

HOUSE CS FOR CS FOR SENATE BILL NO. 208(RES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY THE HOUSE RESOURCES COMMITTEE

Offered: 3/6/02

Referred: Rules

Sponsor(s): SENATOR WARD

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the labeling of, the advertising of, the identification of, and the**
2 **disclosure of certain information about halibut, salmon, sablefish, halibut products,**
3 **salmon products, and sablefish products."**

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 * **Section 1.** AS 17.20.040 is amended to read:

6 **Sec. 17.20.040. Misbranded foods.** Food is misbranded if

7 (1) its labeling is false or misleading in any particular;

8 (2) it is offered for sale under the name of another food;

9 (3) it is an imitation of another food, unless its label bears, in type of
10 uniform size and prominence, the word "imitation" and, immediately thereafter, the
11 name of the food imitated;

12 (4) its container is made, formed, or filled so as to be misleading;

13 (5) it is in package form unless it bears a label containing (A) the name
14 and place of business of the manufacturer, packer, or distributor; and (B) an accurate

statement of the quantity of the contents in terms of weight, measure, or numerical count; however, under (B) of this paragraph, reasonable variations are permitted, and exemptions for small packages shall be established by regulations prescribed by the department;

(6) a word, statement, or other information required by or under authority of this chapter to appear on the label or labeling is not prominently placed with the conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) and in terms **that** [WHICH] make it likely to be read and understood by the ordinary individual under customary conditions of purchase and use;

(7) it purports to be or is represented as a food for which a definition and standard of identity has been prescribed by regulations as provided by AS 17.20.010, unless (A) it conforms to the definition and standard, and (B) its label bears the name of the food specified in the definition and standard and the common names of optional ingredients other than spices, flavoring, and coloring present in the food as required by regulation;

(8) it purports to be or is represented as (A) a food for which a standard of quality has been prescribed by regulations, and its quality falls below that standard, unless its label bears, in the manner and form the regulations specify, a statement that it falls below that standard; or (B) a food for which a standard of fill of container has been prescribed by regulation as provided by AS 17.20.010 and it falls below the applicable standard of fill of container, unless its label bears, in the manner and form as the regulations specify, a statement that it falls below that standard;

(9) it is not subject to the provisions of (7) of this **subsection** [SECTION], unless it bears labeling clearly giving (A) the common or usual name of the food, if any, and (B) in case it is fabricated from two or more ingredients, the common or usual name of each ingredient; except that, however, spices, flavorings, and colorings, other than those sold as such, may be designated as spices, flavorings, and colorings, without naming each; however, to the extent that compliance with the requirements of (B) of this paragraph is impracticable, or results in deception or unfair competition, exemptions shall be established by regulations **adopted**

[PROMULGATED] by the department, but the requirements of (B) of this paragraph do not apply to food products that [WHICH] are packaged at the direction of purchasers at retail at the time of sale, the ingredients of which are disclosed to the purchasers by other means in accordance with regulations adopted by the department;

(10) it purports to be or is represented for special dietary uses, unless its label bears information concerning its vitamin, mineral, and other dietary properties the commissioner determines to be, and by regulations prescribes as, necessary in order fully to inform purchasers as to its value for those uses;

(11) it bears or contains artificial flavoring, artificial coloring, or chemical preservative, unless it bears labeling stating that fact; however, to the extent that compliance with the requirements of this paragraph is impracticable, exemption shall be established by regulations adopted by the department;

(12) the food is a farmed halibut, salmon, or sablefish product, unless

(A) the product is labeled to identify the product as farmed fish raised outside the state, if the product is sold in a packaged form; or

(B) the product is conspicuously identified as farmed fish raised outside the state, if the product is sold in an unpackaged form;

(13) the labeling or advertisement of the food is inconsistent with the labeling or advertisement provisions of AS 17.20.048.

* **Sec. 2.** AS 17.20.040 is amended by adding a new subsection to read:

(b) In (a)(12) of this section, "farmed halibut, salmon, or sablefish product" means a food product that contains halibut, salmon, or sablefish that is propagated, farmed, or cultivated in a facility that grows, farms, or cultivates finfish in captivity or under positive control but that is not a salmon hatchery that is owned by the state or that holds a salmon hatchery permit under AS 16.10.400; in this subsection, "positive control" has the meaning given in AS 16.40.199.

* **Sec. 3.** AS 17.20 is amended by adding a new section to read:

Sec. 17.20.048. Labeling and advertisement of halibut, salmon, and sablefish products. (a) A person who sells halibut, salmon, or sablefish products at wholesale or retail in this state may label or advertise the product as being or containing a "wild" halibut, salmon, or sablefish product, an "antibiotic-free" halibut,

1 salmon, or sablefish product, or a "hormone-free" halibut, salmon, or sablefish
 2 product, and may indicate that the product or the halibut, salmon, or sablefish in the
 3 product is free from added colors and additives, if the product or the halibut, salmon,
 4 or sablefish in the product

5 (1) is harvested from a river or an ocean;

6 (2) has not been raised in captivity under control for its entire life; and

7 (3) is free from added colors and additives.

8 (b) The labeling or advertising allowed for a halibut, salmon, or sablefish
 9 product by (a) of this section may appear on the principal display panel of a packaged
 10 product, may be conspicuously attached to the container of a bulk product, or may
 11 appear in an advertisement for the product, including media advertising and displays
 12 or placards posted in retail stores. In this subsection, "principal display panel" means
 13 the part of a label that is most likely to be displayed, presented, shown, or examined
 14 under normal and customary conditions of display for sale.

15 (c) In this section, "halibut, salmon, or sablefish product" means halibut,
 16 salmon, or sablefish, or a product made from halibut, salmon, or sablefish.

17 * **Sec. 4.** AS 17.20.370(9) is repealed.