

Assembly Bill No. 1512

CHAPTER 452

An act to amend Section 42943 of the Food and Agricultural Code, relating to agriculture.

[Approved by Governor September 21, 1999. Filed
with Secretary of State September 21, 1999.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1512, Briggs. Produce: mislabeling.

Existing provisions of the Food and Agricultural Code, which make it unlawful for any person to mislabel any fruit, nut, or vegetable, as specified, including any container of any fresh or dried fruit, nut, or vegetable, also specify that those provisions do not require the obliteration of old markings or labels on (1) used containers that are not closed if the markings or labels are clearly inapplicable to the contents, or (2) on unlidded containers in which the produce is not packed, unless there is deception as to the contents, quality, or area of production.

This bill instead would revise these latter provisions to specify that the mislabeling provisions require the obliteration of incorrect or unauthorized labels or markings prior to commercial reuse of containers and does not require the obliteration of old markings or labels by a grower employing a used container solely to transport, and not for display or sale, that grower's own agricultural products to or from, or both to and from, a certified farmers' market.

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

SECTION 1. Section 42943 of the Food and Agricultural Code is amended to read:

42943. (a) It is unlawful for any person to mislabel any fruit, nut, or vegetable, or place or have any false or misleading statement or designation of quality, grade, trademark, or trade name, on any wrapper or container, or on the label or lining of any container of any fresh or dried fruit, nut, or vegetable, or on any placard which is used in connection with, or which has reference to, any fresh or dried fruit, nut, or vegetable or container, bulk lot, bulk load, load, arrangement, or display of fresh or dried fruits, nuts, or vegetables.

(b) This section requires the obliteration of incorrect or unauthorized labels or markings prior to commercial reuse of containers. The use of empty containers solely as a platform for retail display of other properly labeled containers containing the commodity for sale, or the use of containers for purposes not



involving the sale of the product therein, does not constitute “commercial reuse” for these purposes.

(c) This section does not require the obliteration of old markings or labels by a grower employing a used container solely to transport, and not for display or sale, that grower’s own agricultural products to or from, or both to and from, a certified farmers’ market.

