

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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SENATE DRS85134-LD-64B (03/10)

Short Title: Misbranding of Bottled NC Spring Water.

(Public)

Sponsors: Senator Apodaca.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT WATER THAT IS REPRESENTED AS NORTH CAROLINA NATURAL SPRING WATER AND OFFERED FOR SALE AS A BEVERAGE IS MISBRANDED AND, AS SUCH, THE PERSONS WHO BOTTLE, SELL, OR DELIVER SUCH ITEM ARE SUBJECT TO CIVIL AND CRIMINAL PENALTIES AND INJUNCTIONS, UNLESS IT IS FROM A NORTH CAROLINA NATURAL SPRING, WHICH IS WATER THAT IS DERIVED FROM AN UNDERGROUND LAND FORMATION FROM WHICH THE WATER FREELY FLOWS WITHOUT THE USE OF A BOREHOLE AND WITHOUT THE AID OF MECHANICAL MEANS AND THAT IS COLLECTED AT THE SPRING'S NATURAL ORIFICE IN THE EARTH'S SURFACE.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 106-130 reads as rewritten:

"§ 106-130. **Foods deemed misbranded.**

A food shall be deemed to be misbranded:

- (1) a. If its labeling is false or misleading in any particular, or
- b. If its labeling or packaging fails to conform with the requirements of G.S. 106-139 and 106-139.1 of this Article.

...

(16) If it purports to be or is represented as 'North Carolina natural spring water' and is offered for sale as a beverage, unless it is from a North Carolina natural spring. As used in this subdivision, 'North Carolina natural spring water' means water that is derived from an underground land formation from which the water freely flows without the use of a borehole and without the aid of mechanical means and that is collected at the natural orifice in the earth's surface (i) that is connected to the underground land formation and through which this water freely flows and (ii) that is on land located in North Carolina.

**SECTION 2.** G.S. 106-122(1) reads as rewritten:

"(1) The manufacture, sale, or delivery, holding or offering for sale of any food, drug, device, or cosmetic that is adulterated or ~~misbranded~~ misbranded and the bottling, sale, or delivery of any water that is adulterated or misbranded."

**SECTION 3.** G.S. 106-121(8) reads as rewritten:

"(8) The term "food" ~~means~~ means any of the following:



- 1                   a.       Articles used for food or drink for man or other animals, including
- 2                                   water that is bottled and offered for sale as a beverage.
- 3                   b.       Chewing ~~gum, and~~ gum.
- 4                   c.       Articles used for components of any such article."

5                   **SECTION 4.** This act becomes effective October 1, 2009, and applies to food  
6 items sold or offered for sale on or after that date.