

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 1358

S.P. 414

In Senate, March 5, 2001

An Act to Require Truth in Advertising of Natural Water.

Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator MARTIN of Aroostook.
Cosponsored by Representative COWGER of Hallowell and
Senators: SAWYER of Penobscot, SHOREY of Washington, Representatives: ANNIS of
Dover-Foxcroft, BAKER of Bangor, CLARK of Millinocket, DAIGLE of Arundel,
KOFFMAN of Bar Harbor, TOBIN of Windham.

Be it enacted by the People of the State of Maine as follows:

2
3 **Sec. 1. 7 MRSA §552**, as amended by PL 1981, c. 314 and PL
4 1999, c. 547, Pt. B, §78 and affected by §80, is further amended
5 to read:

6 **§552. Food or water labeled or advertised as natural**

7
8 **1. Artificial ingredients and pesticides.** ~~Ne--food--shall~~
9 Food may not be labeled or advertised as "natural" unless it is
10 free from any artificial flavoring, color additive or chemical
11 preservative or any other artificial or synthetic ingredient
12 added after harvesting.

13
14 **2. Minimal processing.** ~~Ne--feed--shall~~ Food may not be
15 labeled or advertised as "natural" if it has undergone any
16 processing other than minimal processing.

17
18 **3. Exemptions.** Exempted from the provisions of this section
19 are alcoholic beverages subject to the Federal Alcohol
20 Administration Act of 1935; dietary supplements of vitamins,
21 minerals or protein; and natural flavors and colors approved by
22 the Food and Drug Administration for use in food.

23
24 **4. Natural food symbol.** A natural food symbol may be
25 selected and issued under the following provisions.

26
27 A. The Department of Agriculture, Food and Rural Resources
28 may select an appropriate symbol to designate that a food is
29 found by the department to be a natural food. A person
30 wishing to label any food with the symbol ~~shall~~ must first
31 obtain a license from the department. A person ~~shall~~ may not
32 use the symbol for any food that is not natural. A separate
33 license ~~shall~~ must be obtained for each food.

34
35 B. The commissioner shall issue a license if ~~he--is~~
36 satisfied that the food proposed to be labeled by the
37 applicant is natural. The commissioner may require a signed
38 affidavit stating the ingredients of the food and may use
39 other methods to determine whether a food is natural. If the
40 commissioner is unable to determine to ~~his~~ the
41 commissioner's satisfaction that a food is natural, ~~he~~ the
42 commissioner is not required to issue a permit.

43
44 C. A license is valid for one year and may be renewed. The
45 commissioner may charge a fee for a license, provided that
46 the fee is not greater than the actual cost of
47 administration of a license.
48

2 D. The commissioner or his a duly authorized agent may
3 refuse to grant or renew a license, after notice and
4 opportunity for a hearing has been provided in a manner
5 consistent with the Maine Administrative Procedure Act,
6 Title 5, chapter 375, as to adjudicatory proceedings, upon a
7 finding that the licensee has labeled as natural a food that
8 is not natural. The District Court may, in a manner
9 consistent with the Maine Administrative Procedure Act,
10 Title 5, chapter 375, suspend or revoke a license upon
11 finding that the licensee has labeled as natural a food that
12 is not natural.

13 5. Water. Water for sale that is advertised or labeled as
14 "natural" may not have an additive, chemical or any other
15 substance added to the water.

16

17

SUMMARY

18

19 This bill prohibits adding any additive, chemical or other
20 substance to water for sale that is advertised or labeled as
21 "natural."
22