

HOUSE BILL No. 5015

June 27, 1991, Introduced by Reps. Bender, Weeks, Bartnik, Middaugh, Horton, Alley, Gnodtke, Anthony, Martin, Randall, Dalman, Yokich, Johnson, London, Ostling, McBryde, Allen, Pitoniak, Middleton, DeMars, Hoffman, Jaye and Gilmer and referred to the Committee on Tourism, Fisheries and Wildlife.

A bill to regulate the labeling of products that attract, or prevent the detection of human scent by, certain creatures; to prescribe the powers and duties of certain persons and state departments; and to prescribe remedies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "truth in labeling of hunting scents act".

3 Sec. 2. As used in this act:

4 (a) "Department" means the department of agriculture.

5 (b) "Director" means the director of the department of agri-
6 culture or his or her designee.

7 (c) "Label" means the written, printed, or graphic matter
8 on, or attached to, a product.

9 (d) "Person" means an individual, partnership, corporation,
10 association, or other legal entity.

1 (e) "Principal display panel" means the part of a label that
2 is most likely to be displayed, presented, shown, or examined
3 under normal and customary conditions of display and purchase.

4 Sec. 3. A person shall not do any of the following:

5 (a) Manufacture, distribute, sell, or offer for sale in this
6 state any product the purpose of which is to attract, or prevent
7 the detection of human scent by, animals, birds, amphibians,
8 fowl, or fish unless there appears on the product and any outside
9 container of the product a label that contains all of the follow-
10 ing information:

11 (i) The ingredients of the product listed by their common or
12 usual English name, or the chemical name if there is not a common
13 or usual name, by percentage in order of descending predominance
14 by weight. The ingredients listing shall include the source of
15 any natural animal products by genus, species, and common name of
16 the animal from which the product or byproduct is derived.

17 (ii) A statement of identity in terms of the product's
18 common name or an appropriately descriptive term that accurately
19 identifies or describes, in as simple and direct terms as possi-
20 ble, the basic nature of the product or its characterizing ingre-
21 dients or properties. The statement of identity shall appear on
22 the principal display panel.

23 (iii) The statement, "keep out of the reach of children", or
24 its practical equivalent, or if the product is intended for use
25 by children and is not a banned hazardous substance, adequate
26 directions for the protection of children from the hazard.

1 (b) Receive in commerce any product that violates the
2 labeling requirements of subdivision (a).

3 (c) Willfully remove, deface, cover, alter, obliterate, or
4 destroy, or cause to be removed, defaced, covered, altered,
5 obliterated, or destroyed, a label or part of a label required by
6 subdivision (a), or do any other act that could reasonably mis-
7 lead a consumer as to the ingredients or a product described in
8 subdivision (a), while the product is in intrastate commerce or
9 held for sale, whether or not the first sale, after shipment in
10 intrastate commerce.

11 (d) Remove or dispose of a detained or embargoed product, by
12 sale or otherwise.

13 (e) Obstruct or hinder the director in the performance of
14 his or her duties under this act.

15 Sec. 4. (1) The statement of identity required by section
16 3(a) on the principal display panel shall be in lines generally
17 parallel to the base on which the package rests as it is designed
18 to be displayed, and shall be in prominent type and of a size
19 reasonably related to the most prominent printed matter on the
20 principal display panel, which shall be at least 1/2 of the larg-
21 est print on the label.

22 (2) The principal display panel shall be large enough to
23 accommodate all label information required by the statement of
24 identity in a clear and conspicuous manner without obscuring or
25 vignetting.

26 (3) A word, statement, or other labeling required under
27 section 3(a) shall be prominently and conspicuously placed on the

1 label on a background of contrasting color in not less than
2 7-point type and in a manner and terms as to render it likely to
3 be read and understood by an ordinary individual under customary
4 conditions of purchase and use.

5 Sec. 5. The director shall investigate complaints made to
6 him or her concerning violations of this act and, upon his or her
7 own initiative, shall conduct any investigations that he or she
8 considers advisable to determine possible violations of this act
9 and to promote the general objective of truth in labeling of
10 hunting scents.

11 Sec. 6. If the director finds or has probable cause to
12 believe that a product is mislabeled in violation of this act, he
13 or she shall affix to the product a tag or other appropriate
14 marking, giving notice that the product is or is suspected of
15 being mislabeled and has been detained or embargoed, and warning
16 all persons not to remove or dispose of the product, by sale or
17 otherwise, until permission for removal or disposal is given by
18 the director.

19 Sec. 7. The director may apply to any court of competent
20 jurisdiction for a temporary restraining order or a preliminary
21 or permanent injunction restraining any person from violating
22 this act.

23 Sec. 8. The department shall promulgate, as necessary,
24 rules to implement this act pursuant to the administrative proce-
25 dures act of 1969, Act No. 306 of the Public Acts of 1969, being
26 sections 24.201 to 24.328 of the Michigan Compiled Laws.