

SENATE BILL NO. 208

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SECOND LEGISLATURE - FIRST SESSION

BY SENATOR WARD

Introduced: 4/27/01
Referred: Labor and Commerce

A BILL

FOR AN ACT ENTITLED

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

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

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

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

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

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

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

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

12 (5) it is in package form unless it bears a label containing (A) the name
13 and place of business of the manufacturer, packer, or distributor; and (B) an accurate
14 statement of the quantity of the contents in terms of weight, measure, or numerical

1 count; however, under (B) of this paragraph, reasonable variations are permitted, and
 2 exemptions for small packages shall be established by regulations prescribed by the
 3 department;

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

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

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

23 (9) it is not subject to the provisions of (7) of this section, unless it
 24 bears labeling clearly giving (A) the common or usual name of the food, if any, and
 25 (B) in case it is fabricated from two or more ingredients, the common or usual name of
 26 each ingredient; except that, however, spices, flavorings, and colorings, other than
 27 those sold as such, may be designated as spices, flavorings, and colorings, without
 28 naming each; however, to the extent that compliance with the requirements of (B) of
 29 this paragraph is impracticable, or results in deception or unfair competition,
 30 exemptions shall be established by regulations promulgated by the department, but the
 31 requirements of (B) of this paragraph do not apply to food products that [WHICH] are

1 packaged at the direction of purchasers at retail at the time of sale, the ingredients of
 2 which are disclosed to the purchasers by other means in accordance with regulations
 3 adopted by the department;

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

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

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

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

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

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

19 * **Sec. 2.** AS 17.20 is amended by adding a new section to read:

20 **Sec. 17.20.048. Labeling and advertisement of halibut and salmon**
 21 **products.** (a) A person who sells halibut or salmon products at wholesale or retail in
 22 this state may label or advertise the product as being or containing a "wild" halibut or
 23 salmon product, an "antibiotic-free" halibut or salmon product, or a "hormone-free"
 24 halibut or salmon product, and may indicate that the product or the halibut or salmon
 25 in the product is free from colors and additives, if the product or the halibut or salmon
 26 in the product is harvested from a river or an ocean and has not been raised in captivity
 27 or under control for its entire life.

28 (b) The labeling or advertising allowed for a halibut or salmon product by (a)
 29 of this section may appear on the principal display panel of a packaged product, may
 30 be conspicuously attached to the container of a bulk product, or may appear in an
 31 advertisement for the product, including media advertising and displays or placards

1 posted in retail stores. In this subsection, "principal display panel" means the part of a
2 label that is most likely to be displayed, presented, shown, or examined under normal
3 and customary conditions of display for sale.

4 (c) In this section, "halibut or salmon product" means halibut, salmon, a
5 halibut product, or a salmon product.