivision is~~
 23 ~~impractical or results in deception or unfair competition, exemp-~~
 24 ~~tions shall be established by regulations promulgated by the~~
 25 ~~department.~~

26 (j) ~~If it~~ IT bears or contains any artificial flavoring,
 27 artificial coloring, or chemical preservative ~~,~~ unless ~~it~~

1 ~~bears~~ THE labeling ~~stating~~ STATES that fact AND UNDER OTHER
2 CIRCUMSTANCES AS ESTABLISHED BY RULES REGARDING EXEMPTIONS BASED
3 UPON PRACTICALITY. ~~To the extent that compliance with the~~
4 ~~requirements of this paragraph is impracticable, exemptions shall~~
5 ~~be established by regulations promulgated by the director.~~

6 (k) ~~If it~~ IT purports to be or is represented for special
7 dietary uses, unless its label bears such information concerning
8 its vitamin, mineral, or other dietary properties as the depart-
9 ment determines to be and by regulations prescribed, as necessary
10 in order to fully inform purchasers as to its value for such uses
11 AND UNDER CIRCUMSTANCES AS ESTABLISHED BY RULES REGARDING EXEMP-
12 TIONS BASED UPON PRACTICALITY. ~~To the extent that compliance~~
13 ~~with the requirements of this subdivision is impracticable,~~
14 ~~exemptions shall be established by regulations promulgated by the~~
15 ~~department.~~

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

20 (m) ~~If it~~ IT is a color additive ~~unless its~~ WHOSE pack-
21 aging and labeling are NOT in conformity with such packaging and
22 labeling requirements applicable to such color additive pre-
23 scribed under the provisions of the federal act.

24 (N) IT IS GENETICALLY MODIFIED FOOD OR COMES FROM A GENETI-
25 CALLY MODIFIED ORGANISM WITHOUT BEING CLEARLY LABELED AS SUCH IN
26 A MANNER ACCEPTABLE TO THE DEPARTMENT.

1 (2) AS USED IN THIS SECTION:

2 (A) "GENETICALLY MODIFIED FOOD" MEANS A FOOD THAT IS DERIVED
3 FROM A GENETICALLY MODIFIED ORGANISM OR FROM A PLANT OR ANIMAL
4 FED OR TREATED WITH MATERIALS FROM A GENETICALLY MODIFIED
5 ORGANISM. GENETICALLY MODIFIED FOOD INCLUDES A FOOD PRODUCT CON-
6 TAINING AN INGREDIENT FROM A GENETICALLY MODIFIED ORGANISM OR A
7 PLANT OR ANIMAL FED OR TREATED WITH MATERIALS FROM A GENETICALLY
8 MODIFIED ORGANISM.

9 (B) "GENETICALLY MODIFIED ORGANISM" MEANS AN ORGANISM WHOSE
10 GENOME HAS BEEN ALTERED USING CELLULAR AND MOLECULAR METHODS FOR
11 GENETIC MODIFICATION THAT IS NOT TRADITIONALLY USED TO SELECT
12 BENEFICIAL GENETIC TRAITS.