

ASSEMBLY BILL

No. 2339

Introduced by Assembly Member Harvey

February 15, 1996

An act to amend Section 110805 of the Health and Safety Code, relating to food labeling.

LEGISLATIVE COUNSEL'S DIGEST

AB 2339, as introduced, Harvey. Food labeling.

Existing law requires that chopped beef or hamburger be labeled and advertised in a specified manner when that food is represented as being of certain quality or relative leanness or fat content. Existing law requires that any such representation disclose the maximum fat content of the chopped beef or hamburger by one of 3 designations, "Does not exceed 30 percent fat", "Does not exceed 22 percent fat", and "Does not exceed 15 percent fat". It is a misdemeanor for any person to fail to comply with these provisions.

This bill would add the designation "Does not exceed 7 percent fat" to the list of designations that would satisfy these labeling requirements. Because this bill would change the definition of a crime, it 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.

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

1 SECTION 1. Section 110805 of the Health and Safety
2 Code is amended to read:
3 110805. ~~No~~ (a) *Except as otherwise provided in this*
4 *section, no* chopped or ground beef or hamburger that is
5 offered for sale in any retail food production and
6 marketing establishment or frozen food locker plant shall
7 be advertised, labeled, or otherwise held out in any
8 manner to describe or suggest its quality or relative
9 leanness or fat content unless the label, advertisement, or
10 other representation accurately discloses the maximum
11 fat content thereof by one of the following designations:
12 ~~(a)~~
13 (1) Does not exceed 30 percent fat.
14 ~~(b)~~
15 (2) Does not exceed 22 percent fat.
16 ~~(c)~~
17 (3) Does not exceed 15 percent fat.
18 ~~No~~
19 (4) *Does not exceed 7 percent fat.*
20 (b) *No* designation such as, but not limited to, “lean,”
21 “super lean,” “premium,” “deluxe” or similar terms
22 descriptive of quality, leanness, or fat content shall be
23 included on the label unless the label also contains *one of*
24 the fat-weight ~~designation~~ *designations* specified in
25 subdivision (a), ~~(b), or (c)~~. However, as an alternative to
26 including the fat-weight designation on the label, the
27 fat-weight designation required by this section may be
28 disclosed by means of a sign placed immediately adjacent
29 to the counter on which the chopped or ground beef or
30 hamburger is displayed. ~~Such a~~ *This* sign shall be within
31 plain view of prospective purchasers and shall display the
32 appropriate designation specified in subdivision (a), ~~(b),~~
33 ~~or (c)~~ in boldface print.
34 ~~Chopped~~



1 (c) *Chopped* or ground beef or hamburger that is
2 processed from primal cuts of round or sirloin shall not be
3 required to disclose the maximum fat content if there is
4 no reference to leanness or other quality designation
5 relating to fat content other than the primal cut from
6 which the product is derived; ~~provided in.~~ *If there is a*
7 *reference to leanness or any other quality designation*
8 *relating to fat content, the maximum fat designation shall*
9 *be one of the fat-weight designations specified in*
10 *subdivision (a).* In the case of ground beef or hamburger
11 processed from the primal cut of chuck when the primal
12 cut designated is being used, the fat content of the
13 chopped ground beef or hamburger shall not exceed 26
14 percent.

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16 (d) All labeling and advertising for chopped or ground
17 beef or hamburger processed from the primal cut chuck
18 shall disclose the maximum fat weight designated as,
19 “Does not exceed 26 percent ~~fat.~~ fat” or the appropriate
20 designation specified in subdivision (a).

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22 (e) It is unlawful and constitutes misbranding for any
23 person to sell or offer for sale in a retail food production
24 and marketing establishment or frozen food locker plant
25 any chopped or ground beef or hamburger that is labeled
26 in violation of this section.

27 SEC. 2. No reimbursement is required by this act
28 pursuant to Section 6 of Article XIII B of the California
29 Constitution because the only costs that may be incurred
30 by a local agency or school district will be incurred
31 because this act creates a new crime or infraction,
32 eliminates a crime or infraction, or changes the penalty
33 for a crime or infraction, within the meaning of Section
34 17556 of the Government Code, or changes the definition
35 of a crime within the meaning of Section 6 of Article
36 XIII B of the California Constitution.

37 Notwithstanding Section 17580 of the Government
38 Code, unless otherwise specified, the provisions of this act



1 shall become operative on the same date that the act
2 takes effect pursuant to the California Constitution.

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