

## CHAPTER 283

[Substitute House Bill No. 1204]

HONEY—IMITATIONS—  
MARKETING STANDARDS—EMBARGO

AN ACT Relating to honey; adding new sections to chapter 69.28 RCW; and repealing section 31, chapter 199, Laws of 1939 and RCW 69.28.150.

Be it enacted by the Legislature of the State of Washington:

**NEW SECTION.** Section 1. There is added to chapter 69.28 RCW a new section to read as follows:

(1) No person shall sell, keep for sale, expose or offer for sale, any article or product in imitation or semblance of honey branded exclusively as "honey", "liquid or extracted honey", "strained honey" or "pure honey".

(2) No person, firm, association, company or corporation shall manufacture, sell, expose or offer for sale, any compound or mixture branded or labeled exclusively as honey which shall be made up of honey mixed with any other substance or ingredient.

(3) Whenever honey is mixed with any other substance or ingredient and the commodity is to be marketed in imitation or semblance of honey, the product shall be labeled with the word "artificial" or "imitation" in the same type size and style as the word "honey";

(4) Whenever any substance or commodity is to be marketed in imitation or semblance of honey, but contains no honey, the product shall not be branded or labeled with the word "honey" and/or depict thereon a picture or drawing of a bee, bee hive, or honeycomb;

(5) Whenever honey is mixed with any other substance or ingredient and the commodity is to be marketed, there shall be printed on the package containing such compound or mixture a statement giving the ingredients of which it is made; if honey is one of such ingredients it shall be so stated in the same size type as are the other ingredients; nor shall such compound or mixture be branded or labeled exclusively with the word "honey" in any form other than as herein provided; nor shall any product in semblance of honey, whether a mixture or not, be sold, exposed or offered for sale as honey, or branded or labeled exclusively with the word "honey", unless such article is pure honey.

**\*NEW SECTION.** Sec. 2. There is added to chapter 69.28 RCW a new section to read as follows:

*The label for a product which is not in semblance of honey and which contains honey may include the word "honey" in the name of the product and the relative position of the word "honey" in the product name, and in the list of ingredients, when required, shall be determined by its prominence as an ingredient in the product.*

**\*Sec. 2. was vetoed, see message at end of chapter.**

**NEW SECTION.** Sec. 3. There is added to chapter 69.28 RCW a new section to read as follows:

Whenever the director shall find, or shall have probable cause to believe, that any honey or product subject to the provisions of this chapter, as now or hereafter amended, is in intrastate commerce, which was introduced into such intrastate commerce in violation of the provisions of this chapter, as now or hereafter amended, he is hereby authorized to affix to such honey or product a notice placing an embargo on such honey or product, and prohibiting its sale in intrastate commerce, and no person shall move or sell such honey or product without first receiving permission from the director to move or sell such honey or product. But if, after such honey or product has been embargoed, the director shall find that such honey or product does not involve a violation of this chapter, as now or hereafter amended, such embargo shall be forthwith removed.

NEW SECTION. Sec. 4. There is added to chapter 69.28 RCW a new section to read as follows:

When the director has embargoed any honey or product he shall, no later than twenty days after the affixing of notice of its embargo, petition the superior court for an order affirming such embargo. Such court shall then have jurisdiction, for cause shown and after prompt hearing to any claimant of such honey or product, to issue an order which directs the removal of such embargo or the destruction or the correction and release of such honey or product. An order for destruction or correction and release shall contain such provision for the payment of pertinent court costs and fees and administrative expenses, as is equitable and which the court deems appropriate in the circumstances. An order for correction and release may contain such provision for bond, as the court finds indicated in the circumstances.

NEW SECTION. Sec. 5. There is added to chapter 69.28 RCW a new section to read as follows:

Two or more petitions under this chapter, as now or hereafter amended, which pend at the same time and which present the same issue and claimant hereunder, shall be consolidated for simultaneous determination by one court of jurisdiction, upon application to any court of jurisdiction by the director or by such claimant.

NEW SECTION. Sec. 6. There is added to chapter 69.28 RCW a new section to read as follows:

The claimant in any proceeding by petition under this chapter, as now or hereafter amended, shall be entitled to receive a representative sample of the honey or product subject to such proceeding, upon application to the court of jurisdiction made at any time after such petition and prior to the hearing thereon.

NEW SECTION. Sec. 7. There is added to chapter 69.28 RCW a new section to read as follows:

No state court shall allow the recovery of damages for embargo under this chapter, as now or hereafter amended, if the court finds that there was probable cause for such action.

NEW SECTION. Sec. 8. Section 31, chapter 199, Laws of 1939 and RCW 69-28.150 are each repealed.

Passed the House June 2, 1975.

Passed the Senate May 29, 1975.

Approved by the Governor July 2, 1975, with the exception of section 2 which is vetoed.

Filed in Office of Secretary of State July 2, 1975.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith without my approval as to one section Substitute House Bill No. 1204 entitled:

"AN ACT Relating to honey."

This bill sets up some rigid labelling standards for the sale of products labeled as honey or containing honey.

Section 2 of the bill provides that a product "not in semblance of honey" and which contains honey is subject to labelling restrictions in the use of the word "honey." The section creates potential problems with the free flow in interstate commerce of products containing honey because of the new labelling standard and works against the intent of Substitute Senate Bill No. 2150 previously enacted by the Legislature and approved by me. A major purpose of that bill was to promote uniformity of this state's legislation and regulations on labelling with the federal Food, Drug and Cosmetic Act and regulations adopted thereunder. The free movement of out of state products in this state, including honey products, would be impeded by the requirements of section 2.

For the foregoing reasons, I have determined to veto section 2. With that exception, the remainder of the bill is approved."

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## CHAPTER 284

[Engrossed Senate Bill No. 2210]

### PUBLIC SCHOOL EXTRACURRICULAR EVENTS—FEES— ASSOCIATED STUDENT BODY PROGRAM FUND

AN ACT Relating to education; amending section 1, chapter 52, Laws of 1973 and RCW 28A.58.115; adding a new section to chapter 223, Laws of 1969 ex. sess. and chapter 28A.58 RCW; adding a new section to chapter 223, Laws of 1969 ex. sess. and chapter 28A.65 RCW; prescribing an effective date; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Section 1. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW a new section to read as follows:

The board of directors of any common school district may establish and collect a fee from students and nonstudents as a condition to their attendance at any optional noncredit extracurricular event of the district which is of a cultural, social, recreational or athletic nature: PROVIDED, That in so establishing such fee or fees, the district shall adopt regulations for waiving and reducing such fees in the cases of those students whose families, by reason of their low income, would have difficulty in paying the entire amount of such fees. An optional comprehensive fee may be established and collected for any combination or all of such events or, in the alternative, a fee may be established and collected as a condition to attendance at any single event. Fees collected pursuant to this section shall be deposited in the associated student body program fund of the school district, and may be expended to defray the costs of optional noncredit extracurricular events