

H B
5 9 7

There is an effect on the

CPI (Consumer Price Index)



? Historical context — of Washington law

Deceptive Practices - "Air" Bread
45.75

Office Copy

Introduced: 5/29/81
Referred: Labor & Commerce

1 IN THE HOUSE

BY HAUGEN AND ROGERS

2 HOUSE BILL NO. 597

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the sale of ^{food} bread."

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 * Section 1. AS 45.75.200 is amended by adding a new subsection to read: ^{AS. 190, 45, 755, 250, 280, 45.75, 310}

9 (d) The marking provisions of this section do not apply to
10 unwrapped loaves of bread.

11 * Sec. 2. AS 45.75.250 is repealed.

12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

*Passed with
no amendments*

TO

FROM

Rep) E. J. Hansen
House of Reps Pouch V
Juneau, Alaska 99811

HAMMER & WIKAN, INC.
Box 249
Petersburg, Alaska 99833

SUBJECT:

(2 PM)

FOLD HERE
DATE

4/10/91

Ernie -

MESSAGE

After you + Joe talked with me today I called Ed Poolley at A/S - and brought him up to date - He has delegated Jess Garcia, Director of Procurement to do research + other stuff on this Broad Deal -

Jess is one helluva good man + he gets the jobs done - He is one reason why A/S is where it is today - His phone is extention 740 and he has direct

SIGNED

DATE

did to his office 206 - 7678 - 740 -

REPLY

and will get any info you need - also keep him posted with copies etc -

Your Harry was just in my office to say hello and to look for odd jobs etc - He is looking good - He said you were planning on coming down for Easter - See you then -

SIGNED

Art

Poolley will see you from A/S next week



ASSOCIATED GROCERS, INCORPORATED

3301 South Norfolk P.O. Box 3763 ■ Seattle, Washington 98124 ■ (206) 762-2100

April 8, 1981

Mr. Pete Jeans
Deputy of Commerce
State Office Building
9th Floor Pouch "D"
Juneau, Alaska 99811

Dear Pete:

Enclosed is a copy of Associated Grocers' Bakery Order Guide. I have circled the 36 products not available to consumers in Alaska due to current weight regulations as we discussed on the phone.

The bakery industry in the past few years has gone to other than 16 oz increments in many breads. Due to the ingredients in variety breads and because consumers want smaller loaves for freshness, many breads are 14, 15, and 22½ oz. loaves.

If I can be of any other service, don't hesitate to contact me.

Sincerely,

Ed Pooley
Sr. Vice President
Wholesale Operations

EP/pn

Encl.

cc: Ernie Haugens
Alaska State Legislature
Pouch "V"
Juneau, Alaska 99811

Jess Garcia
Paula Garmo-Smith

Here are the current laws and subsection changes that HB597 effects.

Sec. 45.75.200. Declarations of quantity and origin on packages. (a) Except as otherwise provided in this chapter, a commodity in package form introduced or delivered for introduction into or received in intrastate commerce, kept for the purpose of sale, or offered or exposed for sale in intrastate commerce shall bear on the outside of the package a definite, plain, and conspicuous declaration of

(1) the net quantity of the contents in terms of weight, measure, or count;

(2) in the case of a package kept, offered, or exposed for sale, or sold in a place other than on the premises where packed, the name and place of business of the manufacturer, packer, or distributor; and

(3) the identity of the commodity in the package unless it can easily be identified through the wrapper.

(b) In the declaration required under (a)(1) of this section the qualifying term "wholly packed" or other words of similar import, or a term qualifying a unit of weight, measure, or count such as for example "jumbo," "giant," "full," and the like that tends to exaggerate the amount of commodity in a package, may not be used.

(c) Under (a)(1) of this section the director shall, by regulation, establish (1) reasonable variations or tolerances to be allowed, which may include variations below the declared weight or measure caused by ordinary and customary exposure, only after the commodity is introduced into intrastate commerce, to conditions that normally occur in good distribution practice and that unavoidably result in decreased weight or measure, (2) exemption as to small packages, and (3) exemptions as to commodities put up in variable weights or sizes for sale to the consumer intact and either customarily not sold as individual units or customarily weighed or measured at the time of sale to the consumer. (§ 23 ch 101 SLA 1961; am § 2 ch 78 SLA 1969)

This section is amended by adding subsection (d).

Sec. 45.75.250, Bread. Each loaf of bread and each unit of a twin or multiple loaf made or procured for sale, kept, offered, exposed for sale, or sold, whether or not the bread is wrapped or sliced, shall weigh one-half pound, one and one-half pounds, or a multiple of one pound, avoirdupois weight, within reasonable variations or tolerances established by regulation by the director. This section does not apply to biscuits, buns, or rolls, weighing four ounces or less, or to stale bread sold and expressly represented at the time of sale as such. The marking provisions of AS 45.75.200 do not apply to unwrapped loaves of bread. (§29 ch 101 SLA 1961)

This section is repealed.

tend to exaggerate the amount of commodity in the package. (§ 3 ch 101 SLA 1969)

Cross reference. — As to unlawful acts and practices with regard to advertising, see AS 45.50.471.

Sec. 45.75.230. Misrepresentation of price. When a commodity or service is sold, or is offered, exposed, or advertised for sale, by weight, measure, or count, the price shall not be misrepresented, and the price shall not be represented in a manner calculated or tending to mislead or deceive an actual or prospective purchaser. When an advertised, posted, or labeled price per unit of weight, measure, or count includes a fraction of a cent, all elements of the fraction shall be prominently displayed and the numeral expressing the fraction shall be immediately adjacent to, of the same general design and style as, and at least one-half the height and width of the numerals representing the whole cents. (§ 27 ch 101 SLA 1961)

Sec. 45.75.240. Meat, poultry, and sea food. (a) Except as provided in (b) of this section, meat, meat products, poultry, and sea food except shellfish, offered or exposed for sale or sold as food, shall be offered or exposed for sale and sold by weight. When meat, poultry, or sea food is combined with or associated with some other food element to form either a distinctive food product or a food combination, the food product or combination shall be offered or exposed for sale and sold by weight. The quantity representation may be the total weight of the product or combination, and a quantity representation need not be made for each of the several elements of the product or combination.

(b) This section does not apply to meat, meat products, poultry or sea food which is for immediate consumption on the premises where sold, or as one of several elements comprising a ready-to-eat meal not to be consumed on the premises where sold. (§ 28 ch 101 SLA 1961; am § 4 ch 78 SLA 1969)

Sec. 45.75.250. Bread. Each loaf of bread and each unit of a twin or multiple loaf made or procured for sale, kept, offered, exposed for sale, or sold, whether or not the bread is wrapped or sliced, shall weigh one-half pound, one pound, one and one-half pounds, or a multiple of one pound, avoirdupois weight, within reasonable variations or tolerances established by regulation by the director. This section does not apply to biscuits, buns, or rolls, weighing four ounces or less, or to stale bread sold and expressly represented at the time of sale as such. The marking provisions of AS 45.75.200 do not apply to unwrapped loaves of bread. (§ 29 ch 101 SLA 1961)

Sec. 45.75.260. Butter, oleomargarine, and margarine. Butter, oleomargarine, and margarine shall be offered and exposed for sale and

by weight and one pound, or multiple SLA 1961)

Sec. 45.75.270. Excluding but not including cream, sour cream only in units of liquid pint, one liquid half gallon, two however, packages of 101 SLA 1961; am

Sec. 45.75.280. package form, and wheat flour, flour, phosphated wheat-rising flour, embryonic grits shall pounds, avoirdupois two pounds or more 1961; am § 6 ch 7

Sec. 45.75.282. delivered by vehicle purchaser a contract the delivery shall shall clearly state equipment, and (1) the name a (2) the name a (3) the net weight weight is derived weights shall also

(b) One of the retained by the purchaser at the demand, to the dealer, or a deputy issue a weight (c) If the purchaser only to give him of pounds of corn

Sec. 45.75.290 shall be sold by liquid fuel is more 10 gallons if the

coal, coke, and charcoal
textile products
berries and small fruits
construction of contracts

Commodities. (a) Commodities
measure or by weight. Except
commodities not in liquid form
length or area, or by count.
by weight and commodities
only if the method gives
of commodity sold.

apply to
mediate consumption on the
bunch;
ized by a law of this state or

dry measure in accordance

when there exists a general
in some other manner,
stones, and loose solid materials
stone, when sold by cubic

and fertilizer sold by cubic

regulations necessary to
be determined in accordance
determined and represented
in 101 SLA 1961)

quantity and origin on
provided in this chapter, a
delivered for introduction
except for the purpose of sale, or
commerce shall bear on the
conspicuous declaration of
terms of weight, measure, or

or exposed for sale, or sold
packed, the name and price
of distributor; and

(3) the identity of the commodity in the package unless it can easily
be identified through the wrapper.

(b) In the declaration required under (a)(1) of this section the
qualifying term "when packed" or other words of similar import, or a
term qualifying a unit of weight, measure, or count such as for example
"jumbo," "giant," "full," and the like that tends to exaggerate the
amount of commodity in a package, may not be used.

(c) Under (a)(1) of this section the director shall, by regulation,
establish (1) reasonable variations or tolerances to be allowed, which
may include variations below the declared weight or measure caused
by ordinary and customary exposure, only after the commodity is
introduced into intrastate commerce, to conditions that normally occur
in good distribution practice and that unavoidably result in decreased
weight or measure, (2) exemption as to small packages, and (3)
exemptions as to commodities put up in variable weights or sizes for
sale to the consumer intact and either customarily not sold as
individual units or customarily weighed or measured at the time of sale
to the consumer. (§ 23 ch 101 SLA 1961; am § 2 ch 78 SLA 1969)

Sec. 45.75.210. Declarations of unit price on random
packages. In addition to the declarations required by AS 45.75.200, a
commodity in package form, which is one of a lot containing random
weights, measures, or counts of the same commodity and bearing the
total selling price of the package, shall bear on the outside of the
package a plain and conspicuous declaration of the price per single unit
of weight, measure, or count. (§ 24 ch 101 SLA 1961)

Sec. 45.75.220. Misleading packages. No commodity in package
form may be so wrapped, or put in a container so made, formed, or filled
as to mislead the purchaser as to the quantity of the contents of the
package, and the contents of a container may not fall below the
reasonable standard of fill which the director prescribes for the
commodity. (§ 25 ch 101 SLA 1961)

Sec. 45.75.225. Advertising packages for sale. (a) When a
commodity in package form is advertised in any manner and the retail
price of the package is stated in the advertisement, there shall be
clearly and conspicuously associated with the statement of price a
declaration of the basic quantity of contents of the package as is
required by law or regulation to appear on the package.

(b) When the law or regulation requires a dual declaration of net
quantity to appear on the package, only the declaration that is required
to appear first and without parentheses on the package need appear in
the advertisement.

(c) There may not be included as part of the declaration required by
this section such qualifying terms as "when packed," "minimum," "not
less than," or other terms of similar import nor terms qualifying a unit
of weight, measure, or count such as "jumbo," "giant," "full," which

Title 40
Water, Air and
Environmental Conservation
Wellness, Social Services
and Institutions

Section

- 270. Fluid dairy products
- 280. Flour, corn meal, and hominy grits
- 282. Bulk deliveries sold in terms of weight and delivered by vehicle
- 288. Furnace and stove oil

Section

- 290. Coal, coke, and charcoal
- 300. Textile products
- 310. Berries and small fruits
- 320. Construction of contracts

Sec. 45.75.190. Method of sale of commodities. (a) Commodities in liquid form may be sold only by liquid measure or by weight. Except as otherwise provided in this chapter, commodities not in liquid form may be sold only by weight, by measure of length or area, or by count. However, liquid commodities may be sold by weight and commodities not in liquid form may be sold by count only if the method gives accurate information as to the quantity of commodity sold.

(b) The provisions of this section do not apply to

- (1) commodities when sold for immediate consumption on the premises where sold;
- (2) vegetables when sold by the head or bunch;
- (3) commodities in containers standardized by a law of this state or by federal law;
- (4) berries and small fruits when sold by dry measure in accordance with AS 45.75.310;
- (5) commodities in package form when there exists a general consumer usage to express the quantity in some other manner;
- (6) concrete aggregates, concrete mixtures, and loose solid materials such as earth, soil, gravel, and crushed stone, when sold by cubic measure; or
- (7) unprocessed vegetable and animal fertilizer sold by cubic measure.

(c) The director may issue reasonable regulations necessary to assure that amounts of commodity sold are determined in accordance with good commercial practice and are so determined and represented as to be accurate and informative. (§ 22 ch 101 SLA 1961)

Am. Jur. 2d reference. — 67 Am. Jur. 2d. Sales, § 247 seq.

Sec. 45.75.200. Declarations of quantity and origin on packages. (a) Except as otherwise provided in this chapter, a commodity in package form introduced or delivered for introduction into or received in intrastate commerce, kept for the purpose of sale, or offered or exposed for sale in intrastate commerce shall bear on the outside of the package a definite, plain, and conspicuous declaration of

- (1) the net quantity of the contents in terms of weight, measure, or count;
- (2) in the case of a package kept, offered, or exposed for sale, or sold in a place other than on the premises where packed, the name and place of business of the manufacturer, packer, or distributor; and

(b) the identity of the commodity as identified through the declaration
 (b) In the declaration the qualifying term "when packaged," "giant," "full," "count of commodity in
 (c) Under (a)(1) of this section to establish (1) reasonable weights and measures to include weights and measures by ordinary and custom introduced into intrastate commerce in good distribution practice by weight or measure, (2) exemptions as to commodities sold to the consumer in individual units or containers to the consumer. (§ 23 ch 101 SLA 1961)

Sec. 45.75.210. Declaration of quantity on packages. In addition to the declaration of quantity of commodity in package form, the package shall bear weights, measures, or counts and the total selling price of the commodity in the package a plain and conspicuous declaration of weight, measure, or count.

Sec. 45.75.220. Misleading packaging. A commodity in package form may be so wrapped or packaged as to mislead the purchaser by the appearance of the package, and the container shall conform to a reasonable standard of accuracy for the commodity. (§ 25 ch 101 SLA 1961)

Sec. 45.75.225. Advertisement for commodity in package form. The price of the package shall be prominently and conspicuously displayed on the declaration of the commodity required by law or regulation.

(b) When the law requires a declaration of quantity to appear on the package, the declaration shall appear first and prominently on the advertisement.

(c) There may not be any other declaration on this section such as "less than," or other terms, or weight, measure, or count.

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT

WEIGHTS AND MEASURES SECTION

P.O. Box 10-1686
Anchorage, Alaska 99511
(907)345-3886

April 14, 1981

Arthur H. Peterson
Assistant Attorney General
Department of Law
Pouch K
Juneau, Alaska 99811

Subject: Regulations Pertaining to Section 45.75.250
"Bread" of the Weights and Measures Act.

Dear Art:

Per our conversation on above subject. Following is the background material you requested.

I have been asked to draft regulations allowing bread to be sold within the State of Alaska in 15 oz. and 22½ oz. increments.

I would like a legal interpretation if regulations may be established under the portion of this section that reads "within reasonable variations or tolerances established by the director."

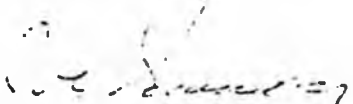
This request originated because the State of Washington allows bread to be baked and sold in several increments other than half or even pound. Some suppliers of bread products to several Alaskan communities do not bake most brands in the even increments required in our statutes and the purchasers are forced to seek several sources to supply their needs.

April 14, 1981

A regulation allowing bread to be sold in increments in other than those required by the statute would solve the problem. However, before I draft regulations of this nature I would like to have the Attorney General's interpretation of "reasonable variations or tolerances."

For additional information please find enclosed a copy of Chapter 34 of the AAC, Article 2, Section 30; and Chapter 33, Article 9, Sections 630 and 640, pertaining to reasonable variations.

Sincerely,


Joseph L. Swanson
Chief, Weights and Measures

Enc.

cc: Deputy Commissioner Pete Jeans
✓ Representative Ernie Haugen
Art Hammer

Sec. 45.75.240. MEAT, POULTRY, AND SEAFOOD. (a) Except as provided in (b) of this section, meat, meat products, poultry, and seafood except shellfish, offered or exposed for sale or sold as food, shall be offered or exposed for sale and sold by weight. When meat, poultry, or seafood is combined with or associated with some other food element to form either a distinctive food product or a food combination, the food product or combination shall be offered or exposed for sale and sold by weight. The quantity representation may be the total weight of the product or combination, and a quantity representation need not be made for each of the several elements of the product or combination.

(b) This section does not apply to meat, meat products, poultry or seafood which is for immediate consumption on the premises where sold, or as one of several elements comprising a ready-to-eat meal not to be consumed on the premises where sold. (§ 28 ch 101 SLA 1961; am § 4 ch 78 SLA 1969)

Effect of amendment--The 1969 amendment designated the former section as subsection (a) and added subsection (b). In subsection (a) the amendment added "Except as provided in (b) of this section" at the beginning of the first sentence, deleted "unit or" preceding "weight" in the first and second sentences, and added the last sentence.

Sec. 45.75.250. BREAD. Each loaf of bread and each unit of a twin or multiple loaf made or procured for sale, kept, offered, exposed for sale, or sold, whether or not the bread is wrapped or sliced, shall weigh one-half pound, one pound, one and one-half pounds, or a multiple of one pound, avoirdupois weight, within reasonable variations or tolerances established by regulation by the director. This section does not apply to biscuits, buns, or rolls, weighing four ounces or less, or to stale bread sold and expressly represented at the time of sale as such. The marking provisions of § 200 of this chapter do not apply to unwrapped loaves of bread. (§ 29 ch 101 SLA 1961)

Sec. 45.75.260. BUTTER, OLEOMARGARINE, AND MARGARINE. Butter, oleomargarine, and margarine shall be offered and exposed for sale and sold by weight and only in units of one-fourth pound, one-half pound, one pound, or multiples of one pound, avoirdupois weight. (§ 30 ch 101 SLA 1961)

Sec. 45.75.270. FLUID DAIRY PRODUCTS. Fluid dairy products, including but not limited to whole milk, skimmed milk, cultured milk, sweet cream, sour cream, and buttermilk, shall be packaged for retail sale only in units of one gill, one-half liquid pint, 10 fluid ounces, one liquid pint, one liquid quart, one-half gallon, one gallon, one and one-half gallon, two and one-half gallon, or multiples of one gallon. However, packages in units of less than one gill are permitted. (§ 31 ch 101 SLA 1961; am § 5 ch 7 SLA 1969)

Effect of amendment--The 1969 amendment inserted "one and one-half gallon, two and one-half gallon" in the first sentence.

Sec. 45.75.280. FLOUR, CORN MEAL, AND HOMINY GRITS. When in package form, and when packed, kept, offered, or exposed for sale or sold, wheat flour, whole wheat flour, graham flour, self-rising wheat flour, phosphated wheat flour, bromated flour, enriched flour, enriched self-rising flour, enriched bromated flour, corn flour, corn meal, and hominy grits shall be packaged only in units of 2, 5, 10, 25, 50, or 100 pounds, avoirdupois weight. However, packages in units of less than two pounds or more than 100 pounds are permitted.

ARTICLE 2. BREAD

Section

- 30. Variances and tolerances
- 40. Sizes of baking pans

3 AAC 34.030. VARIANCES AND TOLERANCES. (a) Any bread manufactured for sale, offered or exposed for sale or sold, shall meet the weight requirements of AS 45.75.250 except that the following variances and tolerances are acceptable:

(1) the one pound loaf (standard loaf) may weigh not less than 15 ounces;

(2) the one and one-half pound loaf (standard large loaf) may weigh not less than 22 ounces and not more than 25 ounces;

(3) any loaf weighing more than those described in subsection (a) and (b) of this

Register 48, January 1974

section, shall be in multiples of one pound and the variances and tolerances may be not more than a minus one ounce per pound or more than a plus one ounce per pound.

(b) The statement of quantity required by AS 45.75.200(a)(1) to appear on the label shall not include the variances and tolerances permitted in subsections (1), (2) and (3) of this section. (Eff. 12/18/64, Reg. 17; am 7/24/70, Reg. 35)

Authority: AS 45.75.050
AS 45.75.190
AS 45.75.200

3 AAC 33.630. VARIATIONS FROM DECLARED NET QUANTITY. Variations from the declared net weight, measure, or count shall be permitted when caused by unavoidable deviations in weighing, measuring, or counting the contents of individual packages that occur in good packaging practice, but such variations shall not be permitted to such extent that the average of the quantities in the packages of a particular commodity, or a lot of the commodity that is kept, offered, or exposed for sale, or sold, is below the quantity stated, and no unreasonable shortage in any package shall be permitted, even though overages in other packages in the same shipment, delivery, or lot compensate for such shortage. Variations above the declared quantity shall not be unreasonably large. (Eff. 7/24/70, Reg. 35)

Authority: AS 45.75.050
AS 45.75.190
AS 45.75.200

3 AAC 33.640. VARIATIONS RESULTING FROM EXPOSURE. Variations from the declared weight or measure on individual packages shall be permitted when caused by ordinary and customary exposure to conditions that normally occur in good distribution practice and that unavoidably result in change of weight or measure, but only after the commodity is introduced into intrastate commerce; provided, that the phrase "introduced into intrastate commerce" as used in this paragraph shall be construed to define the time and the place at which the first sale and delivery of a package is made within the state, the delivery being either

(1) directly to the purchaser or to his agent;
or,

(2) to a common carrier for shipment to the purchaser. This paragraph shall be construed as requiring that, so long as a shipment, delivery, or lot of packages of a particular commodity remains in the possession or under the control of the packager or the person who introduces the package into intrastate commerce, exposure variations shall not be permitted. (Eff. 7/24/70, Reg. 35)

Authority: AS 45.75.050
AS 45.75.190
AS 45.75.200

THE FOLLOWING DOCUMENT(S) MAY NOT FILM
LEGIBLY BECAUSE OF POOR QUALITY OF THE
ORIGINAL.

MEMORANDUM

State of Alaska

TO: Joseph L. Swanson, Chief
Weights and Measures
Department of Commerce and Economic
Development

DATE: May 18, 1981

FILE NO: J-66-693-81

TELEPHONE NO: 465-3600 x 56

THRU: Pete Jeans
FROM: Deputy Commissioner
Department of Commerce and Economic
Development

SUBJECT: Regulation of Bread;
AS 45.75.250

WILSON L. CONDON
ATTORNEY GENERAL

By: Sarah T. Kavasharov
Assistant Attorney General

You have asked whether 3 AAC 34.030 may be construed to allow sale on a regular basis of loaves of bread weighing 15 oz. and 22.5 oz. 3 AAC 34.030, in effect since 1964, interprets AS 45.75.250, which sets standards for sizes of loaves. We understand that the most common standard loaf sizes regularly offered for sale are 16 oz. (1 lb.) and 24 oz. (1 1/2 lb.) However, we understand from you that the State of Washington allows regular marketing of loaves marked 15 oz. and 22.5 oz., and that Southeastern grocers have asked if they may stock and sell loaves of these sizes which are shipped from that state.

1/ AS 45.75.250 provides:

Bread. Each loaf of bread and each unit of a twin or multiple loaf made or procured for sale, kept, offered, exposed for sale, or sold, whether or not the bread is wrapped or sliced, shall weigh one-half pound, one pound, one and one-half pounds, or a multiple of one pound, avoirdupois weight, within reasonable variations or tolerances established by regulation by the director. This section does not apply to biscuits, buns, or rolls weighing four ounces or less, or to stale bread sold and expressly represented at the time of sale as such. The marking provisions of AS 45.75.200 do not apply to unwrapped loaves of bread.

3 AAC 34.030 provides, in relevant part, that:

(a) Any bread manufactured for sale, offered or exposed for sale or sold, shall meet the weight requirements of AS 45.75.250 except that the following variances and tolerances are acceptable:

AS 45.75.250 provides, in part, that "reasonable variations or tolerances" from the statutory standard may be allowed by regulation adopted by the director of the division of weights and measures. 3 AAC 34.030 defines "variations or tolerances" to allow a 16 oz. loaf to weigh not less than 15 ozs. and a 24 oz. loaf to weigh not less than 22.5 ozs. We understand that it has been suggested to you that the regulation might be construed to allow regular marketing of the 15 oz. and 22.5 oz. loaves shipped from Washington.

We believe that approving the regular marketing of 15 oz. and 22.5 oz. loaves would be changing rather than interpreting the statute. Variation would still have to be allowed for individual loaves because of the problem that no one particular loaf can be expected to meet any standard to the exact ounce. We understand that it was to meet this problem that "reasonable variation" is allowed at all. Therefore, variation in the neighborhood of an ounce would still have to be allowed, with the result that loaves which should meet the 16 oz. standard could weigh only 14 oz. This would accomplish a shrinking of the statutory standard by executive action, which is not a reasonable exercise of the regulatory power.

AS 44.62.030 provides in part, that "no regulation adopted is valid or effective unless consistent with the statute and reasonably necessary to carry out the purpose of the statute." The apparent purpose of the statute is to protect reasonable public expectation that bread loaves will be of a standard size. The statute establishes a standard which consumers may reasonably expect to be followed. To allow a "variation" from the standard in this fashion -- a variation which would be virtually invisible to the consumer and yet not so small that it would not be significant -- would not be consistent with the statute. And, far from being reasonably necessary to carry out the purposes of the statute, it would operate to undermine the public protection purpose of the statute. A change of this nature should be made only with full notice to the public and opportunity for comment. At the least, this would require adoption of an amendment of

1/ (continued)

(1) the one pound loaf (standard loaf) may weigh not less than 15 ounces;

(2) the one and one-half pound loaf (standard large loaf) may weigh not less than 22 ounces and not more than 25 ounces;

(3) any loaf weighing more than those described in subsection (a) and (b) of this section, shall be in multiples of one pound and the variances and tolerances may not be more than a minus one ounce per pound or more than a plus one ounce per pound.

the current regulation through procedures established by the Administrative Procedure Act (AS 44.62). However, we believe that it would be an abuse of the regulatory power even to do this, because it would amount to change in the statutory standard by regulation.

In short, our view is, that the legislature has set a standard and only the legislature should change it. To deviate from the standard more than is reasonably necessary to accommodate the problem that individual loaves cannot be precisely uniform would be essentially to change the standard.

STK/jb

THE PRECEDING DOCUMENT(S) MAY NOT FILM
LEGIBLY BECAUSE OF POOR QUALITY OF THE
ORIGINAL.



NATIONAL
AWARD
WINNER

Ruth Ashbrook Bakery

Since 1923

1407 11th Avenue

Seattle, Washington 98122

(206) 325-4900

Bakers of
Holsum
Honey Meal
Custom Label

February 4, 1982

State of Alaska

Re: Bread Weight Modification Bill

Due to the importance of your hearing I wish that I was in attendance, but a conflict made that impossible. The benefits to the people of Alaska are significant, if the Bill of Representatives Terry Martin and Ernie Haugen is adopted. To express these benefits during your hearing is the reason this letter is written.

In this era of rising costs and economic squeeze, conscientious manufacturers must increase productivity and decrease costs and the ultimate price of their product for the benefit of the public.

Currently the laws covering the bread weights of Alaska, Oregon and Washington vary. This increases costs due to production run stoppage for weight changes, costly small volume purchases of packaging material, and duplicated packaging inventories. Bread bag costs range from 1.7¢ to 4¢ depending some on ink coverage, but mainly on quantity runs. Modification of the Alaska law so that these extra costs can be eliminated will give your citizens a better buy on a very basic food - bread.

It is also the opinion of the Baking Industry that with the public's interest in many new varieties of bread the weight of the dough must vary to bake the best quality product. The expansion of the dough differs greatly, from the regular white and blend wheat breads to the heavier multi-grain natural products which the public is interested in today. Therefore, quality can be improved and prices reduced by using less bread dough for some types of products.

Thank you,

LeConie Stiles, Jr.
President

For Feb. 9th

Bread Bill

House Bill 597 - Sponsor Carnie, Haugan

Please call Mr. Jeff Garcia (main contact person)
Associated Grocers Inc.

P.O. Box 3763

Seattle, Wash. 50124

Phone 01-206-762-2100 ext. 7400 or 741

1) Get current laws and section changes from
Rep Ernie Haugan's Office and
#3712 or 3879 we have

[Bottleneck for this is Jol Swanson? - his name to atty gen.
attys generally reply]

Ed Pooley - Seattle supporter with _____?

* Mary - Please call Jeff Garcia above. ^{notified 1-18-82}
let him know hearing date for above
bill and if confirmed let Ernie Haugan
know.

Thanks



THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST
 Bill/Resolution No. HB 597
 Title Relating to the sale of bread
 Requested by _____ Date _____

II. FISCAL DETAIL
 Agency Affected Commerce and Economic Development
 Program Category Affected Public Protection
 BRU, Program, Or Subprogram(s) Affected Weights and Measures
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	0	0	0	0	0	0

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						
	0	0	0	0	0	0

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

IV. DATE 2/8/82 PREPARED BY E. W. Eboch
 AGENCY Commerce and Economic Development
 Original: Legislative Finance PHONE 465-2500
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)
 33-001 (Rev. 12/81)

2-9-82

ALASKA

STATE LEGISLATURE

MEMORANDUM

Enclosed Terry

- 1- Letter from Joe Swanson to attorney general seeking answers.
- 2- Reply from atty generals' office
- 3- Someone from Dept. of Law will be in attendance to answer any questions committee may have.