

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007**

S

1

SENATE BILL 868

Short Title: Misbranding of Bottled Spring Water. (Public)

Sponsors: Senator Apodaca.

Referred to: Commerce, Small Business and Entrepreneurship.

March 19, 2007

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE THAT WATER THAT IS REPRESENTED AS SPRING
2 WATER AND OFFERED FOR SALE AS A BEVERAGE IS MISBRANDED
3 AND, AS SUCH, THE PERSONS WHO BOTTLE, SELL, OR DELIVER SUCH
4 ITEM ARE SUBJECT TO CIVIL AND CRIMINAL PENALTIES AND
5 INJUNCTIONS, UNLESS IT IS NATURAL SPRING WATER, WHICH IS
6 WATER THAT IS DERIVED FROM AN UNDERGROUND LAND
7 FORMATION FROM WHICH THE WATER FREELY FLOWS WITHOUT THE
8 USE OF A BOREHOLE AND WITHOUT THE AID OF MECHANICAL MEANS
9 AND THAT IS COLLECTED AT THE SPRING'S NATURAL ORIFICE IN THE
10 EARTH'S SURFACE.
11

12 The General Assembly of North Carolina enacts:

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

14 "**§ 106-130. Foods deemed misbranded.**

15 A food shall be deemed to be misbranded:

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

19 ...

20 (16) If it purports to be or is represented as spring water and is offered for
21 sale as a beverage, unless it is natural spring water. As used in this
22 subdivision, 'natural spring water' means water that is derived from an
23 underground land formation from which the water freely flows without
24 the use of a borehole and without the aid of mechanical means and that
25 is collected at the natural orifice in the earth's surface that is connected
26 to the underground land formation and through which this water freely
27 flows."

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

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

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

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

7 a. Articles used for food or drink for man or other animals,
8 including water that is bottled and offered for sale as a
9 beverage.

10 b. Chewing gum, and

11 c. Articles used for components of any such article."

12 **SECTION 4.** This act becomes effective October 1, 2007, and applies to
13 food items sold or offered for sale on or after that date.