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

S. 2962--A A. 6604--A

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 Sens. SAVINO, DIAZ, DILAN, KLEIN -- read twice and ordered printed, and when printed to be committed to the Committee on Agriculture -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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, DelMONTE, FIELDS, GALEF, GIANARIS, GORDON, HIKIND, JAFFEE, LENTOL, V. LOPEZ, MAGNARELLI, MAISEL, MENG, O'DONNELL, ORTIZ, REILLY, N. RIVERA, P. RIVERA, ROBINSON, SEMINERIO, SKARTADOS, SWEENEY, TITONE -- read once and referred to the Committee on Agriculture -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

Section 1. Section 204-a of the agriculture and markets law, as amended by chapter 431 of the laws of 1948, is amended to read as follows:

S 204-a. Olive oil mixtures. It shall be unlawful for any person to manufacture, pack, possess, sell, offer for sale and/or expose for sale any compound or blended oil of any kind which purports to be an olive oil mixture unless the container thereof be permanently and conspicuously labeled "compound oil" or "blended oil" with a statement of the different ingredients thereof and the specific percentage of olive oil, the total percentage of other vegetable oils and the specific percentage of each other ingredient comprising more than one-half of one per centum of the mixture. 1. AS USED IN THIS SECTION THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

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

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(A) "OLIVE OIL" MEANS THE OLIVE OIL OBTAINED SOLELY FROM THE FRUIT OF THE OLIVE TREE (OLEA EUROPAEA), TO THE EXCLUSION OF OILS OBTAINED USING SOLVENTS OR REESTERIFICATION PROCESSES AND OF ANY MIXTURE WITH OILS OF OTHER KINDS. FOR THE PURPOSE OF PRODUCT LABELING SUCH TERM MEANS OIL CONSISTING OF A BLEND OF REFINED OLIVE OIL, AND VIRGIN OLIVE OILS FIT FOR CONSUMPTION AS THEY ARE WITH A FREE ACIDITY, EXPRESSED AS OLEIC ACID, OF NOT MORE THAN ONE GRAM PER HUNDRED GRAMS.

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

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

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

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

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

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

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

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

3. (A) THE COMMISSIONER SHALL PROMULGATE RULES AND REGULATIONS FOR THE PRODUCTION AND LABELING OF OLIVE OILS AND OLIVE-POMACE OILS PRESENTED AND SOLD FOR HUMAN CONSUMPTION IN INTRASTATE COMMERCE. THOSE REGULATIONS SHALL SUBSTANTIALLY COMPLY WITH THE STANDARDS FOR THE PRODUCTION AND LABELING OF OLIVE OIL AND OLIVE-POMACE OILS OF THE PREVAILING INTERNATIONAL VOLUNTARY CONSENSUS TRADE ORGANIZATION FORMED FOR THE DEVELOPMENT OF STANDARDS ON CHARACTERISTICS AND PERFORMANCE OF OLIVE PRODUCTS AND THE PROMOTION OF TRADE AND KNOWLEDGE RELATED TO THE ACCURATE AND HONEST PRESENTATION OF SUCH PRODUCTS, AS AMENDED, IN THE ABSENCE OF SPECIFIC FEDERAL STANDARDS OF IDENTITY FOR OLIVE OIL.

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

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