

1 S.93

2 Introduced by Committee on Agriculture

3 Date:

4 Subject: Agriculture; labeling; maple products

5 Statement of purpose: This bill proposes to strengthen regulation and
6 enforcement of labeling requirements for maple products.

7 An act relating to labeling maple products

8 It is hereby enacted by the General Assembly of the State of Vermont:

9 Sec. 1. 6 V.S.A. chapter 32 is amended to read:

10 CHAPTER 32. MAPLE PRODUCTS

11 § 481. DEFINITIONS

12 * * *

13 (20) “Artificial maple-flavored product” means a product that is
14 designed or advertised to have the flavor of a maple product but does not
15 contain one or more maple products as an ingredient.

16 (21) “Maple-flavored product” means a product that is designed or
17 advertised to have the flavor of a maple product and contains one or more
18 maple products as an ingredient.

19 * * *

1 § 492. LABELING CONTAINER OF ~~MAPLE-FLAVORED~~

2 MAPLE-FLAVORED PRODUCTS

3 (a) Every product or package containing a ~~product made by combining~~
4 ~~maple sap, maple sugar or maple syrup with any other sugar or other substance~~
5 ~~packed,~~ maple-flavored product that is sold, offered or exposed for sale or
6 distribution by any person in this state shall be plainly marked in accordance
7 with 9 V.S.A. § 2633(c), for packaging and labeling regulations and shall
8 include the following on the principal display panel:

9 (1) an accurate and descriptive name;

10 (2) the net quantity contents declaration; and

11 (3) the amount of maple sugar or maple syrup the product contains
12 expressed in percentage of volume if the product is a liquid or a list of the
13 product ingredients in order of decreasing predominance by weight if the
14 product is a solid. The percentage statement or ingredient list shall be in close
15 proximity to the product name.

16 (b) The same information required in subsection (a) of this section shall be
17 included in any advertisements of the product. When the product is served in
18 any public eating place, the menu shall be conspicuously marked with an
19 accurate and descriptive name and a statement expressing the percentage of
20 maple sugar or maple syrup the product contains.

1 (c) The words “maple,” “mapyl,” “mapley,” or words of similar import
2 shall not appear in any manner on a container, label, menu, or advertisement of
3 maple-flavored products, unless:

4 (1) such words are printed in the statement of contents together with the
5 percentage;

6 (2) such words are a part of the packer’s name, provided that the
7 packer’s name cannot appear to be a part of the product name; or

8 (3) the words “blend,” “sweetened,” or “flavored” appear immediately
9 before, after, above or below and in equal prominence to such words.

10 (d) The term ~~“maple flavored”~~ “maple-flavored” may only be used when
11 100 percent of the flavoring material is a pure maple product. If any artificial
12 maple flavor is used, the label shall clearly and conspicuously state “artificial
13 flavor.”

14 § 493. LABELING CONTAINER OF ARTIFICIAL MAPLE FLAVORED
15 MAPLE-FLAVORED PRODUCTS

16 It shall be unlawful to use the term “maple syrup,” ~~or~~ “maple sugar,” or
17 “natural,” however modified, to describe any artificial maple-flavored product,
18 flavoring, sweetener or food additive unless the product, flavoring, sweetener,
19 or food additive so described meets the statutory definition of “maple syrup” or
20 “maple sugar.” Terms such as “artificial maple syrup” or “artificial maple
21 sugar” are declared to be misleading and deceptive and may not be used in the

1 labeling or advertising of any product. Terms such as “artificial maple flavor”
2 or “artificial maple flavor sweetener” may be used to describe a product
3 flavored or sweetened with a substance which attempts to duplicate real maple
4 flavor, providing that words such as “artificial,” “flavor,” and other modifiers
5 of the word “maple” shall appear in equal prominence to the word “maple” on
6 the label and in all advertising of the product.

7 * * *

8 § 493b. MISLEADING OR DECEPTIVE LABELING OR PACKAGING

9 It shall be a violation of this chapter for any person to falsely or deceptively
10 label or package a maple product, maple-flavored product, or artificial
11 maple-flavored product in any manner that would mislead or deceive an
12 average consumer as to the true identity of the product.

13 * * *

14 § 495. ADVERTISING; DISPLAY

15 (a) All advertisements of maple syrup displayed, circulated, broadcast by
16 radio, or telecast within this state which quote a price shall specify the grade
17 and volume of maple syrup in equal prominence with the stated price.

18 (b) All advertisements of maple products ~~and maple flavored,~~
19 maple-flavored products, and artificial maple-flavored products displayed,
20 circulated, broadcast by radio, or telecast within this state which quote a price
21 shall specify the quantity of contents in equal prominence with the stated price.

1 (c) All advertisements of maple syrup or maple products which state or
2 imply that the products were produced in Vermont shall be used exclusively
3 upon maple syrup or maple products produced within the state of Vermont.

4 (d) All advertising of ~~maple-flavored~~ maple-flavored products shall be in
5 compliance with the advertising provisions contained in section 492 of this
6 title. All advertising of artificial ~~maple-flavored~~ maple-flavored products shall
7 be in compliance with the advertising provisions contained in section 493 of
8 this title.

9 (e) A retail seller of maple products, maple-flavored products, or artificial
10 maple-flavored products shall not display, co-locate, or otherwise present such
11 products in a manner that would be misleading or deceptive to an average
12 consumer concerning the identity of the maple product, maple-flavored
13 product, or artificial maple-flavored product.

14 § 496. REGULATIONS; POWERS

15 (a) The secretary may adopt and enforce all rules and regulations which he
16 or she deems necessary to enforce this chapter.

17 (b) When the secretary determines that there is reasonable cause to believe
18 that a maple product, maple-flavored product, or artificial maple-flavored
19 product is in violation of this chapter or any regulations promulgated
20 hereunder, he or she may embargo the sale, transportation, or use of the
21 product. Within 30 days of the embargo, the secretary shall cause to be

1 instituted in the superior court of the county in which the violator resides, has a
2 place of business, or commits the violation; a petition for an order for disposal
3 of the product. Prior to the petition or pending court directions, the secretary
4 may agree with the owner of the product for its disposal provided the disposal
5 is not in violation of law. The court shall have power to condemn any maple
6 product, maple-flavored product, or artificial maple-flavored product sold,
7 stored, held, offered, exposed, or advertised for sale or possessed in violation
8 of this chapter, and may authorize its disposal.

9 * * *

10 § 498. PENALTIES; ENFORCEMENT; PRIVATE RIGHT OF ACTION

11 (a) The secretary may suspend or revoke the license of a dealer or
12 processor for any violation of this chapter or the regulations adopted pursuant
13 to this chapter.

14 (b) A person, including licensed dealers or processors, who knowingly or
15 intentionally violates any provision of this chapter shall be fined not more than
16 \$5,000.00 or imprisoned for not more than one year; or both.

17 (c) A violation of this chapter shall be an unfair or deceptive act in
18 commerce in violation of 9 V.S.A. § 2453.

19 * * *

20 Sec. 2. EFFECTIVE DATE

21 This act shall take effect on passage.