



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB3570

Introduced 2/9/2024, by Sen. Erica Harriss

SYNOPSIS AS INTRODUCED:

235 ILCS 5/1-3.05	from Ch. 43, par. 95.05
235 ILCS 5/1-3.45 new	
235 ILCS 5/6-16	from Ch. 43, par. 131
235 ILCS 5/6-35.5 new	
410 ILCS 620/10	from Ch. 56 1/2, par. 510

Amends the Liquor Control Act of 1934. Provides that "alcoholic liquor" does not include frozen desserts containing alcoholic liquor. Provides that "frozen desserts containing alcoholic liquor" means ice cream or other frozen desserts that are made with liquor, wine, beer, cider, or any combination thereof and that contain more than 0.5% but not more than 5% of alcohol by volume. Provides that no person shall sell a package of frozen desserts that contains more than 5% alcohol by volume. Provides that no person shall sell, give, or deliver frozen desserts containing alcoholic liquor to a person under the age of 21. Provides that a person under the age of 21 may not purchase, possess, or consume frozen desserts containing alcoholic liquor. Provides that no person shall sell a package of frozen desserts containing alcoholic liquor for consumption off the premises or for consumption on the premises unless it contains specified notices and warnings. Provides that no manufacturer or distributor of frozen desserts containing alcoholic liquor shall sell the product to a person intending to sell at retail individual servings of frozen desserts containing alcoholic liquor or packages of frozen desserts containing alcoholic liquor for consumption off the premises, unless, with each shipment, the manufacturer or distributor provides a written notice that frozen desserts containing alcoholic liquor may be sold at retail only if the retailer complies with specified requirements and provides a written copy of those requirements. Provides that frozen desserts containing alcoholic liquor are subject to all applicable food safety laws, rules, standards, and requirements, including, but not limited to, the provisions of the Illinois Food, Drug and Cosmetic Act. Makes conforming changes. Amends the Illinois Food, Drug and Cosmetic Act to make a conforming change.

LRB103 36680 RPS 66790 b

1 AN ACT concerning liquor.

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

4 Section 5. The Liquor Control Act of 1934 is amended by
5 changing Sections 1-3.05 and 6-16 and by adding Sections
6 1-3.45 and 6-35.5 as follows:

7 (235 ILCS 5/1-3.05) (from Ch. 43, par. 95.05)

8 Sec. 1-3.05. Alcoholic liquor. "Alcoholic liquor" includes
9 alcohol, spirits, wine and beer, and every liquid or solid,
10 patented or not, containing alcohol, spirits, wine or beer,
11 and capable of being consumed as a beverage by a human being.
12 "Alcoholic liquor" does not include frozen desserts containing
13 alcoholic liquor. The provisions of this Act shall not apply
14 to alcohol used in the manufacture of denatured alcohol
15 produced in accordance with Acts of Congress and regulations
16 promulgated thereunder, nor to any liquid or solid containing
17 one-half of one per cent, or less, of alcohol by volume. No tax
18 provided for in Article VIII of this Act shall apply to wine
19 intended for use and used by any church or religious
20 organization for sacramental purposes, provided that such wine
21 shall be purchased from a licensed manufacturer or importing
22 distributor under this Act.

23 (Source: P.A. 82-783.)

1 (235 ILCS 5/1-3.45 new)

2 Sec. 1-3.45. Frozen desserts containing alcoholic liquor.
3 "Frozen desserts containing alcoholic liquor" means ice creams
4 or other frozen desserts that are made with liquor, wine,
5 beer, cider, or any combination thereof and that contain more
6 than 0.5% but not more than 5% of alcohol by volume.

7 (235 ILCS 5/6-16) (from Ch. 43, par. 131)

8 Sec. 6-16. Prohibited sales and possession.

9 (a) (i) No licensee nor any officer, associate, member,
10 representative, agent, or employee of such licensee shall
11 sell, give, or deliver alcoholic liquor or frozen desserts
12 containing alcoholic liquor to any person under the age of 21
13 years or to any intoxicated person, except as provided in
14 Section 6-16.1. (ii) No express company, common carrier, or
15 contract carrier nor any representative, agent, or employee on
16 behalf of an express company, common carrier, or contract
17 carrier that carries or transports alcoholic liquor for
18 delivery within this State shall knowingly give or knowingly
19 deliver to a residential address any shipping container
20 clearly labeled as containing alcoholic liquor and labeled as
21 requiring signature of an adult of at least 21 years of age to
22 any person in this State under the age of 21 years. An express
23 company, common carrier, or contract carrier that carries or
24 transports such alcoholic liquor for delivery within this

1 State shall obtain a signature at the time of delivery
2 acknowledging receipt of the alcoholic liquor by an adult who
3 is at least 21 years of age. At no time while delivering
4 alcoholic beverages within this State may any representative,
5 agent, or employee of an express company, common carrier, or
6 contract carrier that carries or transports alcoholic liquor
7 for delivery within this State deliver the alcoholic liquor to
8 a residential address without the acknowledgment of the
9 consignee and without first obtaining a signature at the time
10 of the delivery by an adult who is at least 21 years of age. A
11 signature of a person on file with the express company, common
12 carrier, or contract carrier does not constitute
13 acknowledgement of the consignee. Any express company, common
14 carrier, or contract carrier that transports alcoholic liquor
15 for delivery within this State that violates this item (ii) of
16 this subsection (a) by delivering alcoholic liquor without the
17 acknowledgement of the consignee and without first obtaining a
18 signature at the time of the delivery by an adult who is at
19 least 21 years of age is guilty of a business offense for which
20 the express company, common carrier, or contract carrier that
21 transports alcoholic liquor within this State shall be fined
22 not more than \$1,001 for a first offense, not more than \$5,000
23 for a second offense, and not more than \$10,000 for a third or
24 subsequent offense. An express company, common carrier, or
25 contract carrier shall be held vicariously liable for the
26 actions of its representatives, agents, or employees. For

1 purposes of this Act, in addition to other methods authorized
2 by law, an express company, common carrier, or contract
3 carrier shall be considered served with process when a
4 representative, agent, or employee alleged to have violated
5 this Act is personally served. Each shipment of alcoholic
6 liquor delivered in violation of this item (ii) of this
7 subsection (a) constitutes a separate offense. (iii) No
8 person, after purchasing or otherwise obtaining alcoholic
9 liquor or frozen desserts containing alcoholic liquor, shall
10 sell, give, or deliver such alcoholic liquor or frozen
11 desserts containing alcoholic liquor to another person under
12 the age of 21 years, except in the performance of a religious
13 ceremony or service. Except as otherwise provided in item
14 (ii), any express company, common carrier, or contract carrier
15 that transports alcoholic liquor within this State that
16 violates the provisions of item (i), (ii), or (iii) of this
17 paragraph of this subsection (a) is guilty of a Class A
18 misdemeanor and the sentence shall include, but shall not be
19 limited to, a fine of not less than \$500. Any person who
20 violates the provisions of item (iii) of this paragraph of
21 this subsection (a) is guilty of a Class A misdemeanor and the
22 sentence shall include, but shall not be limited to a fine of
23 not less than \$500 for a first offense and not less than \$2,000
24 for a second or subsequent offense. Any person who knowingly
25 violates the provisions of item (iii) of this paragraph of
26 this subsection (a) is guilty of a Class 4 felony if a death

1 occurs as the result of the violation.

2 If a licensee or officer, associate, member,
3 representative, agent, or employee of the licensee, or a
4 representative, agent, or employee of an express company,
5 common carrier, or contract carrier that carries or transports
6 alcoholic liquor for delivery within this State, is prosecuted
7 under this paragraph of this subsection (a) for selling,
8 giving, or delivering alcoholic liquor or frozen desserts
9 containing alcoholic liquor to a person under the age of 21
10 years, the person under 21 years of age who attempted to buy or
11 receive the alcoholic liquor or frozen desserts containing
12 alcoholic liquor may be prosecuted pursuant to Section 6-20 of
13 this Act, unless the person under 21 years of age was acting
14 under the authority of a law enforcement agency, the Illinois
15 Liquor Control Commission, or a local liquor control
16 commissioner pursuant to a plan or action to investigate,
17 patrol, or conduct any similar enforcement action.

18 For the purpose of preventing the violation of this
19 Section, any licensee, or his agent or employee, or a
20 representative, agent, or employee of an express company,
21 common carrier, or contract carrier that carries or transports
22 alcoholic liquor for delivery within this State, shall refuse
23 to sell, deliver, or serve alcoholic beverages or frozen
24 desserts containing alcoholic liquor to any person who is
25 unable to produce adequate written evidence of identity and of
26 the fact that he or she is over the age of 21 years, if

1 requested by the licensee, agent, employee, or representative.

2 Adequate written evidence of age and identity of the
3 person is a document issued by a federal, state, county, or
4 municipal government, or subdivision or agency thereof,
5 including, but not limited to, a motor vehicle operator's
6 license, a registration certificate issued under the Federal
7 Selective Service Act, or an identification card issued to a
8 member of the Armed Forces. Proof that the defendant-licensee,
9 or his employee or agent, or the representative, agent, or
10 employee of the express company, common carrier, or contract
11 carrier that carries or transports alcoholic liquor for
12 delivery within this State demanded, was shown and reasonably
13 relied upon such written evidence in any transaction forbidden
14 by this Section is an affirmative defense in any criminal
15 prosecution therefor or to any proceedings for the suspension
16 or revocation of any license based thereon. It shall not,
17 however, be an affirmative defense if the agent or employee
18 accepted the written evidence knowing it to be false or
19 fraudulent. If a false or fraudulent Illinois driver's license
20 or Illinois identification card is presented by a person less
21 than 21 years of age to a licensee or the licensee's agent or
22 employee for the purpose of ordering, purchasing, attempting
23 to purchase, or otherwise obtaining or attempting to obtain
24 the serving of any alcoholic beverage or frozen dessert
25 containing alcoholic liquor, the law enforcement officer or
26 agency investigating the incident shall, upon the conviction

1 of the person who presented the fraudulent license or
2 identification, make a report of the matter to the Secretary
3 of State on a form provided by the Secretary of State.

4 However, no agent or employee of the licensee or employee
5 of an express company, common carrier, or contract carrier
6 that carries or transports alcoholic liquor for delivery
7 within this State shall be disciplined or discharged for
8 selling or furnishing liquor or frozen desserts containing
9 alcoholic liquor to a person under 21 years of age if the agent
10 or employee demanded and was shown, before furnishing liquor
11 or frozen desserts containing alcoholic liquor to a person
12 under 21 years of age, adequate written evidence of age and
13 identity of the person issued by a federal, state, county or
14 municipal government, or subdivision or agency thereof,
15 including, but not limited to, a motor vehicle operator's
16 license, a registration certificate issued under the Federal
17 Selective Service Act, or an identification card issued to a
18 member of the Armed Forces. This paragraph, however, shall not
19 apply if the agent or employee accepted the written evidence
20 knowing it to be false or fraudulent.

21 Any person who sells, gives, or furnishes to any person
22 under the age of 21 years any false or fraudulent written,
23 printed, or photostatic evidence of the age and identity of
24 such person or who sells, gives or furnishes to any person
25 under the age of 21 years evidence of age and identification of
26 any other person is guilty of a Class A misdemeanor and the

1 person's sentence shall include, but shall not be limited to,
2 a fine of not less than \$500.

3 Any person under the age of 21 years who presents or offers
4 to any licensee, his agent or employee, any written, printed
5 or photostatic evidence of age and identity that is false,
6 fraudulent, or not actually his or her own for the purpose of
7 ordering, purchasing, attempting to purchase or otherwise
8 procuring or attempting to procure, the serving of any
9 alcoholic beverage or frozen dessert containing alcoholic
10 liquor, who falsely states in writing that he or she is at
11 least 21 years of age when receiving alcoholic liquor or a
12 frozen dessert containing alcoholic liquor from a
13 representative, agent, or employee of an express company,
14 common carrier, or contract carrier, or who has in his or her
15 possession any false or fraudulent written, printed, or
16 photostatic evidence of age and identity, is guilty of a Class
17 A misdemeanor and the person's sentence shall include, but
18 shall not be limited to, the following: a fine of not less than
19 \$500 and at least 25 hours of community service. If possible,
20 any community service shall be performed for an alcohol abuse
21 prevention program.

22 Any person under the age of 21 years who has any alcoholic
23 beverage or frozen dessert containing alcoholic liquor in his
24 or her possession on any street or highway or in any public
25 place or in any place open to the public is guilty of a Class A
26 misdemeanor. This Section does not apply to possession by a

1 person under the age of 21 years making a delivery of an
2 alcoholic beverage or frozen dessert containing alcoholic
3 liquor in pursuance of the order of his or her parent or in
4 pursuance of his or her employment.

5 (a-1) It is unlawful for any parent or guardian to
6 knowingly permit his or her residence, any other private
7 property under his or her control, or any vehicle, conveyance,
8 or watercraft under his or her control to be used by an invitee
9 of the parent's child or the guardian's ward, if the invitee is
10 under the age of 21, in a manner that constitutes a violation
11 of this Section. A parent or guardian is deemed to have
12 knowingly permitted his or her residence, any other private
13 property under his or her control, or any vehicle, conveyance,
14 or watercraft under his or her control to be used in violation
15 of this Section if he or she knowingly authorizes or permits
16 consumption of alcoholic liquor or frozen desserts containing
17 alcoholic liquor by underage invitees. Any person who violates
18 this subsection (a-1) is guilty of a Class A misdemeanor and
19 the person's sentence shall include, but shall not be limited
20 to, a fine of not less than \$500. Where a violation of this
21 subsection (a-1) directly or indirectly results in great
22 bodily harm or death to any person, the person violating this
23 subsection shall be guilty of a Class 4 felony. Nothing in this
24 subsection (a-1) shall be construed to prohibit the giving of
25 alcoholic liquor to a person under the age of 21 years in the
26 performance of a religious ceremony or service in observation

1 of a religious holiday.

2 For the purposes of this subsection (a-1) where the
3 residence or other property has an owner and a tenant or
4 lessee, the trier of fact may infer that the residence or other
5 property is occupied only by the tenant or lessee.

6 (b) Except as otherwise provided in this Section whoever
7 violates this Section shall, in addition to other penalties
8 provided for in this Act, be guilty of a Class A misdemeanor.

9 (c) Any person shall be guilty of a Class A misdemeanor
10 where he or she knowingly authorizes or permits a residence
11 which he or she occupies to be used by an invitee under 21
12 years of age and:

13 (1) the person occupying the residence knows that any
14 such person under the age of 21 is in possession of or is
15 consuming any alcoholic beverage or frozen dessert
16 containing alcoholic liquor; and

17 (2) the possession or consumption of the alcohol by
18 the person under 21 is not otherwise permitted by this
19 Act.

20 For the purposes of this subsection (c) where the
21 residence has an owner and a tenant or lessee, the trier of
22 fact may infer that the residence is occupied only by the
23 tenant or lessee. The sentence of any person who violates this
24 subsection (c) shall include, but shall not be limited to, a
25 fine of not less than \$500. Where a violation of this
26 subsection (c) directly or indirectly results in great bodily

1 harm or death to any person, the person violating this
2 subsection (c) shall be guilty of a Class 4 felony. Nothing in
3 this subsection (c) shall be construed to prohibit the giving
4 of alcoholic liquor to a person under the age of 21 years in
5 the performance of a religious ceremony or service in
6 observation of a religious holiday.

7 A person shall not be in violation of this subsection (c)
8 if (A) he or she requests assistance from the police
9 department or other law enforcement agency to either (i)
10 remove any person who refuses to abide by the person's
11 performance of the duties imposed by this subsection (c) or
12 (ii) terminate the activity because the person has been unable
13 to prevent a person under the age of 21 years from consuming
14 alcohol despite having taken all reasonable steps to do so and
15 (B) this assistance is requested before any other person makes
16 a formal complaint to the police department or other law
17 enforcement agency about the activity.

18 (d) Any person who rents a hotel or motel room from the
19 proprietor or agent thereof for the purpose of or with the
20 knowledge that such room shall be used for the consumption of
21 alcoholic liquor or frozen desserts containing alcoholic
22 liquor by persons under the age of 21 years shall be guilty of
23 a Class A misdemeanor.

24 (e) Except as otherwise provided in this Act, any person
25 who has alcoholic liquor or a frozen dessert containing
26 alcoholic liquor in his or her possession on public school

1 district property on school days or at events on public school
2 district property when children are present is guilty of a
3 petty offense, unless the alcoholic liquor or frozen dessert
4 containing alcoholic liquor (i) is in the original container
5 with the seal unbroken and is in the possession of a person who
6 is not otherwise legally prohibited from possessing the
7 alcoholic liquor or frozen dessert containing alcoholic liquor
8 or (ii) is in the possession of a person in or for the
9 performance of a religious service or ceremony authorized by
10 the school board.

11 (Source: P.A. 97-1049, eff. 1-1-13; 98-1017, eff. 1-1-15.)

12 (235 ILCS 5/6-35.5 new)

13 Sec. 6-35.5. Frozen desserts containing alcoholic liquor.

14 (a) No person shall sell a package of frozen desserts
15 containing alcoholic liquor that contains more than 5% alcohol
16 by volume. No person shall sell, give, or deliver frozen
17 desserts containing alcoholic liquor to a person under the age
18 of 21. A person under the age of 21 may not purchase, possess,
19 or consume frozen desserts containing alcoholic liquor.

20 (b) No person shall sell a package of frozen desserts
21 containing alcoholic liquor for consumption off the premises
22 unless:

23 (1) each package is a sealed package, as received from
24 the manufacturer or distributor;

25 (2) each sealed package, as received from the

1 manufacturer or distributor, prominently bears the
2 following statements, in a format to be established or
3 approved by the State Commission:

4 "(A) The sale of this product to individuals under
5 the age of 21 years is prohibited.

6 (B) This product is made with (insert whichever is
7 applicable: liquor, wine, beer, cider, or a
8 combination thereof) and contains alcohol up to 5% by
9 volume.

10 (C) NOTICE: This product contains alcohol used as
11 flavoring and, as with any product that contains
12 alcohol:

13 (1) women should not consume alcohol during
14 pregnancy because of the risk of birth defects;
15 and

16 (2) consumption of alcohol impairs your
17 ability to drive a car or operate machinery and
18 may cause health problems."; and

19 (3) the following advisory, on a sign or poster not
20 less than 7 inches by 5 inches, in a format to be
21 established or approved by the State Commission, is
22 displayed prominently at each location where frozen
23 desserts containing alcoholic liquor are made available to
24 the public:

25 "THIS AREA CONTAINS FROZEN DESSERTS CONTAINING
26 ALCOHOLIC LIQUOR. The sale of frozen desserts containing

1 alcoholic liquor to individuals under the age of 21 years
2 is prohibited.

3 The frozen desserts containing alcoholic liquor in
4 this area contain alcohol up to 5% by volume.

5 NOTICE: Frozen desserts containing alcoholic liquor
6 contain alcohol used as a flavoring and, as with any
7 product that contains alcohol:

8 (1) women should not consume alcohol during
9 pregnancy because of the risk of birth defects; and

10 (2) consumption of alcohol impairs your ability to
11 drive a car or operate machinery and may cause health
12 problems. IT IS A VIOLATION PUNISHABLE UNDER LAW FOR
13 ANY PERSON UNDER THE AGE OF 21 TO PRESENT ANY WRITTEN
14 EVIDENCE OF AGE WHICH IS FALSE, FRAUDULENT, OR NOT
15 ACTUALLY HIS OR HER OWN FOR THE PURPOSE OF ATTEMPTING
16 TO PURCHASE FROZEN DESSERTS CONTAINING ALCOHOLIC
17 LIQUOR."

18 (c) No person shall sell at retail individual servings of
19 frozen desserts containing alcoholic liquor for consumption on
20 the premises, unless the following statements are prominently
21 displayed on the printed menu (or, if no printed menus are
22 used, on the menu board or sign setting forth the bill of fare)
23 immediately adjacent to the listing of the item or items of
24 frozen desserts containing alcoholic liquor:

25 "(1) The sale of this product to individuals under the
26 age of 21 years is prohibited.

1 (2) This product is made with (insert whichever is
2 applicable: liquor, wine, beer, cider, or a combination
3 thereof) and contains alcohol up to 5% by volume.

4 (3) NOTICE: This product contains alcohol used as
5 flavoring and, as with any product that contains alcohol:

6 (A) women should not consume alcohol during
7 pregnancy because of the risk of birth defects; and

8 (B) consumption of alcohol impairs your ability to
9 drive a car or operate machinery and may cause health
10 problems."

11 (d) No manufacturer or distributor of frozen desserts
12 containing alcoholic liquor shall sell such product to a
13 person intending to sell at retail individual servings of
14 frozen desserts containing alcoholic liquor or packages of
15 frozen desserts containing alcoholic liquor for consumption
16 off the premises, unless, with each shipment, the manufacturer
17 or distributor provides:

18 (1) a written notice that individual servings of
19 frozen desserts containing alcoholic liquor or packages of
20 frozen desserts containing alcoholic liquor may be sold at
21 retail only if the retailer complies with all of the
22 requirements set forth in subsection (b); and

23 (2) a written copy of the requirements set forth in
24 subsection (b).

25 (d) Frozen desserts containing alcoholic liquor are
26 subject to all applicable food safety laws, rules, standards,

1 and requirements, including, but not limited to, the
2 provisions of the Illinois Food, Drug and Cosmetic Act.

3 Section 10. The Illinois Food, Drug and Cosmetic Act is
4 amended by changing Section 10 as follows:

5 (410 ILCS 620/10) (from Ch. 56 1/2, par. 510)

6 Sec. 10. A food is adulterated - (a) (1) If it bears or
7 contains any poisonous or deleterious substance which may
8 render it injurious to health; but in case the substance is not
9 an added substance such food shall not be considered
10 adulterated under this clause if the quantity of such
11 substance in such food does not ordinarily render it injurious
12 to health; or (2) (A) if it bears or contains any added
13 poisonous or added deleterious substance other than one which
14 is (i) a pesticide chemical in or on a raw agricultural
15 commodity; (ii) a food additive; or (iii) a color additive
16 which is unsafe within the meaning of subsection (a) of
17 Section 13; or (iv) a new animal drug which is unsafe within
18 the meaning of Section 14; or (B) if it is a raw agricultural
19 commodity and it bears or contains a pesticide chemical which
20 is unsafe within the meaning of Section 408 (a) of the Federal
21 Act as amended; or (C) if it is or it bears or contains, any
22 food additive which is unsafe within the meaning of Section
23 409 of the Federal Act as amended; provided that where a
24 pesticide chemical has been used in or on a raw agricultural

1 commodity in conformity with an exemption granted or tolerance
2 prescribed under Section 408 of the Federal Act and such raw
3 agricultural commodity has been subjected to processing such
4 as canning, cooking, freezing, dehydrating or milling, the
5 residue of such pesticide chemical remaining in or on such
6 processed food shall, notwithstanding the provisions of
7 Section 13 and Clause (C) of this Section not be deemed unsafe
8 if such residue in or on the raw agricultural commodity has
9 been removed to the extent possible in good manufacturing
10 practice, and the concentration of such residue in the
11 processed food when ready-to-eat, is not greater than the
12 tolerance prescribed for the raw agricultural commodity; or
13 (D) if it is, or it bears or contains, a new animal drug (or
14 conversion product thereof) which is unsafe within the meaning
15 of Section 512 of the Federal Act; or (3) if it consists in
16 whole or in part of a diseased, contaminated, filthy, putrid
17 or decomposed substance, or if it is otherwise unfit for food;
18 or (4) if it has been produced, prepared, packed or held under
19 unsanitary conditions whereby it may have become contaminated
20 with filth or whereby it may have been rendered diseased,
21 unwholesome or injurious to health; or (5) if it is, in whole
22 or in part, the product of a diseased animal or an animal which
23 has died otherwise than by slaughter, or that has been fed upon
24 the uncooked offal from a slaughterhouse; or (6) if its
25 container is composed, in whole or in part, of any poisonous or
26 deleterious substance which may render the contents injurious

1 to health; or (7) if it has been intentionally subjected to
2 radiation unless the use of the radiation was in conformity
3 with a regulation or exemption in effect pursuant to Section
4 13 of this Act or Section 409 of the Federal Act.

5 (b) (1) If any valuable constituent has been in whole or in
6 part omitted or abstracted therefrom; or (2) if any substance
7 has been substituted wholly or in part therefor; or (3) if
8 damage or inferiority has been concealed in any manner; or (4)
9 if any substance has been added thereto or mixed or packed
10 therewith so as to increase its bulk or weight or reduce its
11 quality or strength or make it appear better or of greater
12 value than it is.

13 (c) If it is confectionery, ice cream, or frozen dessert
14 and it bears or contains any alcohol; however, this subsection
15 shall not apply to any confectionery, ice cream, or frozen
16 dessert by reason of its containing less than 5% by volume of
17 alcohol.

18 (d) If it is or bears or contains any color additive which
19 is unsafe within the meaning of Section 706(a) of the Federal
20 Act.

21 (e) If its packaging or labeling is in violation of an
22 applicable regulation issued pursuant to Section 3, 4 or 5 of
23 the Illinois Poison Prevention Packaging Act.

24 (f) If it is an adulterated egg or egg product pursuant to
25 Section 3.1 of the "Illinois Egg and Egg Products Act".

26 (Source: P.A. 85-179.)