

HB2458



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB2458

by Rep. Chris Miller

SYNOPSIS AS INTRODUCED:

225 ILCS 650/13

from Ch. 56 1/2, par. 313

Amends the Meat and Poultry Inspection Act. Provides that a processor or establishment may affix a label to meat or a meat food product or poultry or a poultry food product that states that the meat or poultry was Illinois-raised if that meat or poultry was raised in Illinois.

LRB101 07155 JRG 52193 b

A BILL FOR

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Meat and Poultry Inspection Act is amended
5 by changing Section 13 as follows:

6 (225 ILCS 650/13) (from Ch. 56 1/2, par. 313)

7 Sec. 13. Official inspection legend, marking and labeling.

8 (a) It is unlawful for any person except employees of the
9 United States Department of Agriculture, the Department or an
10 authorized municipal inspection department to possess, use, or
11 keep an inspection stamp, mark, or brand provided or used for
12 stamping, marking, branding, or otherwise identifying
13 carcasses of meat or poultry products, or to possess, use or
14 keep any stamp, mark or brand having thereon a device, words,
15 or insignia the same or similar in character or import to the
16 stamps, marks, or brands provided or used by the United States
17 Department of Agriculture, the State Department of Agriculture
18 or any approved municipal inspection department for stamping,
19 marking, branding or otherwise identifying the carcasses of
20 meat or poultry or meat and poultry products or parts thereof
21 intended for human food.

22 (b) When any meat or meat food product which has been
23 inspected as provided in this Act and marked "Illinois

1 Inspected and Passed" is placed or packed in an immediate
2 container in any establishment where inspection under this Act
3 is maintained, the person, firm, or corporation preparing the
4 product shall attach a label as required to the immediate
5 container under supervision of an inspector. The label shall
6 state that the contents have been "Illinois Inspected and
7 Passed" under this Act, and no inspection and examination of
8 meat or meat food products or poultry or poultry food products
9 deposited or enclosed in an immediate container in any
10 establishment where inspection under this Act is maintained is
11 complete until the meat or meat food products or poultry or
12 poultry food products have been sealed or enclosed in an
13 immediate container under the supervision of an inspector. At
14 minimum, all amenable products derived from inspected meat,
15 meat food products, poultry, or poultry food products shall
16 bear a mark with an establishment name, owner/customer name,
17 and handling statement.

18 (c) All carcasses, parts of carcasses, meat, meat food
19 products, poultry, or poultry food products inspected at any
20 establishment under the authority of this Act and found to be
21 not adulterated shall at the time they leave the establishment
22 bear in distinctly legible form, directly thereon or on their
23 containers, as the Director may require, the information
24 required under Section 2.20 of this Act.

25 (d) The styles and sizes of type to be used with respect to
26 material required to be incorporated in labeling to avoid

1 misbranding, false or misleading labeling of any articles
2 subject to this Act, definitions and standards of identity or
3 composition for articles subject to this Act, and standards of
4 fill of containers for the articles shall be the standards as
5 established under the Federal Food, Drug, and Cosmetic Act or
6 the Federal Meat Inspection Act.

7 (e) No article subject to this Act shall be sold or offered
8 for sale by any person, firm, or corporation under any name or
9 other marking or labeling which is false or misleading, or in
10 any container of a misleading form or size. Established product
11 names and other marking and labeling and containers which are
12 not false or misleading and which are approved by the Director
13 are permitted.

14 (f) If the Director has reason to believe that any marking
15 or labeling or the size or form of any container in use or
16 proposed for use with respect to any article subject to this
17 Act is false or misleading in any particular, he may direct
18 that the use be withheld unless the marking, labeling, or
19 container is modified in a manner as he may prescribe so that
20 it will not be false or misleading. If the person, firm, or
21 corporation using or proposing to use the marking, labeling, or
22 container does not accept the determination of the Director,
23 the person, firm, or corporation may request a hearing, but the
24 use of the marking, labeling, or container shall, if the
25 Director so directs, be withheld pending hearing and final
26 determination by the Director. Any determination by the

1 Director shall be conclusive unless within 30 days after
2 receipt of notice of the final determination, the person, firm,
3 or corporation adversely affected appeals to the appropriate
4 authority.

5 (g) No person, firm, or corporation shall advertise for
6 sale, solicit, offer to sell or sell meats or frozen foods
7 intended for storage in locker boxes, home freezers or freezer
8 units by newspapers, handbills, placards, radio, television or
9 other medium unless the advertising is truthful and accurate.
10 The advertising shall not be misleading or deceiving in respect
11 to grade, quality, quantity, price per pound or piece, or in
12 any other manner. For grade determination of meats, the grades
13 shall conform with United States Department of Agriculture
14 standards for designating meat grades and the standards of this
15 Act.

16 No person advertising, offering for sale or selling any
17 carcasses or parts thereof or food plan shall engage in any
18 misleading or deceptive practices and particularly including,
19 but not limited to, the following:

20 (1) Bait selling.

21 (A) Disparage or degrade any product advertised or
22 offered for sale by the seller, or display any product
23 or depiction thereof to any buyer in order to induce
24 the purchase of another product, or represent that a
25 product is for sale when the representation is used
26 primarily to sell another product.

1 (B) Substitute any product for that ordered by the
2 buyer without the buyer's consent.

3 (C) Fail to have available a sufficient quantity of
4 any product represented as being for sale to meet
5 reasonably anticipated demands.

6 (2) Price representation.

7 (A) Use any price list related to the seller's food
8 plan that contains prices other than the seller's
9 current billing prices.

10 (B) Misrepresent the amount of money that the buyer
11 will save on purchases of any products that are not of
12 the same grade or quality.

13 (C) Fail to disclose fully and conspicuously in at
14 least 10 point type any charge for cutting, wrapping,
15 freezing, delivery or other services.

16 (D) Represent the price of any meat product to be
17 offered for sale in bundles in units larger than one
18 pound in terms other than price per single pound for
19 meat products in at least 10 point type except when the
20 advertisement or offer for sale pertains to containers
21 of meat products weighing 15 pounds or less.

22 (3) Product representation.

23 (A) Misrepresent the cut, grade, brand or trade
24 name, or weight or measure of any product.

25 (B) Use the abbreviation "U.S." in describing a
26 product not graded by the United States Department of

1 Agriculture, except that product may be described as
2 "U.S. Inspected" when true.

3 (C) Misrepresent a product through the use of any
4 term similar to a government grade.

5 (D) (Blank).

6 (E) Advertise or offer for sale any combinations of
7 parts of carcasses with one unit price, except when the
8 advertisement or offer for sale pertains to
9 combinations consisting only of poultry or poultry
10 products.

11 (F) Fail to disclose fully and conspicuously the
12 correct government grade for any product if the product
13 is represented as having been graded.

14 (G) Fail to disclose fully and conspicuously that
15 the yield of consumable meat from any carcass or part
16 of a carcass will be less than the weight of the
17 carcass or part thereof. The seller shall, for each
18 carcass or part of carcass advertised, use separately
19 and distinctly (in at least 10 point type) the
20 following disclosure: "Sold hanging weight subject to
21 cutting loss".

22 (H) Misrepresent the amount or proportion of
23 retail cuts that a carcass or part of carcass will
24 yield.

25 (I) (Blank).

26 (J) Fail to disclose fully and conspicuously

1 whether a quarter of a carcass is the front or hind
2 quarter, and "quarters" or "sides" or "halves" must
3 consist of only anatomically natural proportions of
4 cuts from front or hind quarters. A "pre-trimmed side",
5 "packer-trimmed side" or similar term describing part
6 of a carcass shall not be represented as a side or
7 quarter of beef, and the descriptions shall not be used
8 for comparison to induce the sale of the product.

9 (K) Represent any part of a carcass as a "half" or
10 "side" unless it consists exclusively of a front and
11 hind quarter. Both quarters must be from the same side
12 of the same animal unless the seller discloses fully
13 and conspicuously that they are from different sides or
14 different animals as the case may be. Each quarter
15 shall be of the same grade or quality as the other
16 quarters comprising the half or side and the seller
17 shall advise the buyer of the weight of each quarter
18 prior to sale. In selling quarters individually or as
19 part of a half or side, if actual weights are not known
20 or cannot be determined prior to sale, approximate
21 weights may be used, provided the buyer is informed
22 that the weights are approximate, the weights are so
23 identified on any purchase order or contract, and the
24 seller agrees with the buyer, in writing, to make a
25 cash refund or grant a credit on delivery for the
26 difference between actual weight and the approximate

1 weight on which the sale was made.

2 (L) Use the words, "bundle", "sample order",
3 "split side", or words of similar import to describe a
4 quantity of meat or poultry unless the seller itemizes
5 each cut and the weight thereof which the buyer will
6 receive.

7 (M) Advertise or offer free, bonus, extra product,
8 or service combined with or conditioned on the purchase
9 of any other product or service unless the additional
10 product or service is accurately described including,
11 whenever applicable, grade, net weight or measure,
12 type, and brand or trade name. The words "free",
13 "bonus", or other words of similar import shall not be
14 used in any advertisement unless the advertisement
15 clearly and conspicuously sets forth the total price or
16 amount that must be paid to entitle the buyer to the
17 additional product or service.

18 (N) Misrepresent the breed, origin, or diet of
19 slaughtered animals or parts thereof offered for sale.
20 Sellers making these claims shall have written records
21 available to substantiate the fact.

22 (h) A processor or establishment may affix a label to meat
23 or a meat food product or poultry or a poultry food product
24 that states that the meat or poultry was Illinois-raised if
25 that meat or poultry was raised in Illinois.

26 (Source: P.A. 91-170, eff. 1-1-00.)