

SENATE COMMERCE COMMITTEE

STATEMENT TO

SENATE, No. 1311

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 10, 2004

The Senate Commerce Committee reports favorably and with committee amendments Senate Bill No. 1311.

As amended, this bill eliminates the State's requirement that all bottles, packages or containers of bottled water sold, offered for sale or bottled in this State bear a clear and prominent label indicating the specific location at which the water was obtained, including the address of a water purveyor, artesian or driven well, spring, or other point of origin; classifying the bottled water as demineralized water, distilled water, purified water, drinking water, light mineral water, mineral water, or spring water; and containing an expiration date of two years from the date on which the water was bottled. In so doing, the bill recognizes that the regulations of the federal Food and Drug Administration (FDA), which were promulgated after the 1987 State law amended by the bill, provide ample protection to consumers as to the bottled water products they purchase.

The committee amended the bill to eliminate all State labeling requirements, not only the requirement for a two-year expiration date, as the bill provided when introduced. Federal regulation (21 CFR s. 129.80(e)) requires that each unit of a continuous run of bottled water must be identified by a production code identifying a particular batch or segment of a continuous production run and the day produced. The bottling plant must then record and maintain information as to the kind of product, lot code, and distribution to wholesale and retail outlets. Because of this federal regulation, the State's labeling requirements were superseded and at this point, New Jersey stood alone as the only state with a statutory requirement that bottled water labels include an expiration date of any duration.