

to constitute one item. Merely having a mailbox or other receptacle for mail on or near his residence shall not be any indication that such person consented to receive the advertisement or solicitation. A class action may be brought to recover damages under this section and the court may award a reasonable attorney's fee to any party recovering damages under this section.

(2) It shall be the responsibility of each person furnished data under section 2 or 3 of this 1973 amendatory act to take reasonable precautions designed to assure that the data is not used for the purpose of mailing or delivering any advertisement or offer for any property, establishment, organization, product or service or for the purpose of mailing or delivering any solicitation for money, services, or anything of value: PROVIDED, That such data may be used for any political purpose. Where failure to exercise due care in carrying out this responsibility results in the data being used for such purposes, then such person shall be jointly and severally liable for damages under the provisions of subsection (1) of this section along with any other person liable under subsection (1) of this section for the misuse of such data.

Passed the House April 3, 1973.

Passed the Senate April 13, 1973.

Approved by the Governor April 23, 1973.

Filed in Office of Secretary of State April 24, 1973.

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CHAPTER 112

[Substitute House Bill No. 1055]

PERISHABLE PACKAGED FOODS--SHELF

LIFE--PULL DATE

AN ACT Relating to food; adding new sections to chapter 69.04 RCW; and prescribing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Section 1. There is added to chapter 69.04 RCW a new section to read as follows:

For the purpose of this 1973 act:

(1) "Perishable packaged food goods" means and includes all foods and beverages, except alcoholic beverages, frozen foods, fresh meat, poultry and fish and a raw agricultural commodity as defined in this chapter, intended for human consumption which are canned, bottled, or packaged other than at the time and point of retail sale, which have a high risk of spoilage within a period of thirty days, and as determined by the director of the department of agriculture by rule and regulation to be perishable.

(2) "Pull date" means the latest date a packaged food product shall be offered for sale to the public.

(3) "Shelf life" means the length of time during which a packaged food product will retain its safe consumption quality if stored under proper temperature conditions.

NEW SECTION. Sec. 2. There is added to chapter 69.04 RCW a new section to read as follows:

All perishable packaged food goods with a projected shelf life of thirty days or less, which are offered for sale to the public after January 1, 1974 shall state on the package the pull date. The pull date must be stated in day, and month and be in a style and format that is readily decipherable by consumers. No perishable packaged food goods shall be offered for sale after the pull date, except as provided in section 3 of this 1973 act.

NEW SECTION. Sec. 3. There is added to chapter 69.04 RCW a new section to read as follows:

No person shall sell, trade or barter any perishable packaged food goods beyond the pull date appearing thereon, nor shall any person rewrap or repackage any packaged perishable food goods with the intention of placing a pull date thereon which is different from the original: PROVIDED, HOWEVER, That those packaged perishable food goods whose pull dates have expired may be sold if they are still wholesome and are without danger to health, and are clearly identified as having passed the pull date.

NEW SECTION. Sec. 4. There is added to chapter 69.04 RCW a new section to read as follows:

The director of the department of agriculture shall by rule and regulation establish uniform standards for pull date labeling, and optimum storage conditions of perishable packaged food goods. In addition to his other duties the director, in consultation with the director of the department of social and health services where appropriate, may promulgate such other rules and regulations as may be necessary to carry out the purposes of this 1973 act.

NEW SECTION. Sec. 5. There is added to chapter 69.04 RCW a new section to read as follows:

Any person convicted of a violation of section 2 or 3 of this 1973 act shall be punishable by a fine not to exceed five hundred dollars.

Passed the House April 14, 1973.

Passed the Senate April 13, 1973.

Approved by the Governor April 23, 1973.

Filed in Office of Secretary of State April 24, 1973.