

Assembly Bill No. 2824

CHAPTER 695

An act to add Section 112877 to the Health and Safety Code, relating to food labeling.

[Approved by Governor September 30, 2008. Filed with
Secretary of State September 30, 2008.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2824, Berryhill. Food labeling: olive oil.

Existing law defines olive oil to mean the edible oil obtained from the fruit of an olive tree. SB 634 proposes to redefine olive oil to mean the edible oil obtained solely from the fruit of the olive tree to the exclusion of oils obtained using solvents or reesterification processes and of any mixture with oils derived of other kinds, except as specified. SB 634 would also define olive oil grades.

This bill would revise the definition of extra virgin olive oil as it is proposed to be added by SB 634 to be effective only if both bills are chaptered and this bill is chaptered last.

The people of the State of California do enact as follows:

SECTION 1. Section 112877 is added to the Health and Safety Code, to read:

112877. Olive oil grades are defined as follows:

(a) "Virgin olive oils" means those oils fit for consumption as they are, obtained from the fruit of the olive tree solely by mechanical or other physical means under conditions, particularly thermal conditions, that do not lead to alterations in the oil, and which have not undergone any treatment other than washing, decanting, centrifuging, and filtration. Virgin olive oils fit for consumption as they are include:

(1) "Extra virgin olive oil" means virgin olive oil which has a free acidity, expressed as oleic acid, of not more than 0.8 grams per 100 grams, has a peroxide value of not more than 20 milliequivalent peroxide oxygen per kilogram oil and would meet the sensory standards of extra virgin olive oil as determined by a taste panel certified by the International Olive Council, or, if the International Olive Council ceases to certify taste panels, would meet the sensory standards of a taste panel that is operated by the University of California or California State University according to guidelines adopted by the International Olive Council as of 2007.

(2) "Virgin olive oil" means virgin olive oil which has a free acidity, expressed as oleic acid, of not more than 2 grams per 100 grams oil and has

a peroxide value of not more than 20 milliequivalent peroxide oxygen per kilogram oil.

(3) “Ordinary virgin olive oil” means virgin olive oil which has a free acidity, expressed as oleic acid, of not more than 3.3 grams per 100 grams oil and has a peroxide value of not more than 20 milliequivalent peroxide oxygen per kilogram oil.

(b) “Olive oil” is the oil consisting of a blend of refined olive oil and virgin olive oils fit for consumption as they are as defined in this section. It has a free acidity, expressed as oleic acid, of not more than 1 gram per 100 grams.

(c) “Refined olive oil” means the olive oil obtained from virgin olive oils by refining methods which do not lead to alterations in the initial glyceridic structure. It has a free acidity, expressed as oleic acid, of not more than 0.3 grams per 100 grams oil.

(d) “Olive-pomace oils” means oils obtained by treating olive pomace with solvents or other physical treatments, to the exclusion of oils obtained by reesterification processes and of any mixture with oils of other kinds. They shall be labeled and marketed with the following designations and definitions:

(1) “Olive-pomace oil” is the oil comprising the blend of refined olive-pomace oil and virgin olive oils fit for consumption as they are. It has a free acidity, expressed as oleic acid, of not more than 1 gram per 100 grams oil. In no case shall this blend be called or labeled “olive oil.”

(2) “Refined olive-pomace oil” is the oil obtained from crude olive-pomace oil by refining methods which do not lead to alterations in the initial glyceridic structure. It has a free acidity, expressed as oleic acid, of not more than 0.3 grams per 100 grams oil.

(3) “Crude olive-pomace oil” means olive-pomace oil that is intended for refining for use for human consumption or that is intended for technical use.

SEC. 2. Section 1 of this bill makes additional changes to Section 112877 of the Health and Safety Code as proposed to be added by SB 634. It shall only become operative if both bills are enacted, SB 634 adds Section 112877 to the Health and Safety Code, and this bill is enacted after SB 634, in which case Section 112877 of the Health and Safety Code, as proposed to be added by SB 634, shall not become operative.