

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.

**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.**

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

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

4 As a tourist destination, thousands of items are offered to visitors as
5 souvenirs or for gifts to commemorate a visitor's travel to our island paradise or
6 for our residents to take abroad during their travels. Creative marketing techniques
7 that utilize the words "Guam" or "*Chamorro*", or derivatives of such, often make it
8 hard to delineate the source of these offerings. Some packaging may even display
9 accompanying photos of foreign oceans, flora and fauna to help sell a particular

1 commodity. Thus, upon seeing the word Guam, *Chamorro* or derivatives of such
2 with accompanying photos of various tropical scenes, consumers take this
3 packaging at face-value and believe that they are purchasing an authentic Guam
4 product. Visitors, upon return to their home country, as do our residents; take pride
5 in presenting mementos to friends and family during and after traveling. However,
6 *I Liheslaturan Guåhan* finds that consumers are often disappointed to learn that an
7 article they had purchased in Guam was in fact made elsewhere. For most
8 individuals there is little recourse to reclaim their experience as they have already
9 traveled from the island.

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

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

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

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

24 (d) “*Perishable consumer commodity*” shall mean an article
25 packaged and offered for consumption as a food product or for use by
26 individuals for the purpose of personal care or in the performance of
27 services ordinarily rendered in or about the household in connection

1 with personal possessions; and is intended to have a limited shelf life,
2 including, but *not* limited to, articles such as baked goods, dairy
3 products, cut or dried flowers, fruits, vegetables and meats; coffee,
4 candies, cookies, jams, jellies, juices, oils, nuts, or such similar
5 products.

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

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

13 (g) “*Legible*” shall mean markings which are clearly identified and
14 which can be read without strain.

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

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

22 “(c) It *shall* be unlawful for persons or any retail store, wholesaler,
23 manufacturer, importer, distributor or business establishment to sell a any
24 article(s) offered as a perishable consumer commodity that has the word
25 “Guam” or “*Chamorro*,” or a derivation of such words, on the packaging of
26 the product, if such product was *not* manufactured in Guam, *unless* the place

1 where the product was manufactured is clearly and permanently labeled on
2 the product.

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

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

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

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