

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007

S

2

**SENATE BILL 868**  
**Commerce, Small Business and Entrepreneurship Committee Substitute Adopted**  
**5/23/07**

Short Title: Misbranding of Bottled Spring Water.

(Public)

---

Sponsors:

---

Referred to:

---

March 19, 2007

A BILL TO BE ENTITLED

1  
2 AN ACT TO PROVIDE THAT WATER THAT IS REPRESENTED AS NORTH  
3 CAROLINA NATURAL SPRING WATER AND OFFERED FOR SALE AS A  
4 BEVERAGE IS MISBRANDED AND, AS SUCH, THE PERSONS WHO  
5 BOTTLE, SELL, OR DELIVER SUCH ITEM ARE SUBJECT TO CIVIL AND  
6 CRIMINAL PENALTIES AND INJUNCTIONS, UNLESS IT IS FROM A NORTH  
7 CAROLINA NATURAL SPRING, WHICH IS WATER THAT IS DERIVED  
8 FROM AN UNDERGROUND LAND FORMATION FROM WHICH THE  
9 WATER FREELY FLOWS WITHOUT THE USE OF A BOREHOLE AND  
10 WITHOUT THE AID OF MECHANICAL MEANS AND THAT IS COLLECTED  
11 AT THE SPRING'S NATURAL ORIFICE IN THE 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 'North Carolina natural spring  
21 water' and is offered for sale as a beverage, unless it is from a North  
22 Carolina natural spring. As used in this subdivision, 'North Carolina  
23 natural spring water' means water that is derived from an underground  
24 land formation from which the water freely flows without the use of a  
25 borehole and without the aid of mechanical means and that is collected  
26 at the natural orifice in the earth's surface that is connected to the  
27 underground land formation and through which this water freely  
28 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.