FOOD LAW (EXCERPT)
Act 92 of 2000
CHAPTER VIII
LABELING AND ADVERTISING

289.8101 Packaged food; label requirements.


Compiler's note: Sec. 1117 of Act 92 of 2000 provides:
“(1) Subject to subsections (2) and (3), this act takes effect 6 months after the date of enactment.
“(2) Until 6 months after the effective date of this act, compliance with the standards of the design, construction, and equipment of a food service establishment approved under former sections 12901, 12902, 12903, 12904, 12905a, 12906, 12907, 12908, 12910, 12911, 12912, 12913, 12916, and 12921 of the public health code, MCL 333.12901, 333.12902, 333.12903, 333.12904, 333.12905a, 333.12906, 333.12907, 333.12908, 333.12910, 333.12911, 333.12912, 333.12913, 333.12916, and 333.12921, is considered compliance with this act.
“(3) Beginning 6 months after the effective date of this act, a food service establishment shall comply with the standards of design, construction, and equipment established under this act.”

289.8103 Bulk displays of unpackaged food and drink; salad bar; sign requirements; placard.
Sec. 8103. (1) All bulk displays of unpackaged food and drink offered for sale at a retail food establishment, including salad bars, which contain a detectable amount of sulfiting agents shall be prominently placarded with a sign which is clearly visible to the customer and which declares either of the following statements:

(a) (NAME OF PRODUCT) THIS PRODUCT CONTAINS A SULFITING AGENT. SULFITES MAY CAUSE AN ALLERGIC REACTION IN CERTAIN PERSONS, PARTICULARLY ASTHMATICS.

(b) (NAME OF PRODUCT) _______________, the blank to be filled in with the name of the sulfiting agent, and if added as a preservative, a separate description of its function.

(2) All letters on the sign shall be of the same type style and color, not less than 1/4 inch in height, and of a color in clear contrast to the background. A smaller type size may be permitted if the department determines space is not available for the placard and the largest type size possible is used. If a retail establishment has multiple bins of sulfite-treated food which are segregated, 1 placard listing all of the applicable products is acceptable if it is placed at approximately eye level over the bins.


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289.8105 Prohibited acts.
Sec. 8105. (1) A person shall not do any of the following:

(a) Make, publish, disseminate, circulate, or place before the public any advertisement containing any assertion, representation, or statement which is untrue, deceptive, or misleading or falsely represents the kind, classification, grade, or quality of meat.

(b) Use any term of quality without using or having for sale the quality of meat advertised or offered for sale.

(c) Designate or use any brand name of a company unless the meat so advertised or displayed for sale is of a quality which the use or designation of the brand name of such company would reasonably indicate.

(2) A person shall not advertise or display for sale any of the following:

(a) Any meat of the ovine species that is 2 years old or over as "yearling" or "lamb". Such meat shall be clearly designated "mutton".

(b) Any meat described by the use of words associated with grading terminology unless such meat advertised for sale actually bears the "USDA" federal stamp designating such grade or is of equal quality as the federal grade would designate.

(c) Any ham unless the advertisement or display states whether the ham is whole, bone-in, semi-boneless,
or boneless.

(d) Any ham portion described by the use of the words "one-half" or "half ham" that has had a center slice removed.

(e) Any pork shoulder described as "ham".

(f) Any meat or meat product which has been branded or marked as imitation by a manufacturer or processor unless the advertisement or display clearly states that such meat or meat product is an imitation.

(3) A person shall not substitute in any sale any inferior or cheaper cut of meat without informing the purchaser that such substitution is being made.

(4) A person shall not keep or display any canned meats or canned meat products at a temperature exceeding 6° centigrade (41° Fahrenheit) if the label of such meats or meat products specifies that they shall be kept under refrigeration.

(5) Whenever it becomes necessary for the purposes of this act to procure a sample or samples of meat or meat products, the person in charge of the place where evaluation is made must permit the sample or samples to be obtained upon being tendered the advertised or offered price of the item being procured.


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for the subsequent consumption of the food, but shall not allow for a period which would result in a health nuisance as described in section 2107.

(10) This section does not apply to fresh fruits and vegetables and frozen food and does not apply to milk and milk products dated in accordance with the grade A milk law of 2001, 2001 PA 266, MCL 288.471 to 288.540.

(11) The requirements of this section do not apply to any of the following:
(a) An individually packaged food item that is a component of a larger food item if the larger food item is identified with a date the same as or earlier than the date of that component.
(b) Perishable foods packaged under, and in compliance with, federal laws and regulations, if providing information equal to or greater than the information required by this section.
(c) Smoked fish under the smoked fish rules.


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289.8109 Foods sold or distributed from manufacturing, processing, packing, or repackaging activity; identification.

Sec. 8109. All products that are sold or otherwise distributed from a manufacturing, processing, packing, or repackaging activity shall be marked with a meaningful, visible, and legible code to enable positive lot identification and to facilitate, where necessary, the segregation of specific lots that may have become contaminated or are otherwise unfit for their intended use. Invisible coding is not considered meaningful coding. The coding format shall be provided to the department upon request. Coding records shall be retained for a period of time that exceeds the shelf life of the product or for 2 years, whichever is shorter.


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289.8111 Vinegar; requirements and restrictions; definitions.

Sec. 8111. (1) A person shall not manufacture for sale, offer or expose for sale, sell or deliver, or have in his or her possession with intent to sell or deliver, any vinegar not in compliance with the provisions of this chapter.

(2) The word “vinegar” as used in this section is limited to a water solution of acetic acid derived by the alcoholic and subsequent acetic fermentation of fruits, grain, vegetables, sugar, or syrups and if not distilled must carry in solution the extractive matter derived solely from the substances indicated on the label as its source.

(3) Vinegar shall not be sold or offered for sale as apple or cider vinegar which is not the legitimate product of pure apple juice. The term “cider vinegar” or “apple cider vinegar” as used in this section means vinegar derived by the alcoholic and subsequent acetic fermentation of the expressed juice of apples, the acidity, solids, and ash of which have been derived exclusively from apples and which contains not less than 4% of absolute acetic acid. Cider vinegar which, during the course of manufacture, has developed in excess of 4% acetic acid may be reduced to a strength of not less than 4%, and cider vinegar so reduced is not regarded as adulterated.

(4) Every manufacturer or producer of cider vinegar shall plainly label on the head of the cask, barrel, keg, or other container of such vinegar, his or her name, place of business, and the words “cider vinegar” or “apple cider vinegar”. A person shall not mark or label as cider vinegar or apple cider vinegar any package containing that which is not cider vinegar. Any vinegar sold or offered for sale shall be marked or labeled plainly upon the package or container from which it is sold and also on the original package or container in which it is sold or delivered, in a manner that shows its true character and source.
(5) Vinegar sold or offered for sale as sugar vinegar shall be strictly and distinctly fermented from sucrose, molasses, refiner's syrup, or nutritive carbohydrate sweetener.

(6) Vinegar sold or offered for sale as malt vinegar shall be strictly and distinctly fermented from malted barley, cereals, or a concentrate of malted barley or cereals, which has been enzymatically converted by the malting process.

(7) Vinegar shall not be sold or offered for sale in which foreign substances, other than substances permitted under this act, drugs, or acids have been introduced. Vinegar shall not contain any artificial color except as permitted under this act. Vinegar shall contain not less than 4 grams of acetic acid per 100 cubic centimeters at 20° centigrade. If vinegar contains any artificial substance, except as permitted under this act, or contains less than the required amount of acidity, it shall be considered to be adulterated.

(8) Vinegar made by fermentation and oxidation of the juice of grapes or the acetic fermentation of wine, without the intervention of distillation, shall be labeled with the name of the fruit or substance from which the vinegar has been made.

(9) Vinegar made by acetic fermentation of dilute distilled ethyl alcohol shall be labeled “distilled vinegar”, “white distilled vinegar”, “distilled white vinegar”, or “white vinegar”. Vinegar, except flavored vinegar and blended vinegar, made in part from distilled vinegar shall be conspicuously labeled “distilled vinegar” and shall have the component vinegars declared in the ingredient statement.

(10) Flavored vinegar shall be labeled “__________ flavored vinegar”. The space shall be filled in with the name of the characteristic flavor. All of the words in the name shall appear on a background of contrasting color. The flavor name shall be in letters at least 1/2 the size of the letters in the word “vinegar”. The word “flavored” shall be in letters at least 1/2 the size of the letters in the flavor name.

(11) Blended vinegar shall be labeled “blended vinegar” or “__________ vinegar”, the blank to be filled in with a name which accurately describes the nature or function of the vinegar. All of the words in the name shall be in letters on a background of contrasting color.

(12) As used in this section:
   (a) “Blended vinegar” means the acetic fermentation of a blend of raw materials or a blend of 2 or more of the vinegars defined in this chapter but not including apple cider vinegar.
   (b) “Flavored vinegar” means vinegar to which garlic, shallots, chili, tarragon, herbs, or spices, or the extract of any of those substances, is added to impart a characteristic flavor.


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