

**ASSEMBLY BILL**

**No. 535**

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**Introduced by Assembly Member Aguiar-Curry**

February 10, 2021

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An act to add Section 82002 to the Food and Agricultural Code, relating to agriculture.

LEGISLATIVE COUNSEL'S DIGEST

AB 535, as introduced, Aguiar-Curry. Agriculture: olive oil: labeling.

Existing law makes it unlawful to produce, process, sell, offer to sell, or possess olive oil that indicates on its label "California Olive Oil," or uses similar words, to suggest that California is the source of the oil, unless 100% of that oil is derived from olives grown in California.

This bill would make it unlawful and subject to imprisonment, fine, or both, as specified, to make any false representation in a brand name, label, advertising matter, packaging material, letterhead, invoice, tag, sign, business card, or other oral, written, or printed matter that an olive oil is produced entirely from olives grown within California, including using the terms "California olive oil," "California olives," or substantially similar representations. The bill would apply a similar prohibition on representations that an olive oil was produced from olives from a specific region of California unless at least 85% of the olive oil, by weight, was produced from olives grown in that specific region. The bill would authorize the Department of Food and Agriculture to seize olive oil labeled in violation of these prohibitions and to dispose of the olive oil.

By creating a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 82002 is added to the Food and  
2 Agricultural Code, to read:

3 82002. (a) It is unlawful to make any representation that an  
4 olive oil is produced entirely from olives grown within California  
5 unless the representation is true.

6 (b) It is unlawful to label any olive oil with a representation that  
7 all the olives used to produce the olive oil were grown in  
8 California, including the terms “California olive oil,” “California  
9 olives,” or something substantially similar, unless all the olives  
10 used to produce the olive oil were grown in California.

11 (c) It is unlawful to label any olive oil with a label indicating  
12 or representing that the olives used to produce the olive oil were  
13 grown in a specific region of California, or to make a representation  
14 to that effect, unless at least 85 percent of the olive oil, by weight,  
15 was produced from olives grown in that specific region.

16 (d) This section applies to representations made in a brand name,  
17 label, advertising matter, packaging material, letterhead, invoice,  
18 tag, sign, business card, and other oral, written, or printed  
19 representation of any kind.

20 (e) The department may seize olive oil labeled in violation of  
21 this section, regardless of where found, and may dispose of the  
22 olive oil.

23 (f) This section does not prohibit an olive oil producer or  
24 processor from using a truthful, nonmisleading statement or  
25 representation regarding the geographic origin of the olives used  
26 in the production of the olive oil in any label, packaging material,  
27 or advertising if the label, packaging material, or advertising  
28 contains no representation that is prohibited by this section.

29 (g) Any person violating any provision of this section is guilty  
30 of a misdemeanor, and upon conviction shall be punished by a fine

1 of not less than five hundred dollars (\$500) nor more than one  
2 thousand dollars (\$1,000), or by imprisonment in the county jail  
3 for a period not exceeding one year, or by both.

4 SEC. 2. No reimbursement is required by this act pursuant to  
5 Section 6 of Article XIII B of the California Constitution because  
6 the only costs that may be incurred by a local agency or school  
7 district will be incurred because this act creates a new crime or  
8 infraction, eliminates a crime or infraction, or changes the penalty  
9 for a crime or infraction, within the meaning of Section 17556 of  
10 the Government Code, or changes the definition of a crime within  
11 the meaning of Section 6 of Article XIII B of the California  
12 Constitution.

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