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**AB-535 Olive oil: labeling.** (2021-2022)

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**Assembly Bill No. 535**

**CHAPTER 466**

An act to amend Section 112895 of the Health and Safety Code, relating to food labeling.

[ Approved by Governor October 04, 2021. Filed with Secretary of State October 04, 2021. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 535, Aguiar-Curry. Olive oil: labeling.

Existing law makes it unlawful to produce, process, sell, offer to sell, or possess olive oil that indicates on its label "California Olive Oil," or uses similar words to indicate that California is the source of the oil, unless 100% of that oil is derived from olives grown in California. Existing law also requires that olive oil produced, processed, sold, offered for sale, given away, or possessed in California, that indicates on its label that it is from a specific region of California, be made of oil at least 85% of which, by weight, is derived from olives grown in that region. Existing law makes a violation of the requirements relating to the manufacture and marketing of olive oil a misdemeanor.

This bill would also require a container of olive oil produced, processed, sold, offered for sale, given away, or possessed in California that includes "California" in any form on its principal display panel and contains olive oil derived from olives grown outside California to disclose the minimum percentage of olive oil in the container derived from olives grown in California. The bill would prescribe specific language to make the disclosure and require that it be in a font size that is no less than the largest used in the word "California." Because a violation of this requirement would be a crime, this bill would impose a state-mandated local program.

Existing law, the California Marketing Act of 1937, authorizes the Department of Food and Agriculture to regulate the quality of commodities produced and handled in California by prohibiting the production and handling of commodities that fall below its minimum standards. Existing law makes a violation of a marketing order duly issued by the Secretary of Food and Agriculture pursuant to the act a misdemeanor.

This bill would require any olive oil produced, processed, sold, offered for sale, given away, or possessed in California with a principal display panel that uses "California" to comply with the quality and purity standards published by the Department of Food and Agriculture, as specified. The bill would specify that this requirement is declaratory of existing law.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** Section 112895 of the Health and Safety Code is amended to read:

**112895.** (a) It is unlawful to manufacture, sell, offer for sale, give away, or to possess imitation olive oil in California.

(b) This section does not prohibit the blending of olive oil with other edible oils, if the blend is not labeled as olive oil or imitation olive oil, is clearly labeled as a blended vegetable oil, and if the contents and proportions of the blend are prominently displayed on the container's label, or if the oil is a flavored olive oil.

(c) If any olive oil is produced, processed, sold, offered for sale, given away, or possessed in California, that indicates on its label "California Olive Oil," or uses words of similar import that indicate that California is the source of the oil, 100 percent of that oil shall be derived from olives grown in California.

(d) Any container of olive oil produced, processed, sold, offered for sale, given away, or possessed in California which contains olive oil produced from olives grown in locations other than California, in whole or in part, and includes "California" in any form on the principal display panel shall state on the same panel the minimum percentage of olive oil in the container produced from olives grown in California in a font size that is no less than the largest font used to print "California" on the same panel. The percentage shall be declared by the words, "\_\_\_percent (or \_\_\_%) California" or "\_\_\_ percent (or \_\_\_%) California olive oil." This subdivision shall not apply to a container of olive oil produced on or before December 31, 2021.

(e) Any olive oil produced, processed, sold, offered for sale, given away, or possessed in California with a principal display panel that uses "California" or any reference to it shall comply with the quality and purity standards set forth in the "Grade and Labeling Standards for Olive Oil, Refined-Olive Oil, and Olive-Pomace Oil" published by the Department of Food and Agriculture.

(f) Olive oil produced, processed, sold, offered for sale, given away, or possessed in California, that indicates on its label that it is from a specific region of California shall be made of oil at least 85 percent of which, by weight, is derived from olives grown in the specified region.

(g) This section does not prohibit an olive oil producer or processor from using a truthful, nonmisleading statement or representation regarding the geographic origin of the olives used in the production of the olive oil in any label, packaging material, or advertising if the label, packaging material, or advertising contains no representation that is prohibited by this section.

(h) Olive oil produced, processed, sold, offered for sale, given away, or possessed in California, that indicates on its label that it is from a specific estate in California shall be made of oil at least 95 percent of which, by weight, is derived from olives grown on the specified estate.

(i) Olive-pomace oil shall not be labeled as olive oil.

**SEC. 2.** The addition of subdivision (e) to Section 112895 of the Health and Safety Code by this act does not constitute a change in, and is declaratory of, existing law.

**SEC. 3.** No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.