

112TH CONGRESS
2D SESSION

H. R. 3984

To limit the quantity of arsenic and lead in beverages containing fruit juice pursuant to tolerances under section 406 of the Federal Food, Drug, and Cosmetic Act.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 8, 2012

Mr. PALLONE (for himself and Ms. DELAURO) introduced the following bill;
which was referred to the Committee on Energy and Commerce

A BILL

To limit the quantity of arsenic and lead in beverages containing fruit juice pursuant to tolerances under section 406 of the Federal Food, Drug, and Cosmetic Act.

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.**

4 This Act may be cited as the “Arsenic Prevention and
5 Protection from Lead Exposure in Juice Act of 2012” or
6 the “APPLE Juice Act of 2012”.

1 **SEC. 2. LIMITATION ON ARSENIC IN BEVERAGES CON-**
2 **TAINING FRUIT JUICE.**

3 (a) ESTABLISHMENT OF TOLERANCE.—Not later
4 than the day that is 2 years after the date of the enact-
5 ment of this Act, the Secretary of Health and Human
6 Services acting through the Commissioner of Food and
7 Drugs (in this Act referred to as the “Secretary”) shall
8 promulgate a final regulation establishing a tolerance
9 under section 406 of the Federal Food, Drug, and Cos-
10 metic Act (21 U.S.C. 346) to limit the quantity of total
11 arsenic in beverages containing fruit juice.

12 (b) MINIMUM STRINGENCY.—The limitation on total
13 arsenic in beverages containing fruit juice established pur-
14 suant to subsection (a) (and any subsequent revision
15 thereto) shall be no less stringent than the allowable level
16 for total arsenic in bottled water under section 410 of the
17 Federal Food, Drug, and Cosmetic Act (21 U.S.C. 349).

18 (c) APPLICABLE STANDARD IF NO TOLERANCE IN
19 EFFECT.—Beginning on the day that is 2 years after the
20 date of the enactment of this Act, if there is no tolerance
21 in effect pursuant to subsection (a), a beverage containing
22 fruit juice is deemed to be adulterated for purposes of sec-
23 tion 402 of the Federal Food, Drug, and Cosmetic Act
24 (21 U.S.C. 343) if the quantity of total arsenic in the bev-
25 erage exceeds the limits of the allowable level for total ar-

1 senic in bottled water under section 410 of the Federal
2 Food, Drug, and Cosmetic Act (21 U.S.C. 349).

3 **SEC. 3. LIMITATION ON LEAD IN BEVERAGES CONTAINING**
4 **FRUIT JUICE.**

5 (a) ESTABLISHMENT OF TOLERANCE.—Not later
6 than the day that is 2 years after the date of the enact-
7 ment of this Act, the Secretary shall promulgate a final
8 regulation establishing a tolerance under section 406 of
9 the Federal Food, Drug, and Cosmetic Act (21 U.S.C.
10 346) to limit the quantity of lead in beverages containing
11 fruit juice.

12 (b) MINIMUM STRINGENCY.—The limitation on lead
13 in beverages containing fruit juice established pursuant to
14 subsection (a) (and any subsequent revision thereto) shall
15 be no less stringent than the allowable level for lead in
16 bottled water under section 410 of the Federal Food,
17 Drug, and Cosmetic Act (21 U.S.C. 349).

18 (c) APPLICABLE STANDARD IF NO TOLERANCE IN
19 EFFECT.—Beginning on the day that is 2 years after the
20 date of the enactment of this Act, if there is no tolerance
21 in effect pursuant to subsection (a), a beverage containing
22 fruit juice is deemed to be adulterated for purposes of sec-
23 tion 402 of the Federal Food, Drug, and Cosmetic Act
24 (21 U.S.C. 343) if the quantity of lead in the beverage
25 exceeds the limits of the allowable level for lead in bottled

- 1 water under section 410 of the Federal Food, Drug, and
- 2 Cosmetic Act (21 U.S.C. 349).

