

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, is offered for sale in package
20 form but not for immediate consumption, and the label does not
21 include sesame.

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

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