

AMENDED IN SENATE MAY 6, 2009  
AMENDED IN SENATE APRIL 20, 2009  
AMENDED IN SENATE APRIL 13, 2009

**SENATE BILL**

**No. 190**

---

---

**Introduced by Senator Wright**  
*(Coauthor: Senator Padilla)*

February 18, 2009

---

---

An act to add ~~Sections 110726 and 110727~~ *Section 110726* to the Health and Safety Code, relating to misbranded food.

LEGISLATIVE COUNSEL'S DIGEST

SB 190, as amended, Wright. Misbranded food: pomegranate juice.

The Sherman Food, Drug, and Cosmetic Law contains various provisions regarding the contents, packaging, labeling, and advertising of food, drugs, and cosmetics. The law provides that, except as specified, any food fabricated from 2 or more ingredients is misbranded unless it bears a label clearly stating the common or usual name of each ingredient, and if the food purports to be a beverage containing vegetable or fruit juice, a statement with appropriate prominence on the information panel of the total percentage of fruit or vegetable juice contained in the food. The law makes it a misdemeanor, punishable as prescribed, to misbrand any food.

The law also provides that all food labeling regulations adopted pursuant to the ~~federal~~ *Federal* Food, Drug, and Cosmetic Act shall be the food labeling regulations of this state.

~~This bill would permit labeling as 100% pomegranate juice or pomegranate concentrate that reconstitutes to single-strength, 100% pomegranate juice only if prescribed requirements are met.~~

~~The bill would, notwithstanding existing penalty provisions, make it a misdemeanor, punishable as prescribed, to violate these provisions, and would specify that each labeling violation constitutes a separate offense.~~

*This bill would require the State Department of Public Health, by July 1, 2010, in consultation with interested parties, to adopt regulations establishing definitions and standards of identity for 100% pomegranate juice consistent with ensuring the public health.*

By creating a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: *yes-no*.

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

1 *SECTION 1. Section 110726 is added to the Health and Safety*  
2 *Code, to read:*

3 *110726. The department shall, by July 1, 2010, and consistent*  
4 *with ensuring the public health in consultation with interested*  
5 *parties, adopt regulations establishing definitions and standards*  
6 *of identity for 100 percent pomegranate juice.*

7 ~~SECTION 1. The Legislature hereby finds and declares all of~~  
8 ~~the following:~~

9 ~~(a) California is the only commercial growing region of~~  
10 ~~pomegranates in the United States.~~

11 ~~(b) Over 250 farmers in California grow commercial~~  
12 ~~pomegranates on approximately 35,000 acres, generating thousands~~  
13 ~~of jobs and nearly seventy-five million dollars (\$75,000,000) to~~  
14 ~~California's farm economy.~~

15 ~~(c) California pomegranate varieties are superior in quality,~~  
16 ~~size, taste, and color to pomegranates produced abroad.~~

17 ~~(d) Many pomegranates grown in California are processed into~~  
18 ~~juice, which is sold throughout the United States and abroad.~~

19 ~~(e) Over twenty-five million dollars (\$25,000,000) has been~~  
20 ~~spent on medical research on specific varieties of California~~

1 pomegranates. This research shows that these California  
2 pomegranates contain high levels of antioxidants, which help fight  
3 free radicals. Also, 100 percent pomegranate juice from California  
4 pomegranates helps fight prostate cancer and heart disease.  
5 Preliminary research shows benefits relating to colon cancer,  
6 erectile dysfunction, and diabetes.

7 (f) The proven benefits of authentic 100 percent California  
8 pomegranate juice, combined with the high costs of production,  
9 have led to the selling of diluted and adulterated pomegranate juice  
10 on the market that is falsely represented as 100 percent  
11 pomegranate juice. Misbranded pomegranate juice not only  
12 misrepresents the health value of the pomegranate juice to  
13 consumers, it also damages those who manufacture authentic 100  
14 percent pomegranate juice and the economic health of the state's  
15 pomegranate growers.

16 SEC. 2. Section 110726 is added to the Health and Safety Code,  
17 to read:

18 110726. For purposes of Section 110727, the following  
19 definitions shall apply:

20 (a) "Pomegranate juice" means the edible juice obtained by  
21 mechanical process from a pomegranate (*Punica granatum*) and  
22 includes juice that is concentrated and later reconstituted with  
23 water to maintain substantially the original composition of the  
24 juice. "Pomegranate juice" may include finely divided insoluble  
25 solids, except that it shall not contain pieces of shell, seeds, or  
26 other coarse or hard substances or excess pulp.

27 (b) "100 percent pomegranate juice" or "pomegranate juice  
28 concentrate that reconstitutes to single-strength, 100 percent  
29 pomegranate juice" means pomegranate juice that consistently has  
30 the following composition:

31 (1) The polyphenol profile, as measured by high performance  
32 liquid chromatography, fits the following criteria:

33 (A) It has six characteristic pomegranate anthocyanins, including  
34 delphinidin-3, 5-diglucoside, delphinidin-3-glucoside, cyanidin-3,  
35 5-diglucoside and cyanidin-3-glucoside, perlargonidin-3,  
36 5-diglucoside, and perlargonidin-3-glucoside.

37 (B) Neither perlargonidin-3, 5-diglucoside, nor  
38 perlargonidin-3-glucoside shall be present in an amount that is  
39 greater than the least of the other anthocyanins listed in  
40 subparagraph (A).

- 1     ~~(C) No anthocyanin other than those listed in subparagraph (A)~~  
2     ~~is present individually or collectively in excess of 5 percent of the~~  
3     ~~total anthocyanins.~~
- 4     ~~(D) It has at least 100 milligram per liter of punicalagin.~~
- 5     ~~(2) The sugar profile consists of all of the following:~~
- 6     ~~(A) A sucrose level of less than 0.001 grams per 100 milliliters,~~  
7     ~~as measured by high performance liquid chromatography separation~~  
8     ~~with refractive index detection (HPLC-RI).~~
- 9     ~~(B) A glucose to fructose ratio of between 0.8 and 1.0, as~~  
10    ~~measured by high performance liquid chromatography.~~
- 11    ~~(C) A carbon stable isotope ratio analysis less than or equal to~~  
12    ~~25%, as measured by the carbon stable isotope ratio method~~  
13    ~~(13C/12C isotope ratio).~~
- 14    ~~(D) A mannitol level at greater than, or equal to, 0.3 grams per~~  
15    ~~100 milliliters as measured by HPLC-RI.~~
- 16    ~~(E) A sorbitol level at greater than, or equal to, 0.03 grams per~~  
17    ~~100 milliliters as measured by HPLC-RI.~~
- 18    ~~(F) A maltose level of less than .001 grams per 100 milliliters,~~  
19    ~~as measured by HPLC-RI.~~
- 20    ~~(3) The organic acid profile, as measured by high pressure liquid~~  
21    ~~chromatography, consists of all of the following:~~
- 22    ~~(A) Tartaric acids of less than 0.001 grams per 100 milliliters.~~
- 23    ~~(B) A citric/isocitric acid ratio of less than, or equal to, 0.1 grams~~  
24    ~~per 100 milliliters, and the ratio of 350.~~
- 25    ~~(C) Malic acids of less than .001 grams per 100 milliliters.~~
- 26    ~~(D) Malic acid, D-isomer of less than .001 grams per 100~~  
27    ~~milliliters~~
- 28    ~~(4) The amino acid and mineral profile, as measured by high~~  
29    ~~pressure liquid chromatography and flame photometer, consists~~  
30    ~~of both of the following:~~
- 31    ~~(A) A proline amino acid level of less than or equal to 25~~  
32    ~~milligrams per liter.~~
- 33    ~~(B) A potassium level of greater than or equal to 1,800~~  
34    ~~milligrams per liter.~~
- 35    ~~SEC. 3. Section 110727 is added to the Health and Safety Code,~~  
36    ~~to read:~~
- 37    ~~110727. (a) Only 100 percent pomegranate juice or~~  
38    ~~pomegranate juice concentrate that reconstitutes to single-strength~~  
39    ~~100 percent pomegranate juice and otherwise meets the percentage~~  
40    ~~juice labeling requirements of Section 101.30 of Title 21 of the~~

1 Code of Federal Regulations in effect as of December 31, 2009,  
2 may be labeled as 100 percent pomegranate juice or pomegranate  
3 juice concentrate that reconstitutes to single-strength, 100 percent  
4 pomegranate juice.

5 (b) Notwithstanding Section 111825, a person who violates this  
6 section is guilty of a misdemeanor, and upon conviction shall be  
7 punished by a fine of not less than five hundred dollars (\$500) nor  
8 more than one thousand dollars (\$1,000) per occurrence, or by  
9 imprisonment in the county jail not exceeding one year, or by both  
10 fine and imprisonment. Each occurrence of a labeling violation  
11 pursuant to this section shall constitute a separate offense.

12 SEC. 4. No reimbursement is required by this act pursuant to  
13 Section 6 of Article XIII B of the California Constitution because  
14 the only costs that may be incurred by a local agency or school  
15 district will be incurred because this act creates a new crime or  
16 infraction, eliminates a crime or infraction, or changes the penalty  
17 for a crime or infraction, within the meaning of Section 17556 of  
18 the Government Code, or changes the definition of a crime within  
19 the meaning of Section 6 of Article XIII B of the California  
20 Constitution.

21  
22  
23  
24  
25  
26

**All matter omitted in this version of the bill  
appears in the bill as amended in the  
Senate, April 20, 2009 (JR11)**