

1 AN ACT relating to cultured animal tissue.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 217.035 is amended to read as follows:

4 A food shall be deemed to be misbranded:

- 5 (1) If its labeling is false or misleading in any particular or its labeling or packaging
6 fails to conform with the requirements of KRS 217.037;
- 7 (2) If it is offered for sale under the name of another food;
- 8 (3) If it is an imitation of another food for which a definition and standard of identity
9 has been prescribed by regulations as provided by KRS 217.135; or if it is an
10 imitation of another food that is not subject to subsection (7) of this section, unless
11 its label bears in type of uniform size and prominence, the word, imitation, and,
12 immediately thereafter, the name of the food imitated;
- 13 (4) If its container is so made, formed, or filled as to be misleading;
- 14 (5) If in package form, unless it bears a label containing:
- 15 (a) The name and place of business of the manufacturer, packer, or distributor;
- 16 (b) An accurate statement of the net quantity of the contents in terms of weight,
17 measure, or numerical count, which statement shall be separately and
18 accurately stated in a uniform location upon the principal display panel of the
19 label; provided that reasonable variations shall be permitted, and exemptions
20 as to small packages shall be established, by regulations prescribed by the
21 secretary;
- 22 (6) If any word, statement, or other information required by or under authority of KRS
23 217.005 to 217.215 to appear on the label or labeling is not prominently placed
24 thereon with such conspicuousness (as compared with other words, statements,
25 designs, or devices, in the labeling) and in such terms as to render it likely to be
26 read and understood by the ordinary individual under customary conditions of
27 purchase and use;

- 1 (7) If it purports to be or is represented as a food for which a definition and standard of
2 identity has been prescribed by regulations as provided by KRS 217.135 unless:
- 3 (a) It conforms to such definition and standard; and
- 4 (b) Its label bears the name of the food specified in the definition and standard,
5 and insofar as may be required by such regulations, the common names of
6 optional ingredients (other than spices, flavoring, and coloring) present in
7 such food;
- 8 (8) If it purports to be or is represented as:
- 9 (a) A food for which a standard of quality has been prescribed by regulations as
10 provided by KRS 217.135 and its quality falls below such standard unless its
11 label bears, in such manner and form as such regulations specify, a statement
12 that it falls below such standard; or
- 13 (b) A food for which a standard or standards of fill of container have been
14 prescribed by regulation as provided by KRS 217.135 and it falls below the
15 standard of fill of container applicable thereto, unless its label bears, in such
16 manner and form as such regulations specify, a statement that it falls below
17 such standard;
- 18 (9) If it is not subject to the provisions of subsection (7) of this section, unless it bears
19 labeling clearly giving:
- 20 (a) The common or usual name of the food, if any there be; and
- 21 (b) In case it is fabricated from two (2) or more ingredients, the common or usual
22 name of each such ingredient, except that spices, flavorings, and colorings,
23 other than those sold as such, may be designated as spices, flavorings, and
24 colorings, without naming each; provided that, to the extent that compliance
25 with this subsection is impractical or results in deception or unfair
26 competition, exemptions shall be established by regulations promulgated by
27 the secretary;

- 1 (10) If it purports to be or is represented for special dietary uses, unless its label bears
2 such information concerning its vitamin, mineral, and other dietary properties as the
3 secretary determines to be, and by regulations prescribes as, necessary in order to
4 fully inform purchasers as to its value for such uses;
- 5 (11) If it bears or contains any artificial flavoring, artificial coloring, or chemical
6 preservative, unless it bears labeling stating that fact; provided that to the extent that
7 compliance with the requirements of this subsection is impracticable, exemptions
8 shall be established by regulations promulgated by the secretary;
- 9 (12) If it is a product intended as an ingredient of another food and when used according
10 to the directions of the purveyor will result in the final food product being
11 adulterated or misbranded;
- 12 (13) If it is a raw agricultural commodity which is the produce of the soil, bearing or
13 containing a pesticide chemical applied after harvest, unless the shipping container
14 of such commodity bears labeling which declares the presence of such chemical in
15 or on such commodity and the common or usual name and the function of such
16 chemical; provided, however, that no such declaration shall be required while such
17 commodity, having been removed from the shipping container, is being held or
18 displayed for sale at retail out of such container in accordance with the custom of
19 the trade;
- 20 (14) If it is a color additive unless its packaging and labeling are in conformity with such
21 packaging and labeling requirements applicable to such color additive prescribed
22 under the provisions of the federal act; or
- 23 **(15) If it purports to be or is represented as meat or a meat product and it contains any**
24 **cultured animal tissue produced from in vitro animal cell cultures outside of the**
25 **organism from which it is derived.**