

LABELING OF HUNTING SCENTS

House Bill 5015

Sponsor: Rep. Robert Bender

**Committee: Tourism, Fisheries &
Wildlife**

Complete to 9-5-91

A SUMMARY OF HOUSE BILL 5015 AS INTRODUCED 6-27-91

The bill would create the Truth in Labeling of Hunting Scents Act to regulate the labeling of products made to attract fish and game animals or prevent the detection of human scent by them. The bill would prohibit a person from manufacturing, distributing, selling or offering for sale in the state a hunting scent unless the product and its outside container displayed a label with the following information:

- * The product's ingredients listed by their common or usual English names, or the chemical names if no common names existed, by percentage in order of descending predominance by weight. The listing would have to include the source of any natural animal products by genus, species and common name of the animal from which the scent was derived;

- * A simple and direct statement describing the product's identity, its basic nature or its characterizing ingredients or properties. This statement of identity would have to appear on the "principal display panel" (that part of the label most likely to be displayed and examined under "normal and customary conditions of display and purchase");

- * The statement, "Keep out of the reach of children," or a similar statement, or if the product was intended for use by children and was not a banned hazardous substance, adequate directions for children's protection from the hazard.

The statement of identity on the display panel would have to be in lines across the package that were parallel to the base on which it was displayed, and would have to be in "prominent type" and of a size reasonably related to the most prominent printed matter on the display panel. Also, the print size of the identity statement would have to be at least one-half the size of the label's largest print. The bill would require the display panel to be large enough to hold all label information clearly without obscuring or vignetting. Any required labeling would have to be prominently and conspicuously placed on the label on a background of contrasting color in not less than 7-point type, and would have to be written so that it could be easily read and understood by an "ordinary individual" under normal conditions of purchase and use.

The bill would also prohibit a person from 1) receiving scents that violated these requirements via commercial means, 2) willfully removing or otherwise altering or destroying, or causing the removal, alteration or destruction of, such a label or part of a label--if this or a similar action could reasonably mislead a consumer about the product--while the product was in intrastate commerce or held for sale after being shipped, 3) removing or disposing of a detained or embargoed product, by sale or otherwise, or 4) obstructing or hindering the director of the Department of Agriculture from performing the

duties specified in the bill. The department would have to promulgate rules to implement the bill's provisions according to the Administrative Procedures Act.

The bill would require the agriculture department director to look into complaints made concerning violations of the bill and, at his or her own initiative, conduct any investigations that he or she felt were needed to determine possible violations and to generally promote proper labeling of hunting scents. If he or she found or had probable cause to believe that a product was mislabeled, the director would have to mark the product with a tag and give notice that it was suspected of being mislabeled and had been detained or embargoed. The director would have to warn all persons not to remove or dispose of the product, by sale or otherwise, without the director's permission. The director could apply to any court of competent jurisdiction for a temporary restraining order or a preliminary or permanent injunction to restrain a person from violating the bill's provisions.