

HOUSE BILL NO. 99

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

BY REPRESENTATIVES MILLER, Kawasaki, Kerttula

Introduced: 1/18/11

Referred: House Special Committee on Fisheries, Labor and Commerce

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to labeling of farmed fish and genetically modified fish."**

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

3 *** Section 1.** AS 17.20.040(a) is amended to read:

4 (a) Food is misbranded if

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

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

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

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

11 (5) it is in package form unless it bears a label containing (A) the name
12 and place of business of the manufacturer, packer, or distributor; and (B) an accurate
13 statement of the quantity of the contents in terms of weight, measure, or numerical
14 count; however, under (B) of this paragraph, reasonable variations are permitted, and
15 exemptions for small packages shall be established by regulations prescribed by the

1 department;

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

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

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

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

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

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

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

10 (A) the product is labeled to identify the product as farmed fish
11 raised outside the state **with a label that reads "farmed fish,"** [,] if the
12 product is sold in a packaged form; or

13 (B) the product is conspicuously identified as farmed fish
14 raised outside the state, **including a notation easily identifiable by a**
15 **consumer,** if the product is sold in an unpackaged form;

16 (13) the labeling, advertisement, or identification of the food is
17 inconsistent with the labeling, advertisement, or identification provisions of
18 AS 17.20.048 or 17.20.049;

19 (14) the food is a genetically modified fish or genetically modified fish
20 product unless

21 (A) the food is conspicuously labeled to identify the fish or fish
22 product as a genetically modified fish or fish product **with a label that reads**
23 **"genetically modified fish or fish product"** if the fish or fish product is sold
24 in a packaged form; or

25 (B) the food is conspicuously identified as a genetically
26 modified fish or fish product, **including a notation easily identifiable by a**
27 **consumer,** if the fish or fish product is sold in an unpackaged form.