

FOOD LAW (EXCERPT)
Act 92 of 2000

289.5103 Misleading labeling or advertisement; liability of disseminator of information.

Sec. 5103.

(1) If a food is alleged to be misbranded because the labeling is misleading or if an advertisement is alleged to be false because it is misleading, then the determination of whether the labeling or advertisement is misleading shall take into account, among other things, not only representations made or suggested by statement, word, design, device, sound, or any combination thereof, but also the extent to which the labeling or advertisement fails to reveal facts material in the light of such representations or fails to reveal facts material concerning consequences that may result from the use of that food under the conditions of use prescribed in the labeling or advertisement thereof or under such conditions of use as are customary or usual. A label, labeling, or advertising in compliance with the federal act is not considered a violation of this act.

(2) A publisher, radio-broadcast licensee, agency, or medium for the dissemination of an advertisement, except the manufacturer, packer, distributor, or seller of the article to which a false advertisement relates, is not liable under this section for the dissemination of false advertisement unless he or she has refused to provide, upon request of the director, the name and post office address of the manufacturer, packer, distributor, seller, or advertising agency who caused the dissemination of the advertisement, or unless he or she has refused, upon the request of the director, to cease dissemination of the false advertisement.

History: 2000, Act 92, Eff. Nov. 8, 2000

Compiler's Notes: Sec. 1117 of Act 92 of 2000 provides: "Sec. 1117. (1) Subject to subsections (2) and (3), this act takes effect 6 months after the date of enactment." (2) Until 6 months after the effective date of this act, compliance with the standards of the design, construction, and equipment of a food service establishment approved under former sections 12901, 12902, 12903, 12904, 12905a, 12906, 12907, 12908, 12910, 12911, 12912, 12913, 12916, and 12921 of the public health code, MCL 333.12901, 333.12902, 333.12903, 333.12904, 333.12905a, 333.12906, 333.12907, 333.12908, 333.12910, 333.12911, 333.12912, 333.12913, 333.12916, and 333.12921, is considered compliance with this act. (3) Beginning 6 months after the effective date of this act, a food service establishment shall comply with the standards of design, construction, and equipment established under this act."