

FIRST REGULAR SESSION

# SENATE BILL NO. 498

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR BURLISON.

Read 1st time February 28, 2019, and ordered printed.

ADRIANE D. CROUSE, Secretary.

2435S.01I

## AN ACT

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

*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 196.076, to read as follows:

**196.076. Notwithstanding any other provision of law, a food container shall not be deemed to be made, formed, or filled 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) Protection of the contents of the package;**
- (2) Reasonable industry standards regarding the processes used for enclosing the contents in the package;**
- (3) Product settling during shipping and handling;**
- (4) The need for the package to perform a specific function, such as where packaging plays a role in the preparation or consumption of a food, if that function is inherent to the nature of the food and is clearly communicated to consumers.**
- (5) The fact that the product consists of a food packaged in a reusable container where the container is part of the presentation of the food and has value that is both significant in proportion to the value of the product and independent of its function to hold the food, such as a gift product consisting of a food or food combined with a container that is intended for further use after the food is consumed or durable commemorative or promotional packages;**
- (6) Inability to increase the level of fill or to further reduce the size of the package, such as where some minimum package is necessary**

22 to accommodate required food labeling exclusive of any vignettes or  
23 other nonmandatory designs or label information, discourage pilfering,  
24 facilitate handling, or accommodate tamper-resistant devices;

25 (7) One or more of the following:

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

28 (b) The actual size of the product or immediate product  
29 container is clearly and conspicuously depicted on any side of the  
30 exterior packaging, excluding the bottom, accompanied by a clear and  
31 conspicuous disclosure in an easy-to-read point size and font that the  
32 depiction is the actual size of the product or immediate product  
33 container. If there are multiple units of the same product in a package,  
34 only one actual size depiction is required per same size product or  
35 immediate product container;

36 (c) A line or a graphic that represents the product or product fill  
37 and a statement in an easy-to-read point size and font communicating  
38 that the line or graphic represents the product or product fill as "fill  
39 line", both of which are clearly and conspicuously depicted on exterior  
40 packaging or the immediate product container if visible at point of  
41 sale. If the product is subject to settling, the line shall represent the  
42 minimum amount of the product after settling;

43 (d) The actual amount of the product in the container is clearly,  
44 conspicuously, and accurately disclosed, in ounces or other measures  
45 of weight, in an easy-to-read point size and font on any side of the  
46 exterior packaging, excluding the bottom;

47 (8) The mode of commerce does not allow the consumer to view  
48 or handle the physical container or product.

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