

# HB2123



## 101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB2123

by Rep. Jonathan Carroll

### SYNOPSIS AS INTRODUCED:

410 ILCS 620/11

from Ch. 56 1/2, par. 511

Amends the Illinois Food, Drug and Cosmetic Act. Provides that a food is misbranded if it contains sesame, unless it bears labeling stating that fact. Provides that the Director of Public Health may adopt rules to establish exemptions. Effective immediately.

LRB101 06874 CPF 51906 b

A BILL FOR

1 AN ACT concerning health.

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

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  
17 misleading.

18 (e) If in package form, unless it bears a label containing  
19 (1) the name and place of business of the manufacturer, packer  
20 or distributor; and (2) an accurate statement of the quantity  
21 of the contents in terms of weight, measure or numerical count.  
22 However, under paragraph (2) of this subsection reasonable  
23 variations shall be permitted and exemptions as to small

1 packages which shall be established by regulations prescribed  
2 by the Director.

3 (f) If any word, statement or other information required by  
4 or under authority of this Act to appear on the label or  
5 labeling is not prominently placed thereon with such  
6 conspicuousness (as compared with other words, statements,  
7 designs or devices, in the labeling) and in such terms as to  
8 render it likely to be read and understood by the ordinary  
9 individual under customary conditions of purchase and use.

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

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

19 (1) a food for which a standard of quantity has been  
20 prescribed by regulations as provided by Section 9 and its  
21 quantity falls below such standard unless its label bears, in  
22 such manner and form as such regulations specify, a statement  
23 that it falls below such standard; or

24 (2) a food for which a standard or standards of fill of  
25 container have been prescribed by regulation as provided by  
26 Section 9 and it falls below the standard of fill of container

1 applicable thereto, unless its label bears, in such manner and  
2 form as such regulations specify, a statement that it falls  
3 below such standard.

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

15 (j) If it purports to be or is represented for special  
16 dietary uses, unless its label bears such information  
17 concerning its vitamin, mineral and other dietary properties as  
18 the Director determines to be, and by regulations prescribes as  
19 necessary in order to fully inform purchasers as to its value  
20 for such uses.

21 (k) If it bears or contains any artificial flavoring,  
22 artificial coloring or chemical preservative, unless it bears  
23 labeling stating that fact. However, to the extent that  
24 compliance with the requirements of this paragraph is  
25 impracticable, exemptions shall be established by regulations  
26 promulgated by the Director. This subsection and subsections

1 (g) and (i) with respect to artificial coloring do not apply to  
2 butter, cheese or ice cream. This subsection with respect to  
3 chemical preservatives does not apply to a pesticide chemical  
4 when used in or on a raw agricultural commodity which is the  
5 produce of the soil.

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

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

20 (n) If it is a color additive unless its packaging and  
21 labeling are in conformity with such packaging and labeling  
22 requirements applicable to such color additive prescribed  
23 under Section 706 of the Federal Act.

24 (o) If a meat or meat food product or poultry or poultry  
25 food product has been frozen prior to sale unless when offered  
26 for sale, the package, container or wrapping bears, in type of

1 uniform size and prominence, the words "previously frozen" so  
2 as to be readable and understood by the general public except  
3 that this subsection does not apply to products mentioned  
4 herein which are precooked and packaged in hermetically sealed  
5 containers.

6 (p) If its labeling includes the word "honey" or the term  
7 "imitation honey" and the product is not pure honey  
8 manufactured by honeybees.

9 (q) If it contains saccharin, unless its label and labeling  
10 and retail display comply with the requirements of Sections  
11 403(o) and 403(p) of the Federal Act.

12 (r) If it contains saccharin and is offered for sale, but  
13 not for immediate consumption, at a retail establishment,  
14 unless such retail establishment displays prominently, where  
15 such food is held for sale, notice (provided by the  
16 manufacturer of such food pursuant to the Federal Act) for  
17 consumers respecting the information required by subsection  
18 (q) to be on food labels and labeling.

19 (s) If it contains sesame, unless it bears labeling stating  
20 that fact. However, to the extent that compliance with this  
21 paragraph (s) is impracticable, exemptions shall be  
22 established by rules adopted by the Director.

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

24 Section 99. Effective date. This Act takes effect upon  
25 becoming law.