



Rep. Jonathan Carroll

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10100HB2123ham001

LRB101 06874 CPF 58300 a

1 AMENDMENT TO HOUSE BILL 2123

2 AMENDMENT NO. _____. Amend House Bill 2123 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Food, Drug and Cosmetic Act is
5 amended by changing Section 11 as follows:

6 (410 ILCS 620/11) (from Ch. 56 1/2, par. 511)

7 Sec. 11. A food is misbranded:-

8 (a) If its labeling is false or misleading in any
9 particular.

10 (b) If it is offered for sale under the name of another
11 food.

12 (c) If it is an imitation of another food other than honey,
13 unless its label bears, in type of uniform size and prominence,
14 the word "imitation" and, immediately thereafter, the name of
15 the food imitated.

16 (d) If its container is so made, formed or filled as to be

1 misleading.

2 (e) If in package form, unless it bears a label containing
3 (1) the name and place of business of the manufacturer, packer
4 or distributor; and (2) an accurate statement of the quantity
5 of the contents in terms of weight, measure or numerical count.
6 However, under paragraph (2) of this subsection reasonable
7 variations shall be permitted and exemptions as to small
8 packages which shall be established by regulations prescribed
9 by the Director.

10 (f) If any word, statement or other information required by
11 or under authority of this Act to appear on the label or
12 labeling is not prominently placed thereon with such
13 conspicuousness (as compared with other words, statements,
14 designs or devices, in the labeling) and in such terms as to
15 render it likely to be read and understood by the ordinary
16 individual under customary conditions of purchase and use.

17 (g) If it purports to be or is represented as a food for
18 which a definition and standard of identity has been prescribed
19 by regulations as provided by Section 9, unless (1) it conforms
20 to such definition and standard, and (2) its label bears the
21 name of the food specified in the definition and standard and,
22 in so far as may be required by such regulations, the common
23 names of optional ingredients (other than spices, flavoring and
24 coloring) present in such food.

25 (h) If it purports to be or is represented as:

26 (1) a food for which a standard of quantity has been

1 prescribed by regulations as provided by Section 9 and its
2 quantity falls below such standard unless its label bears, in
3 such manner and form as such regulations specify, a statement
4 that it falls below such standard; or

5 (2) a food for which a standard or standards of fill of
6 container have been prescribed by regulation as provided by
7 Section 9 and it falls below the standard of fill of container
8 applicable thereto, unless its label bears, in such manner and
9 form as such regulations specify, a statement that it falls
10 below such standard.

11 (i) If it is not subject to subsection (g) of this Section,
12 unless it bears labeling clearly giving (1) the common or usual
13 name of the food, if any there be, and (2) in case it is
14 fabricated from 2 or more ingredients, the common or usual name
15 of each such ingredient; except that spices, flavorings and
16 colorings, other than those sold as such, may be designated as
17 spices, flavorings and colorings, without naming each.
18 However, to the extent that compliance with the requirements of
19 paragraph (2) of this subsection is impractical or results in
20 deception or unfair competition, exemptions shall be
21 established by regulations promulgated by the Director.

22 (j) If it purports to be or is represented for special
23 dietary uses, unless its label bears such information
24 concerning its vitamin, mineral and other dietary properties as
25 the Director determines to be, and by regulations prescribes as
26 necessary in order to fully inform purchasers as to its value

1 for such uses.

2 (k) If it bears or contains any artificial flavoring,
3 artificial coloring or chemical preservative, unless it bears
4 labeling stating that fact. However, to the extent that
5 compliance with the requirements of this paragraph is
6 impracticable, exemptions shall be established by regulations
7 promulgated by the Director. This subsection and subsections
8 (g) and (i) with respect to artificial coloring do not apply to
9 butter, cheese or ice cream. This subsection with respect to
10 chemical preservatives does not apply to a pesticide chemical
11 when used in or on a raw agricultural commodity which is the
12 produce of the soil.

13 (l) If it is a raw agricultural commodity for direct human
14 consumption which is the produce of the soil, bearing or
15 containing a pesticide chemical applied after harvest, unless
16 the shipping container of such commodity bears labeling which
17 declares the presence of such chemical in or on such commodity
18 and the common usual name and the function of such chemical;
19 provided, however, that no such declaration shall be required
20 while such commodity, having been removed from the shipping
21 container, is being held or displayed for sale at retail out of
22 such container in accordance with the custom of the trade.

23 (m) If it is a product intended as an ingredient of another
24 food and when used according to the directions of the purveyor
25 will result in the final food product being adulterated or
26 misbranded.

1 (n) If it is a color additive unless its packaging and
2 labeling are in conformity with such packaging and labeling
3 requirements applicable to such color additive prescribed
4 under Section 706 of the Federal Act.

5 (o) If a meat or meat food product or poultry or poultry
6 food product has been frozen prior to sale unless when offered
7 for sale, the package, container or wrapping bears, in type of
8 uniform size and prominence, the words "previously frozen" so
9 as to be readable and understood by the general public except
10 that this subsection does not apply to products mentioned
11 herein which are precooked and packaged in hermetically sealed
12 containers.

13 (p) If its labeling includes the word "honey" or the term
14 "imitation honey" and the product is not pure honey
15 manufactured by honeybees.

16 (q) If it contains saccharin, unless its label and labeling
17 and retail display comply with the requirements of Sections
18 403(o) and 403(p) of the Federal Act.

19 (r) If it contains saccharin and is offered for sale, but
20 not for immediate consumption, at a retail establishment,
21 unless such retail establishment displays prominently, where
22 such food is held for sale, notice (provided by the
23 manufacturer of such food pursuant to the Federal Act) for
24 consumers respecting the information required by subsection
25 (q) to be on food labels and labeling.

26 (s) If it contains sesame, is offered for sale in package

1 form but not for immediate consumption, and the label does not
2 include sesame.

3 (Source: P.A. 84-891.)

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.".