

109TH CONGRESS
1ST SESSION

H. R. 2235

To amend the Federal Food, Drug, and Cosmetic Act to safeguard public health and provide to consumers food that is safe, unadulterated, and honestly presented.

IN THE HOUSE OF REPRESENTATIVES

MAY 10, 2005

Mr. PALLONE introduced the following bill; which was referred to the
Committee on Energy and Commerce

A BILL

To amend the Federal Food, Drug, and Cosmetic Act to safeguard public health and provide to consumers food that is safe, unadulterated, and honestly presented.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE, REFERENCE, AND TABLE OF**
4 **CONTENTS.**

5 (a) **SHORT TITLE.**—This Act may be cited as the
6 “National Uniform Food Safety Labeling Act”.

7 (b) **REFERENCE.**—Except as otherwise specified,
8 whenever in this Act an amendment is expressed in terms
9 of an amendment to a section or other provision, the ref-

1 erence shall be considered to be made to that section or
2 other provision of the Federal Food, Drug, and Cosmetic
3 Act (21 U.S.C. 301 et seq.).

4 (c) TABLE OF CONTENTS.—The table of contents is
5 as follows:

- Sec. 1. Short title, reference, and table of contents.
- Sec. 2. Labeling of raw or partially cooked foods and unpasteurized juice.
- Sec. 3. Sale and labeling of frozen fish and shellfish.
- Sec. 4. Sale of raw eggs.
- Sec. 5. Statement of origin.
- Sec. 6. Freshness date.
- Sec. 7. Food labeled as natural.
- Sec. 8. Labeling of kosher and kosher-style foods.
- Sec. 9. Unit pricing.
- Sec. 10. Grades for farm products.
- Sec. 11. Regulations.

6 **SEC. 2. LABELING OF RAW OR PARTIALLY COOKED FOODS**
7 **AND UNPASTEURIZED JUICE.**

8 Section 403 (21 U.S.C. 343) is amended by adding
9 at the end the following:

10 “(y)(1) Unless the label or labeling of raw or partially
11 cooked eggs, fish, milk, dairy products, shellfish, or
12 unpasteurized juice offered in a ready-to-eat form as a
13 deli, vended, or other item, or the label or labeling of a
14 ready-to-eat food containing as an ingredient raw or par-
15 tially cooked eggs, fish, milk, dairy products, shellfish, or
16 unpasteurized juice, discloses the increased risk associated
17 with eating such food in raw or partially cooked form.

18 “(2) Eggs, fish, milk, dairy products, and shellfish
19 routinely served raw or partially cooked, unpasteurized
20 juice, and ready-to-eat foods containing such raw or par-

1 tially cooked foods or unpasteurized juice as ingredients
2 shall bear the following: This food contains raw or par-
3 tially cooked eggs, fish, shellfish, or unpasteurized juice.
4 Children, the elderly, pregnant women, or persons with
5 weakened immune systems may experience severe
6 foodborne illness from eating this item.

7 “(3) The Secretary shall, in accordance with section
8 11 of the National Uniform Food Safety Labeling Act,
9 establish by regulation the labeling requirements of this
10 paragraph.”.

11 **SEC. 3. SALE AND LABELING OF FROZEN FISH AND SHELL-**
12 **FISH.**

13 Section 403 (21 U.S.C. 343), as amended by section
14 2, is amended by adding at the end the following:

15 “(z)(1) Except as provided in subparagraph (2), if
16 it is fish or shellfish that has been frozen unless its label
17 or labeling bears a prominent and conspicuous statement
18 indicating that such product has been frozen.

19 “(2) This paragraph shall not apply to fish or shell-
20 fish that has been frozen prior to being smoked, cured,
21 cooked, or subjected to the heat of commercial steriliza-
22 tion.

23 “(3) The Secretary shall, in accordance with section
24 11 of the National Uniform Food Safety Labeling Act,

1 establish by regulation the labeling requirements of this
2 paragraph.”.

3 **SEC. 4. SALE OF RAW EGGS.**

4 Section 403 (21 U.S.C. 343), as amended by section
5 3, is amended by adding at the end the following:

6 “(aa)(1) If it is raw eggs, unless its label or labeling
7 states ‘Children, the elderly, pregnant women, or persons
8 with weakened immune systems may experience severe ill-
9 ness from eating raw or partially cooked eggs.’

10 “(2) The Secretary shall, in accordance with section
11 11 of the National Uniform Food Safety Labeling Act,
12 establish by regulation the labeling requirements of this
13 paragraph.”.

14 **SEC. 5. STATEMENT OF ORIGIN.**

15 Section 403 (21 U.S.C. 343), as amended by section
16 4, is amended by adding at the end the following:

17 “(bb)(1) If it is a perishable agricultural commodity
18 as defined in section 1(b)(4) of the Perishable Agricultural
19 Commodities Act of 1930 (7 U.S.C. 499a(b)(1)), unless
20 it bears a label or labeling containing the country of origin
21 of the perishable agricultural commodity.

22 “(2) If it is a product derived from a perishable agri-
23 cultural commodity, including juice, frozen juice con-
24 centrate, fruit butter, preserves and jams, or canned or
25 frozen fruits or vegetables, unless it bears a label or label-

1 ing containing the country of origin of the perishable agri-
2 cultural commodity and the product derived from it.

3 “(3) The Secretary shall, in accordance with section
4 11 of the National Uniform Food Safety Labeling Act,
5 establish by regulation the labeling requirements of this
6 paragraph.”.

7 **SEC. 6. FRESHNESS DATE.**

8 Section 403 (21 U.S.C. 343), as amended by section
9 5, is amended by adding at the end the following:

10 “(cc)(1) Unless its label or labeling bears the date
11 upon which the food should no longer be sold because of
12 diminution of quality, nutrient availability, or safety. The
13 freshness date shall be stated in terms of the day and
14 month of the year if the food will not be fresh after 3
15 months on the shelf, or in terms of the month and year
16 if the product will be fresh for more than 3 months on
17 the shelf. The phrase ‘use by’ shall precede the date.

18 “(2) The Secretary shall, in accordance with section
19 11 of the National Uniform Food Safety Labeling Act,
20 establish by regulation the means of disclosing the
21 freshness date.”.

22 **SEC. 7. FOOD LABELED AS NATURAL.**

23 Section 403 (21 U.S.C. 343), as amended by section
24 6, is amended by adding at the end the following:

1 “(dd)(1) If its label or labeling bears the word ‘nat-
2 ural’, unless—

3 “(A) it contains no artificial flavoring, color ad-
4 ditive, chemical preservative, or any other artificial
5 or synthetic ingredient added after harvesting; and

6 “(B) it has undergone no processing other than
7 minimal processing, such as the removal of inedible
8 substances or the application of physical processes
9 such as cutting, grinding, drying, homogenizing, or
10 pulping.

11 “(2) This paragraph shall not apply to the use of the
12 terms ‘natural flavors’ and ‘natural colors’ as approved by
13 the Food and Drug Administration.

14 “(3) The Secretary shall, in accordance with section
15 11 of the National Uniform Food Safety Labeling Act,
16 establish by regulation the labeling requirements of this
17 paragraph.”.

18 **SEC. 8. LABELING OF KOSHER AND KOSHER-STYLE FOODS.**

19 Section 403 (21 U.S.C. 343), as amended by section
20 7, is amended by adding at the end the following:

21 “(ee)(1) If it is falsely represented in the food’s label
22 or labeling to be kosher, kosher for Passover, pareve, or
23 as having been prepared in accordance with orthodox Jew-
24 ish religious standards either by direct statements, orally

1 or in writing, or by display of the word ‘Kosher’, ‘Kosher
2 for Passover’, or ‘Pareve’; or

3 “(2) if the food’s label or labeling uses the term ‘Ko-
4 sher’ in conjunction with the words ‘style’ or ‘type’ or any
5 similar expression which might reasonably be calculated
6 to deceive a reasonable person to believe that a representa-
7 tion is being made that the food sold is kosher, kosher
8 for Passover, pareve, or prepared in accordance with or-
9 thodox Jewish religious standards.

10 “(3) The Secretary shall, in accordance with section
11 11 of the National Uniform Food Safety Labeling Act,
12 establish by regulation provisions that implement this
13 paragraph.”.

14 **SEC. 9. UNIT PRICING.**

15 (a) IN GENERAL.—Section 403 (21 U.S.C. 343), as
16 amended by section 8, is amended by adding at the end
17 the following:

18 “(ff)(1) Unless its label or labeling bears the unit
19 price and the total price of the food as provided in this
20 paragraph.

21 “(2) As used in this paragraph:

22 “(A) The term ‘unit price’ of food shall mean
23 the price per measure.

24 “(B) The term ‘price per measure’ shall
25 mean—

1 “(i) price per pound for food whose net
2 quantity is expressed in units of weight, except
3 for such food whose net weight is less than 1
4 ounce which shall be expressed as price per
5 ounce if the same unit of measure is used for
6 the same food in all sizes;

7 “(ii) price per pint or quart for food whose
8 net quantity is stated in fluid ounces, pints,
9 quarts, gallons, or a combination thereof, if the
10 same unit of measure is used for the same food
11 in all sizes sold in the retail establishment; and

12 “(iii) price per 100 for food whose net
13 quantity is expressed by count, except as other-
14 wise provided by regulation.

15 “(3) The Secretary shall, in accordance with section
16 11 of the National Uniform Food Safety Labeling Act,
17 establish by regulation a national program of pricing as
18 prescribed by this paragraph.”.

19 **SEC. 10. GRADES FOR FARM PRODUCTS.**

20 Section 403 (21 U.S.C. 343), as amended by section
21 9, is amended by adding at the end the following:

22 “(gg)(1) Unless it bears a grade, where grading is
23 customary within the industry.

24 “(2) The Secretary shall, in accordance with section
25 11 of the National Uniform Food Safety Labeling Act,

1 establish by regulation a national program of grading for
2 food which is customarily graded.”.

3 **SEC. 11. REGULATIONS.**

4 (a)(1) Within 12 months after the date of the enact-
5 ment of this Act, the Secretary of Health and Human
6 Services shall issue proposed regulations to implement
7 paragraphs (y) through (gg) of section 403 of the Federal
8 Food, Drug, and Cosmetic Act. The proposed regulations
9 shall establish format requirements for the label state-
10 ments mandated by such sections. The required label
11 statements shall appear in easily legible boldface print or
12 type, with upper and lower case letters, and in distinct
13 contrast to other printed or graphic matter. The label
14 statements shall appear in a type size not less than the
15 largest type found on the label, except that used for the
16 brand name, product name, logo, or universal product
17 code, and in any case not less than the type size required
18 for the declaration of net quantity of contents statement
19 as prescribed by regulation printed in 21 C.F.R.
20 101.105(1). All required label statements shall be placed
21 on the information panel, except for the statements re-
22 quired by paragraphs (bb) and (ff) of such section 403,
23 which shall be placed on the principal display panel.

24 (2) Not later than 24 months after the date of enact-
25 ment of this Act, the Secretary shall issue final regulations

1 to implement sections 403(dd) and 403(ee) of the Federal
2 Food, Drug, and Cosmetic Act.

3 (b) If the Secretary does not promulgate final regula-
4 tions under subsection (a)(2) upon the expiration of 24
5 months after the date of the enactment of this Act, the
6 proposed regulation issued in accordance with subsection
7 (a)(1) shall be considered as the final regulations upon
8 the expiration of such 24 months. There shall be promptly
9 published in the Federal Register notice of the new status
10 of the proposed regulations.

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