

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007

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SENATE DRS85169-LD-85 (02/26)

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

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Sponsors: Senator Apodaca.

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Referred to:

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A BILL TO BE ENTITLED

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

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."

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

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

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

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

- 8           a.       Articles used for food or drink for man or other animals,  
9           including water that is bottled and offered for sale as a  
10           beverage.  
11           b.       Chewing gum, and  
12           c.       Articles used for components of any such article."

13           **SECTION 4.** This act becomes effective October 1, 2007, and applies to

14 food items sold or offered for sale on or after that date.