

AMENDED IN ASSEMBLY MAY 7, 1996

CALIFORNIA LEGISLATURE—1995-96 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2339**

**Introduced by Assembly Member Harvey**

February 15, 1996

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

LEGISLATIVE COUNSEL'S DIGEST

AB 2339, as amended, 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", *except that if the chopped or ground beef or hamburger is processed from the primal cut chuck, the designation is required to be "Does not exceed 26 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 delete the list of designations that would satisfy these labeling requirements.~~ *The bill, instead, would prohibit the fat content of any chopped or ground beef or hamburger from exceeding 30% fat, except with regard to that processed from the primal cut chuck, which would be prohibited from*

exceeding 26% fat. The bill would permit certain designations of any maximum fat content within these limits. 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. (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 ~~(1) Does not exceed 30 percent fat.~~
- 13 ~~(2) Does not exceed 22 percent fat.~~
- 14 ~~(3) Does not exceed 15 percent fat.~~
- 15 ~~(4) Does not exceed 7 percent fat.~~ *fat content thereof*  
16 *by the designation "Does not exceed \_\_\_ percent fat".*  
17 *However, in no case shall the fat content of any chopped*  
18 *or ground beef or hamburger exceed 30 percent fat,*  
19 *except in no case shall the fat content exceed 26 percent*  
20 *in the case of chopped or ground beef or hamburger*  
21 *processed from the primal cut of chuck when the primal*  
22 *cut designation is being used.*

23 (b) No designation such as, but not limited to, "lean,"  
24 "super lean," "premium," "deluxe" or similar terms  
25 descriptive of quality, leanness, or fat content shall be



1 included on the label unless the label also contains ~~one of~~  
2 ~~the fat weight designations specified in a fat-weight~~  
3 ~~designation as specified in~~ subdivision (a). However, as  
4 an alternative to including the fat-weight designation on  
5 the label, the fat-weight designation required by this  
6 section may be disclosed by means of a sign placed  
7 immediately adjacent to the counter on which the  
8 chopped or ground beef or hamburger is displayed. This  
9 sign shall be within plain view of prospective purchasers  
10 and shall display the appropriate designation specified in  
11 subdivision (a) in boldface print.

12 (c) Chopped or ground beef or hamburger that is  
13 processed from primal cuts of round or sirloin shall not be  
14 required to disclose the maximum fat content if there is  
15 no reference to leanness or other quality designation  
16 relating to fat content other than the primal cut from  
17 which the product is derived. If there is a reference to  
18 leanness or any other quality designation relating to fat  
19 content, the maximum fat designation shall ~~be one of the~~  
20 ~~fat weight designations specified in subdivision (a).~~ In  
21 the case of ground beef or hamburger processed from the  
22 primal cut of chuck when the primal cut designated is  
23 being used, the fat content of the chopped ground beef  
24 or hamburger shall not exceed 26 percent.

25 ~~(d) All labeling and advertising for chopped or ground~~  
26 ~~beef or hamburger processed from the primal cut chuck~~  
27 ~~shall disclose the maximum fat weight designated as;~~  
28 ~~“Does not exceed 26 percent fat” or the appropriate~~  
29 ~~designation specified in subdivision (a).~~

30 ~~(e) be a fat-weight designation as specified in~~  
31 ~~subdivision (a).~~

32 (d) It is unlawful and constitutes misbranding for any  
33 person to sell or offer for sale in a retail food production  
34 and marketing establishment or frozen food locker plant  
35 any chopped or ground beef or hamburger that is labeled  
36 in violation of this section.

37 SEC. 2. No reimbursement is required by this act  
38 pursuant to Section 6 of Article XIII B of the California  
39 Constitution because the only costs that may be incurred  
40 by a local agency or school district will be incurred



1 because this act creates a new crime or infraction,  
2 eliminates a crime or infraction, or changes the penalty  
3 for a crime or infraction, within the meaning of Section  
4 17556 of the Government Code, or changes the definition  
5 of a crime within the meaning of Section 6 of Article  
6 XIII B of the California Constitution.

7 Notwithstanding Section 17580 of the Government  
8 Code, unless otherwise specified, the provisions of this act  
9 shall become operative on the same date that the act  
10 takes effect pursuant to the California Constitution.

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