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**Rural Development, Agriculture &  
Natural Resources Committee**

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**HB 1909**

**Brief Description:** Concerning the misbranding of meat and poultry products.

**Sponsors:** Representatives Dent, Pollet, Graham, Callan and Young.

**Brief Summary of Bill**

- Requires labeling on certain meat, poultry, and finfish analogue products to specify that that the products are either imitation or do not contain meat, poultry, or finfish.
- Requires retailers of Washington state beef to make an effort to display country of origin information for the product if the retailer receives the beef with appropriate signage.

**Hearing Date:** 1/21/22

**Staff:** Rebecca Lewis (786-7339).

**Background:**

Food Product Misbranding.

The Washington State Department of Agriculture (WSDA) Food Safety Program provides professional technical assistance, food safety public health inspections, licensing services, and food recall assistance for a variety of entities that process, produce, or store food products.

Food businesses licensed by the State of Washington to produce, warehouse, process, market, sell, and distribute product are required to follow the safe food production, management and

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handling practices specified in the Washington Food, Drug, and Cosmetic Act (Act) and other applicable federal and state food safety laws and regulations depending on the type of activity the food business performs. Under the Act, a person may not cause or intend to cause misbranded food in intrastate commerce; sell, process, or store misbranded food in intrastate commerce; or receive, for the purpose of sale in intrastate commerce, food known to be misbranded.

Food is misbranded if it would be considered misbranding under the Federal Food, Drug, and Cosmetic Act, falsely represents its place of origin, or is not labeled and packaged in accordance with WSDA rules. Under federal law, labels on imitation foods must contain the word "imitation" immediately preceding the name of the food, printed in the same font, style, and size. The WSDA may impose civil or criminal penalties for misbranding violations.

### Country of Origin Labeling.

#### *United States Department of Agriculture Country of Origin Labeling.*

The United States Department of Agriculture (USDA), through Country of Origin Labeling (COOL) regulations, requires retailers to provide their customers with information regarding the source of certain foods including muscle cuts and ground meat of lamb, goat, chicken, and fresh and frozen produce. Labeling of country of origin can be placed on a placard, sign, label, sticker, or any format that allows consumers to identify the country of origin of the product. In 2016 the USDA removed beef muscle cuts, pork muscle cuts, ground beef, and ground pork from the list of covered commodities subject to the COOL regulations. In 2017 venison muscle cuts and ground venison were added to the labeling requirement.

#### *State Placard Regulations for Fruits and Vegetables.*

By state law, stores or other businesses offering fresh fruits and vegetables for sale to consumers must display a placard that informs the consumer of where the product was grown. Placards are not required for fruits or vegetables that are grown outside of the United States or if the individual items have stickers or labels on them that indicate where the product was grown. The placard must indicate that the product was either grown in the United States or grown in Washington.

### **Summary of Bill:**

#### Branding of Meat, Poultry, and Finfish Analogue Products.

A product is considered misbranded under the Washington Food, Drug, and Cosmetic Act if it is (1) either a finfish analogue product or a meat or poultry analogue product that is not made from meat that has been born, raised, and harvested in a traditional manner; and (2) the labeling uses an identifiable meat term and does not contain a disclaimer in the same font, style, and size indicating that the food is "imitation" consistent with federal labeling requirements, or does not

contain a word or phrase indicating that the food does not contain meat.

Examples of such phrases include "plant-based," "veggie," or "meat-free." If a person violates this provision, the WSDA may impose civil or criminal penalties under the existing provisions that prohibit the misbranding of products in intrastate commerce.

"Identifiable meat term" includes terms that generally describe meat, poultry, or finfish products including beef, pork, chicken, turkey, fish, tuna, salmon, lamb, goat, jerky, steak, burger, ribs, roast, bacon, ham, sausage, and tenderloin.

#### Country of Origin Labeling of Beef.

A retailer who sells beef or offers beef for sale must make an effort to display information that is clearly visible and readily viewable by the public and placed in the immediate vicinity to designate and display the beef as "U.S.A. beef" if the beef is derived exclusively from animals that are: born, raised, and slaughtered in the United States; or born, raised, transported for not more than 60 days outside the United States, and slaughtered in the United States.

The retailer is only required to comply with the signage requirement if the retailer receives the Washington beef with appropriate signage. The Washington State Department of Agriculture may adopt rules as necessary to implement the country of origin labeling requirement.

**Appropriation:** None.

**Fiscal Note:** Requested on January 10, 2020.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.