

Section 25603.3(f)

Responsibility to Provide Warnings for Exposures to Bisphenol A in Canned and Bottled Foods and Beverages

(1) Notwithstanding any other provision of Section 25603, canned and bottled foods and beverages that are offered for retail sale in California after May 11, 2016, that cause exposures to bisphenol A, are deemed to comply with the warning requirements of Section 25249.6 of the Act if the following provisions are met:

(A) The manufacturer, producer, packager, importer or distributor of the canned and bottled food or beverage either affixes a label to the product bearing a warning that satisfies Section 25249.6 of the Act, or

(B) Provides written notice directly or through an authorized agent or trade association to the retailer or its authorized agent. The written notice must include the following:

(i) State that a warning is required for the canned or bottled food or beverage under Section 25249.6 of the Act;

(ii) Include the exact name or description of the canned or bottled food or beverage that requires a warning such as a Universal Product Code or other identifying designation; and

(iii) Provide, or offer to provide, to the retail seller, at no cost, a sufficient number of point-of-sale warning signs that satisfy the requirements of subsection 25603.3(g).

(2) If the retail seller receives a notice pursuant to subsection (1)(B), the retail seller must post the warning sign at each point-of-sale in the retail facility. The placement and maintenance of warning signs is the responsibility of the retail seller of the affected products.

(3) For purposes of subsection (f) and subsection (g), “canned and bottled foods and beverages” means foods and beverages packaged in hermetically sealed, durable metal or glass containers; including, but not limited to those containing fruits, vegetables, soups, pasta products, milk, soda, and alcoholic beverages.

(4) For purposes of subsection (f) and subsection (g), “point-of-sale” means the area within a retail facility where customers pay for foods and beverages, such as the cash register or check-out line where the warning sign is likely to be seen and understood prior to the consumer purchasing the canned or bottled food or beverage. Point-of-sale also includes electronic check-out functions on Internet websites.

(5) This section shall become inoperative one year after the date of adoption unless reenacted by the Lead Agency.

NOTE: Authority cited: Sections 25249.12 and 25249.11(f), Health and Safety Code.
Reference: Sections 25249.6 and 25249.7(k), Health and Safety Code.

Section 25603.3(g)

Warnings for Exposure to Bisphenol A in Canned and Bottled Foods and Beverages

(1) Method of Transmission:

Warnings for canned and bottled foods and beverages that cause exposures to bisphenol A as defined in subsection 25603.3(f)(3) may be provided at each point-of-sale, as defined in subsection 25603.3(f)(4), by posting a warning sign that includes the language set out in subsection 25603.3(g)(2). Such warning signs must be no smaller than 5 by 5 inches and be displayed with such conspicuousness, as compared with other words, statements, designs, or devices at the point-of-sale, as to render it likely to be read and understood by an ordinary individual prior to purchase of the affected products. For products sold over the internet, the warning must be provided either on the product display page or otherwise be prominently displayed to the purchaser prior to completing the purchase.

(2) Content of Warning Sign:

(A) The word "WARNING" in all capital letters and bold print, and

(B) The words: "Many cans containing foods and beverages sold here have epoxy linings used to avoid microbial contamination and extend shelf life. Lids on jars and caps on bottles may also have epoxy linings. Some of these linings can leach small amounts of bisphenol A (BPA) into the food or beverage. BPA is a chemical known to the State of California to cause harm to the female reproductive system. For more information go to:
www.P65Warnings.ca.gov/BPA.

(3) This section shall become inoperative one year after the date of adoption unless reenacted by the Lead Agency.

NOTE: Authority cited: Sections 25249.12 and 25249.11(f), Health and Safety Code.
Reference: Sections 25249.6 and 25249.7(k), Health and Safety Code.

Example:

WARNING: Many cans containing foods and beverages sold here have epoxy linings used to avoid microbial contamination and extend shelf life. Lids on jars and caps on bottles may also have epoxy linings. Some of these linings can leach small amounts of bisphenol A (BPA) into the food or beverage. BPA is a chemical known to the State of California to cause harm to the female reproductive system. For more information go to: www.P65Warnings.ca.gov/BPA.