

# House Bill 2893

Sponsored by Representative SHIELDS; Representative GALIZIO (at the request of Paul Knauls)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires State Department of Agriculture to adopt rules establishing standards of identity and quality and labeling requirements for olive oil sold in Oregon. Specifies certain standards for olive oils.

Makes rule violations punishable by up to six months' imprisonment, \$2,500 fine, or both, for first offense and up to one year's imprisonment, \$6,250 fine, or both, for subsequent offense.

Prohibits distribution, sale or offering for sale of imitation olive oil. Makes violation punishable by civil penalty, not to exceed \$5,000.

## A BILL FOR AN ACT

1  
2 Relating to olive oil.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. Section 2 of this 2009 Act is added to and made a part of ORS chapter 616.**

5 **SECTION 2. (1) As used in this section, "olive oil" means oil derived from the fruit of the**  
6 **species *Olea europaea* L.**

7 **(2) The State Department of Agriculture shall adopt rules under ORS 616.205 to 616.385**  
8 **establishing standards of identity and quality and labeling requirements for olive oil sold in**  
9 **this state. The standards and requirements shall prohibit labeling as olive oil any oil derived**  
10 **from the use of solvents or reesterification processes. The standards and requirements shall**  
11 **prohibit adding other types of oil to olive oil, except for the purpose of producing flavored**  
12 **olive oil. The department shall develop standards and requirements for ordinary virgin oil,**  
13 **virgin oil, extra virgin oil, olive-pomace oil, refined olive-pomace oil and crude olive-pomace**  
14 **oil.**

15 **(3) The standards developed by the department shall provide, at a minimum, for the fol-**  
16 **lowing:**

17 **(a)(A) Olive oil that is labeled as any form of virgin olive oil must be obtained from olives**  
18 **solely by mechanical or other physical means under conditions, including thermal conditions,**  
19 **that do not cause alterations to the oil. The oil obtained from the olives may not undergo**  
20 **treatment other than washing, decanting, centrifuging and filtration.**

21 **(B) Oil labeled as extra virgin olive oil must be virgin olive oil that has a free acidity,**  
22 **expressed as oleic acid, of not more than 0.8 grams per 100 grams and has not more than**  
23 **20 milliequivalent of peroxide oxygen per kilogram of oil.**

24 **(C) Oil labeled as virgin olive oil must have free acidity, expressed as oleic acid, of not**  
25 **more than 2 grams per 100 grams of oil and not more than 20 milliequivalent of peroxide**  
26 **oxygen per kilogram of oil.**

27 **(D) Oil labeled as ordinary virgin olive oil must have free acidity, measured as oleic acid,**  
28 **of not more than 3.3 grams per 100 grams of oil and not more than 20 milliequivalent of**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 peroxide oxygen per kilogram of oil.

2 (b) Olive oil that is labeled as refined olive oil must be obtained from a type of virgin olive  
 3 oil by a refining method that does not lead to alteration in the initial glyceridic structure.  
 4 Refined oil shall have a free acidity, expressed as oleic acid, of not more than 0.3 grams per  
 5 100 grams of oil.

6 (c)(A) Olive oil that is labeled as any form of olive-pomace oils must be obtained by  
 7 treating olive pomace by solvents or other physical treatments. The oil may not be obtained  
 8 through reesterification processes or through mixture with nonolive oils.

9 (B) Oil labeled as olive-pomace oil must be a blend of olive-pomace oil and virgin olive  
 10 oil and have a free acidity, expressed as oleic acid, of not more than 1 gram per 100 grams  
 11 of oil.

12 (C) Oil labeled as refined olive-pomace oil must be obtained from crude olive-pomace oil  
 13 by refining methods that do not lead to alterations in the initial glyceridic structure and  
 14 must have free acidity, expressed as oleic acid, of not more than 0.3 grams per 100 grams  
 15 of oil.

16 (D) Oil labeled as crude olive-pomace oil must be oil intended for refining before use for  
 17 human consumption or be intended for technical use.

18 (d) Olive oil that is labeled as flavored olive oil must be the product of mixing extra virgin  
 19 olive oil, virgin olive oil or olive oil with a flavoring or be the product of mixing olives with  
 20 fruit, vegetables, herbs, nuts, seeds or spices before processing the olives into oil. Flavored  
 21 olive oil must contain not less than 90 percent extra virgin olive oil, virgin oil or olive oil.

22 (4) The standards developed by the department shall provide that alpha-tocopherol may  
 23 be added to refined olive oil, olive oil, refined olive-pomace oil and olive-pomace oil to restore  
 24 natural tocopherol lost in the refining process. The standards may not allow the concen-  
 25 tration of alpha-tocopherol in a finished product to exceed 200 milligrams per kilogram of oil.

26 (5) In establishing or amending standards and requirements under this section, in addi-  
 27 tion to the requirements of this section and the definitions and standards described under  
 28 ORS 616.230 and 616.325, the department shall give consideration to any definitions and  
 29 standards used by organizations administering an international agreement on olive oil.

30 **SECTION 3.** (1) As used in this section, "imitation olive oil" means the mixture of any  
 31 edible oil that is artificially colored or flavored to resemble olive oil.

32 (2) A person may not knowingly distribute imitation olive oil for sale in this state. A  
 33 person may not knowingly sell imitation olive oil in this state or knowingly offer imitation  
 34 olive oil for sale in this state.

35 (3) The State Department of Agriculture may impose a civil penalty, not to exceed \$5,000  
 36 per occurrence, for a violation of this section.

37 **SECTION 4.** The State Department of Agriculture shall adopt and implement olive oil  
 38 standards and requirements under section 2 of this 2009 Act no later than January 2, 2011.

39 **SECTION 5.** Section 3 of this 2009 Act applies to the distribution, sale or offering for sale  
 40 of imitation olive oil 90 or more days after the effective date of this 2009 Act.