

FIRST REGULAR SESSION

HOUSE BILL NO. 1232

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SCHROER.

2449H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 196, RSMo, by adding thereto one new section relating to the labeling of food.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 196, RSMo, is amended by adding thereto one new section, to be known as section 196.124, to read as follows:

196.124. 1. Notwithstanding any other provision of law to the contrary, no food container shall be deemed to be made, formed, or filled in a manner as to be misleading, misbranded, or unfairly marketed if the container is filled to less than its capacity for one or more of the following reasons:

(1) For the protection of the contents of the package;

(2) To comply with reasonable industry standards regarding the processes used for enclosing the contents in the package;

(3) As a result of the product settling during shipping and handling;

(4) To address a need for the package to perform a specific function including, but not limited to, packaging used in the preparation or consumption of a food, provided that the function is inherent to the nature of the food and is clearly communicated to consumers;

(5) Because the product consists of a food packaged in a reusable container, the container is part of the presentation of the food, and the container has value that is both significant in proportion to the value of the product and independent of its function to hold the food including, but not limited to, a gift product of a food or foods combined with a container intended for reuse, durable commemorative packages, or promotional packages;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 (6) Because of an inability to increase the level of fill or to further reduce the size
19 of the package including, but not limited to, packaging necessary to accommodate required
20 food labeling, to discourage pilfering, to facilitate handling, or to accommodate
21 tamper-resistant devices; or

22 (7) Because the mode of commerce does not allow the consumer to view or handle
23 the physical container or product.

24 2. The requirements of subsection 1 of this section shall not apply if:

25 (1) The dimensions of the product or immediate product container are visible
26 through the exterior packaging of the product;

27 (2) The actual size of the product or immediate product container is clearly and
28 conspicuously depicted on any side of the exterior packaging besides the bottom and is
29 accompanied by a clear and conspicuous disclosure in an easy-to-read point size and font,
30 which states the depiction is the "actual size" of the product or immediate product
31 container. If there are multiple units of the same product in a package, only one "actual
32 size" depiction shall be required for each same size product or immediate product
33 container;

34 (3) A line or graphic representing the product or product fill and a statement in an
35 easy-to-read point size and font communicate that the line or graphic represents the
36 product or product fill, both of which are clearly and conspicuously depicted on exterior
37 packaging or the immediate product container visible at point of sale. Such statement may
38 include, but not be limited to, "Fill Line". If a product is prone to settling, the line shall
39 represent the minimum amount of the product after settling; or

40 (4) The actual amount of the product in the container is clearly, conspicuously, and
41 accurately disclosed, in ounces or other measure of weight, in an easy-to-read point size
42 and font on any side of the exterior packaging besides the bottom.

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