

§ 75-29-601. Labeling requirements.

(1) For purposes of this article, “honey” shall mean the sweet, syrupy substance produced by honey bees from the nectar of plants (including honeydew) which the bees collect, transform, deposit, dehydrate and store, ripened and matured in the honeycombs. The consistency can be fluid, viscous, or partly to entirely crystallized. The flavor and aroma vary but are derived from the plant origin. “Honey” may not contain any additional food ingredients, including food additives. Every container of honey or honey products sold, offered or exposed for sale, by an individual, firm, organization or corporation in the State of Mississippi shall have on the outside of each container a paper label, permanent type stamped imprint or embossed material on the container itself, plainly printed in the English language truly certifying the net contents of the container, the name, brand, name and address of the person or processor offering such honey or honey products for sale, and a true statement of the contents contained therein.

(2) **Adulterated or artificial honey.** Any product consisting of honey and a sweetener cannot be labeled as “honey.” If any sweetener has been added to honey, it shall be deemed adulterated or artificial. For a honey product consisting of honey and a sweetener, the label shall, among other information, include the following: All ingredients in descending order of predominance by weight: for example, “blend of honey and corn syrup,” if the honey product has more honey than corn syrup. (Conversely, “blend of corn syrup and honey,” if the honey product has more corn syrup than honey).

(3) **Value added honey products (flavored or infused honey).** All substances added to honey or honey products which enhance or alter the flavor shall be included on the label in the same size font as the word “honey.” The label shall include the common or usual name of each ingredient in the ingredient statement in descending order of predominance by weight.

(4) **Lab-grown honey.** Any product outside the definition of honey shall not be considered honey and shall not be labeled as such.

(5) It shall be unlawful for any individual, firm, organization or corporation to label and/or sell, offer for sale or expose for sale at the retail level of trade any product as “honey” that does not meet the minimum requirements established by subsection (1) of this section and by the Mississippi Department of Agriculture and Commerce.

(6) It shall be unlawful for any manufacturer or distributor of honey or honey products to use a fictitious name or address on the container label required herein.

§ 75-29-603. Enforcement of article.

(1) The Mississippi Department of Agriculture and Commerce is hereby charged with the responsibility of enforcing this article, including the provisions of Section 75-29-601, Mississippi Code of 1972, and the Commissioner of Agriculture and Commerce or his representative shall be furnished samples of honey or honey products from the individual, firm, organization or corporation, upon request, and shall have such products analyzed by the State Chemist.

(2) The Commissioner of Agriculture and Commerce is authorized, in his discretion, to issue an order to stop the sale or distribution of any honey or honey products found to be in violation of this article, including the provisions of Section 75-29-601, Mississippi Code of 1972. Upon written notice by the commissioner to the manufacturer or distributor of the honey or honey products sold in violation of this article, including the provisions of Section 75-29-601, such honey or honey products shall be picked up by the manufacturer or distributor of such products and the buyer of the honey or honey products sold in

violation of this article, including the provisions of Section 75-29-601, shall be refunded the purchase price by the manufacturer or distributor.

(3) The Commissioner of Agriculture and Commerce of the State of Mississippi is hereby authorized and empowered, in his discretion, to make and promulgate rules and regulations as may be necessary to carry out the provisions of this article, including the provisions of Section 75-29-601.

§ 75-29-604. Hearings; process; appeals; civil penalties; informal administrative review under certain circumstances.

(1) When a written complaint is made against a person for violation of this article, or any of the rules or regulations, the commissioner, or his designee, shall conduct a full evidentiary hearing. The complaint shall be in writing and shall be filed in the office of the department. The commissioner shall serve the accused with a copy of the complaint and a summons by any of the methods set forth in Rule 4 of the Mississippi Rules of Civil Procedure or by certified mail. Within thirty (30) days after receipt of the summons and a copy of the complaint, the accused shall file a written answer with the department. Upon receipt of the written answer of the accused, the matter shall be set for hearing before the commissioner within a reasonable time. If the accused fails to file an answer within the thirty (30) days, the commissioner may enter an order by default against the accused. The commissioner may issue subpoenas to require the attendance of witnesses and the production of documents. Compliance with the subpoenas may be enforced by any court of general jurisdiction in this state. The testimony of witnesses shall be upon oath or affirmation, and they shall be subject to cross-examination. The proceedings shall be recorded. If the commissioner determines that the complaint lacks merit, he may dismiss same. If he finds that there is substantial evidence showing that a violation has occurred, he may impose any or all of the following penalties upon the accused: (a) levy a civil penalty in the amount of no more than Five Thousand Dollars (\$5,000.00) for each violation; (b) issue a stop sale order; (c) require the accused to relabel the honey or honey products that he is offering or exposing for sale which is not labeled in accordance with this article; or (d) seize any lot of honey or honey products that is not in compliance with this article and destroy, sell or otherwise dispose of the honey and honey products and apply the proceeds of the sale to the costs and civil penalties levied with the balance to be paid to the accused. The decision of the commissioner, or his designee, shall be in writing, and it shall be delivered to the accused by certified mail.

(2) Either the accused or the department may appeal the decision of the commissioner to the circuit court of the county of residence of the accused or, if the accused is a nonresident of the State of Mississippi, to the Circuit Court of the First Judicial District of Hinds County, Mississippi. The appellant shall have the record transcribed and file it with the circuit court. The appeal shall otherwise be governed by all applicable laws and rules affecting appeals to circuit court. If no appeal is perfected within the required time, the decision of the commissioner shall then become final.

(3) The decision of the circuit court may then be appealed by either party to the Mississippi Supreme Court in accordance with the existing law and rules affecting such appeals.

(4) When any violation of this article, or the rules and regulations occurs, or is about to occur, that presents a clear and present danger to the public health, safety or welfare requiring immediate action, any of the department's field inspectors, and any other persons authorized by the commissioner, may issue an order to be effective immediately before notice and a hearing that imposes any or all of the following penalties against the accused: (a) issue a stop sale order; (b) require the accused to relabel any honey or honey products that he is offering or exposing for sale and which is not labeled in accordance with this article; or (c) seize any lot of honey or honey products that is not in compliance with this article and

destroy, sell or otherwise dispose of the honey or honey products and apply the proceeds of the sale to the cost and any civil penalties levied with the balance to be paid to the accused. The order shall be served upon the accused in the same manner that the summons and complaint may be served upon him. The accused shall then have thirty (30) days after service of the order upon him within which to request an informal administrative review before the Director of the Bureau of Regulatory Services in the department, or his designee, who shall act as reviewing officer. If the accused makes a timely request, the reviewing officer shall conduct an informal administrative review within ten (10) days after the request is made. If the accused does not request an informal administrative review within the thirty (30) days, then he will be deemed to have waived his right to the review. At the informal administrative review, subpoena power shall not be available, witnesses shall not be sworn nor be subject to cross-examination and there shall be no court reporter or record made of the proceedings. Each party may present its case in the form of documents, oral statements or any other method. The rules of evidence shall not apply. The reviewing officer's decision shall be in writing, and it shall be delivered to the parties by certified mail. If either party is aggrieved by the order of the reviewing officer, he may appeal to the commissioner for a full evidentiary hearing in accordance with the procedures in subsection (1) of this section, except that there shall be no requirement for a written complaint or answer to be filed by the parties. The appeal shall be perfected by filing a notice of appeal with the commissioner within thirty (30) days after the order of the reviewing officer is served on the appealing party. The hearing before the commissioner, or his designee, shall be held within a reasonable time after the appeal has been perfected. Failure to perfect an appeal within the allotted time shall be deemed a waiver of such right.

(5) The Commissioner may publish the names and addresses of anyone who violates this article.

§ 75-29-605. Criminal penalties.

Any person violating the provisions of this article shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment; and each such violation shall constitute a separate offense.

§ 75-29-607. Records of names and addresses of manufacturers.

Distributors are required to keep records of the names and addresses of the manufacturers whose honey they distribute for a period of three (3) years and to provide such information to the commissioner upon request in order to aid the commissioner in locating the source of adulterated honey.