

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1896 Session of
1989

INTRODUCED BY D. R. WRIGHT, COY, ITKIN, PESCI, RYBAK, COHEN,
HASAY, JOHNSON, LAUGHLIN, PISTELLA, MORRIS, CORRIGAN, TIGUE,
BILLOW, BOYES AND MELIO, SEPTEMBER 26, 1989

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, SEPTEMBER 26, 1989

AN ACT

1 Amending the act of May 13, 1909 (P.L.520, No.292), entitled "An
2 act relating to food: defining food; providing for the
3 protection of the public health, and the prevention of fraud
4 and deception, by prohibiting the manufacture or sale, the
5 offering for sale or exposing for sale, or the having in
6 possession intended to sell, of adulterated, misbranded, or
7 deleterious foods; prescribing certain duties of the Dairy
8 and Food Commissioner in reference thereto; and providing
9 penalties for the violation thereof," further providing for
10 misbranding of articles.

11 The General Assembly of the Commonwealth of Pennsylvania
12 hereby enacts as follows:

13 Section 1. Section 4 of the act of May 13, 1909 (P.L.520,
14 No.292), referred to as the Pure Food Law, is amended by adding
15 paragraphs to read:

16 Section 4. That for the purpose of this act, an article
17 shall be deemed to be misbranded,--

18 * * *

19 Eighth. If it is a food other than an alcoholic beverage, is
20 intended for human consumption, and is offered for sale, unless
21 its label or labeling states the following based on a typical

1 serving size identified in the label--

2 The number of servings per container, the number of calories,
3 the amount of protein, complex carbohydrates, natural sugar,
4 added sugar, total fat, saturated (cholesterol raising) fat,
5 cholesterol, sodium, and dietary fiber, and whether each amount
6 is "high," "medium" or "low" according to definitions that the
7 Secretary of Agriculture shall establish by regulation and the
8 percentage of the United States Recommended Daily Allowances for
9 vitamin A, vitamin C, iron and calcium, and whether each
10 percentage is "high," "medium" or "low" according to definitions
11 that the Secretary of Agriculture shall establish by regulation.

12 Ninth. If it contains a coconut oil, palm oil or palm kernel
13 oil, unless the label of the article of food states the specific
14 common or usual name of each such ingredient actually contained
15 in the article of food and bears the following statement, in a
16 conspicuous place on the label as proximate as possible to the
17 name of the food, in capital letters in a conspicuous and
18 legible type in contrast by typography, layout and color with
19 other printed matter on the label:

20 "THIS PRODUCT CONTAINS (here shall be inserted COCONUT
21 OIL, PALM OIL OR PALM KERNEL OIL). USE OF (here shall be
22 inserted COCONUT OIL, PALM OIL OR PALM KERNEL OIL) HAS
23 BEEN SHOWN TO CONTAIN HIGH LEVELS OF SATURATED FAT, WHICH
24 INCREASE CHOLESTEROL LEVELS AND INCREASE THE RISK OF
25 HEART ATTACK."

26 Tenth. If its label represents that it is low in
27 cholesterol, unless it contains no more than ten (10) milligrams
28 of cholesterol per one hundred (100) calories and no more than
29 twenty (20) milligrams of cholesterol per typical serving; is
30 low in saturated fat as defined by the Secretary of Agriculture;

1 and bears a label statement, immediately adjacent to each such
2 representation and in the same type size, that it is "High in
3 Fat," if it is high in total fat as defined by the Secretary of
4 Agriculture; "cholesterol free" or that it contains no
5 cholesterol, unless it contains less than two (2) milligrams of
6 cholesterol per typical serving; is low in saturated fat as
7 defined by the Secretary of Agriculture and bears a label
8 statement, immediately adjacent to each such representation and
9 in the same type size, that it is "High in Fat," if it is high
10 in fat as defined by the Secretary of Agriculture; "reduced
11 cholesterol" or otherwise represents or suggests that it is
12 lower in cholesterol than a food it can substitute for in the
13 diet, unless it contains at least one-third less and thirty (30)
14 milligrams less cholesterol per typical serving than the
15 industry-wide average for the food for which it can substitute.

16 Section 2. This act shall take effect in 180 days.