

S T A T E O F N E W Y O R K

S. 2962

A. 6604

2009-2010 Regular Sessions

S E N A T E - A S S E M B L Y

March 6, 2009

IN SENATE -- Introduced by Sen. SAVINO -- read twice and ordered printed, and when printed to be committed to the Committee on Agriculture

IN ASSEMBLY -- Introduced by M. of A. ABBATE, DESTITO, PHEFFER, BENEDETTO, LUPARDO, MILLMAN, NOLAN, COLTON, KOON, CYMBROWITZ, STIRPE -- Multi-Sponsored by -- M. of A. ALESSI, AUBRY, BARRON, BROOK-KRASNY, CANESTRARI, CARROZZA, CUSICK, DeMONTE, FIELDS, GALEF, GIANARIS, GORDON, HIKIND, JAFFEE, LENTOL, V. LOPEZ, MAGNARELLI, MAISEL, MENG, ORTIZ, REILLY, N. RIVERA, P. RIVERA, ROBINSON, SEMINERIO, SKARTADOS, SWEENEY, TITONE -- read once and referred to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to olive oil products

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 204-a of the agriculture and markets law, as
2 amended by chapter 431 of the laws of 1948, is amended to read as
3 follows:
4 S 204-a. Olive oil mixtures. [It shall be unlawful for any person to
5 manufacture, pack, possess, sell, offer for sale and/or expose for sale
6 any compound or blended oil of any kind which purports to be an olive
7 oil mixture unless the container thereof be permanently and conspicuous-
8 ly labeled "compound oil" or "blended oil" with a statement of the
9 different ingredients thereof and the specific percentage of olive oil,
10 the total percentage of other vegetable oils and the specific percentage
11 of each other ingredient comprising more than one-half of one per centum
12 of the mixture.] 1. AS USED IN THIS SECTION THE FOLLOWING TERMS SHALL
13 HAVE THE FOLLOWING MEANINGS:
14 (A) "OLIVE OIL" MEANS THE OLIVE OIL OBTAINED SOLELY FROM THE FRUIT OF
15 THE OLIVE TREE (OLEA EUROPAEA), TO THE EXCLUSION OF OILS OBTAINED USING
16 SOLVENTS OR REESTERIFICATION PROCESSES AND OF ANY MIXTURE WITH OILS OF

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 OTHER KINDS. FOR THE PURPOSE OF PRODUCT LABELING SUCH TERM MEANS OIL
2 CONSISTING OF A BLEND OF REFINED OLIVE OIL, AND VIRGIN OLIVE OILS FIT
3 FOR CONSUMPTION AS THEY ARE WITH A FREE ACIDITY, EXPRESSED AS OLEIC
4 ACID, OF NOT MORE THAN ONE GRAM PER HUNDRED GRAMS.

5 (B) "OLIVE-POMACE OIL" MEANS OIL OBTAINED BY TREATING OLIVE POMACE
6 WITH SOLVENTS OR OTHER PHYSICAL TREATMENTS, TO THE EXCLUSION OF OILS
7 OBTAINED BY REESTERIFICATION PROCESSES AND OF ANY MIXTURE WITH OILS OF
8 OTHER KINDS.

9 (C) "REFINED OLIVE OIL" MEANS THE OLIVE OIL OBTAINED FROM VIRGIN OLIVE
10 OILS BY REFINING METHODS WHICH DO NOT LEAD TO ALTERATIONS IN THE INITIAL
11 GLYCERIDIC STRUCTURE. IT HAS FREE ACIDITY, EXPRESSED AS OLEIC ACID, OF
12 NOT MORE THAN 0.3 GRAMS PER HUNDRED GRAMS.

13 (D) "VIRGIN OLIVE OIL" MEANS THOSE OILS OBTAINED FROM THE FRUIT OF THE
14 OLIVE TREE SOLELY BY MECHANICAL OR OTHER PHYSICAL MEANS UNDER CONDI-
15 TIONS, PARTICULARLY THERMAL CONDITIONS, THAT DO NOT LEAD TO ALTERATIONS
16 IN THE OIL, AND WHICH HAVE NOT UNDERGONE ANY TREATMENT OTHER THAN WASH-
17 ING, DECANTING, CENTRIFUGING AND FILTRATION. VIRGIN OLIVE OILS FIT FOR
18 CONSUMPTION AS THEY ARE INCLUDE:

19 (1) "EXTRA VIRGIN OLIVE OIL" WHICH MEANS VIRGIN OLIVE OIL WHICH HAS A
20 FREE ACIDITY, EXPRESSED AS OLEIC ACID, OF NOT MORE THAN 0.8 GRAMS PER
21 HUNDRED GRAMS.

22 (2) "VIRGIN OLIVE OIL" WHICH MEANS OLIVE OIL WHICH HAS A FREE ACIDITY,
23 EXPRESSED AS OLEIC ACID, OF NOT MORE THAN TWO GRAMS PER HUNDRED GRAMS.

24 (3) "ORDINARY VIRGIN OLIVE OIL" WHICH MEANS VIRGIN OLIVE OIL WHICH HAS
25 A FREE ACIDITY, EXPRESSED AS OLEIC ACID, OF NOT MORE THAN 3.3 GRAMS PER
26 HUNDRED GRAMS.

27 2. (A) NO ADDITIVES ARE PERMITTED IN VIRGIN OLIVE OILS.

28 (B) THE ADDITION OF ALPHA-TOCOPHEROL TO REFINED OLIVE OIL, OLIVE OIL,
29 REFINED OLIVE-POMACE OIL AND OLIVE-POMACE OIL IS PERMITTED TO RESTORE
30 NATURAL TOCOPHEROL LOST IN THE REFINING PROCESS. THE CONCENTRATION OF
31 ALPHA-TOCOPHEROL IN THE FINAL PRODUCT SHALL NOT EXCEED 220MG/KG.

32 3. (A) THE COMMISSIONER SHALL PROMULGATE RULES AND REGULATIONS FOR THE
33 PRODUCTION AND LABELING OF OLIVE OILS AND OLIVE-POMACE OILS PRESENTED
34 AND SOLD FOR HUMAN CONSUMPTION IN INTRASTATE COMMERCE. THOSE REGULATIONS
35 SHALL SUBSTANTIALLY COMPLY WITH THE STANDARDS FOR THE PRODUCTION AND
36 LABELING OF OLIVE OIL AND OLIVE-POMACE OILS OF THE PREVAILING INTERNA-
37 TIONAL VOLUNTARY CONSENSUS TRADE ORGANIZATION FORMED FOR THE DEVELOPMENT
38 OF STANDARDS ON CHARACTERISTICS AND PERFORMANCE OF OLIVE PRODUCTS AND
39 THE PROMOTION OF TRADE AND KNOWLEDGE RELATED TO THE ACCURATE AND HONEST
40 PRESENTATION OF SUCH PRODUCTS, AS AMENDED, OR THE STANDARDS OF IDENTITY
41 FOR OLIVE OIL AS ADOPTED BY THE UNITED STATES FOOD AND DRUG ADMINIS-
42 TRATION WHEN SUCH STANDARDS HAVE BEEN ADOPTED.

43 (B) FAILURE TO MEET THE STANDARDS PROMULGATED PURSUANT TO PARAGRAPH
44 (A) OF THIS SUBDIVISION SHALL RENDER OLIVE OIL SOLD IN INTRASTATE
45 COMMERCE IN THE STATE MISBRANDED.

46 S 2. This act shall take effect on the one hundred twentieth day after
47 it shall have become a law. Effective immediately the commissioner of
48 agriculture and markets is authorized to promulgate any rules or regu-
49 lations necessary for the implementation of this act on its effective
50 date.