I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'LAHEN GUÅHAN*

This is to certify that **Substitute Bill No. 226-31 (LS), "AN ACT TO *ADD* NEW SUBSECTIONS (c), (d), (e), (f), (g) AND (h) to §50205, AND TO *AMEND* §50207(c) AND ADD NEW SUBSECTIONS (d), (e) AND (f), ALL OF ARTICLE 2, CHAPTER 50 OF DIVISION 2, TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO REQUIRING A COUNTRY OF ORIGIN LABEL TO COMPLY WITH THE GUAM PRODUCT SEAL PERMIT PROGRAM,"** was on the 8th day of November, 2011, duly and regularly passed.

Judith T. Won Pat, Ed.D.
Speaker

Attested:

Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this 9th day of Nov., 2011, at 4:25 o'clock P.M.

Assistant Staff Officer
Maga'lahi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'lahen Guåhan

Date: _____

Public Law No. _____

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

Bill No. 226-31 (LS)
As substituted by the Committee on Appropriations,
Taxation, Public Debt, Banking, Insurance, Retirement and Land;
and amended on the Floor.

Introduced by: Judith P. Guthertz, DPA
Sam Mabini, Ph.D.
B. J.F. Cruz
R. J. Respicio
Adolpho B. Palacios, Sr.
T. C. Ada
V. Anthony Ada
F. F. Bias, Jr.
Chris M. Dueñas
T. R. Muña Barnes
v. c. pangelinan
Dennis G. Rodriguez, Jr.
M. Silva Taijeron
Aline A.Yamashita, Ph.D.
Judith T. Won Pat, Ed.D.

AN ACT TO *ADD* NEW SUBSECTIONS (c), (d), (e), (f), (g) AND (h) to §50205, AND TO *AMEND* §50207(c) AND ADD NEW SUBSECTIONS (d), (e) AND (f), ALL OF ARTICLE 2, CHAPTER 50 OF DIVISION 2, TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO REQUIRING A COUNTRY OF ORIGIN LABEL TO COMPLY WITH THE GUAM PRODUCT SEAL PERMIT PROGRAM.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that it must protect the image of Guam as a world class destination.

As a tourist destination, thousands of items are offered to visitors as souvenirs or for gifts to commemorate a visitor's travel to our island paradise or for our residents to take abroad during their travels. Creative marketing techniques that utilize the words "Guam" or "*Chamorro*", or derivatives of such, often make it hard to delineate the source of these offerings. Some packaging may even display accompanying photos of foreign oceans, flora and fauna to help sell a particular commodity. Thus, upon seeing the word Guam, *Chamorro* or derivatives of such with accompanying photos of various tropical scenes, consumers take this packaging at face-value and believe that they are purchasing an authentic Guam product. Visitors, upon return to their home country, as do our residents; take pride in presenting mementos to friends and family during and after traveling. However, *I Liheslaturan Guåhan* finds that consumers are often disappointed to learn that an article they had purchased in Guam was in fact made elsewhere. For most individuals there is little recourse to reclaim their experience as they have already traveled from the island.

The Administrative Rules and Regulations of the Guam Code Annotated relative to the use of the words "Guam" or "*Chamorro*," or derivatives of such, are clear in intent and were designed to achieve a number of goals, among them -- to encourage economic opportunities through manufacturing of local goods and products that rely on the Guam brand; and to assure the ultimate purchaser that they are purchasing a product of Guam.

It is *I Liheslatura's* intent to protect the identity of Guam and see through fruition the intent of the Guam Product Seal Permit Program as originally envisioned.

Section 2. New Subsections (c), (d), (e), (f), (g) and (h) are hereby *added* to §50205 of Article 2, Chapter 50 of Division 2, Title 12, Guam Code Annotated, to read:

"(c) *"Article"* shall mean the commodity or product in a package or container that is available for purchase by the consumer.

(d) *"Perishable consumer commodity"* shall mean an article packaged and offered for consumption as a food product or for use by individuals for the purpose of personal care or in the performance of services ordinarily rendered in or about the household in connection with personal possessions; and is intended to have a limited shelf life, including, but *not* limited to, articles such as baked goods, dairy products, cut or dried flowers, fruits, vegetables and meats; coffee, candies, cookies, jams, jellies, juices, oils, nuts, or such similar products.

(e) *"Standard Labeling Practices"* shall be defined by the most current rules and regulations that have been established by the United States Food and Drug Administration relative to General Food Labeling Requirements.

(f) *"Permanent"* refers to the print on the article's packaging or container designed to remain until received by the end user or ultimate purchaser at the point of sale in a retail establishment.

(g) *"Legible"* shall mean markings which are clearly identified and which can be read without strain.

(h) *"Conspicuous"* shall be reflected by markings which appear on the article's packaging or container in a place which is readily accessible, and where the marking noting the product's origin can be found upon casual examination."

Section 3. §50207(c) is hereby *amended* and new Subsections (d), (e) and (f) are hereby *added* to §50207 of Article 2, Chapter 50 of Division 2, Title 12, Guam Code Annotated, to read:

"(c) It *shall* be unlawful for persons or any retail store, wholesaler, manufacturer, importer, distributor or business establishment to sell ~~a~~ any article(s) offered as a perishable consumer commodity that has the word "Guam" or "*Chamorro*," or a derivation of such words, on the packaging of the product, if such product was *not* manufactured in Guam, *unless* the place where the product was manufactured is clearly and permanently labeled on the product.

(d) Any use of the word "Guam" or "*Chamorro*," or a derivation of such words, on the exterior packaging of perishable consumable commodities at the point of sale, if such product was *not* manufactured in Guam or if the product is *not* a registered commodity under the Guam Product Seal Permit, *shall* have the phrase, "Made in …," or "Product of…," followed by the country of origin, clearly labeled on the package or container of an article, e.g. "Made in U.S.A.", "Made in China", "Made in Philippines", etc; or "Product of the U.S.A.", "Product of China", "Product of the Philippines", etc.

(e) The "Made in…" or "Product of…" phrase *shall* be included on the packaging or container of an article in legible and permanent print located in the front of the article's package. Such words and fonts *shall* be equal in length, and *no less than* half the width in approximate size of the word "Guam" or "*Chamorro*," or any derivatives used, and *shall* be conspicuous and legible to the average consumer.

(f) The origin of the article *shall* also be included in the back or side of the packaging in conformance with standard labeling practices."

Section 4. Effective Date. This Act shall take effect *no later than* two hundred eighty (280) days after enactment into law.