

110TH CONGRESS
1ST SESSION

S. 1953

To amend the Agricultural Manufacturing Act of 1946 to require labeling of raw agricultural forms of ginseng, including the country of harvest, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 2, 2007

Mr. FEINGOLD introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To amend the Agricultural Manufacturing Act of 1946 to require labeling of raw agricultural forms of ginseng, including the country of harvest, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Ginseng Harvest La-
5 beling Act of 2007”.

1 **SEC. 2. DISCLOSURE OF COUNTRY OF HARVEST FOR GIN-**
 2 **SENG.**

3 The Agricultural Marketing Act of 1946 (7 U.S.C.
 4 1621 et seq.) is amended by adding at the end the fol-
 5 lowing:

6 **“Subtitle E—Ginseng**

7 **“SEC. 291. DISCLOSURE OF COUNTRY OF HARVEST.**

8 “(a) DEFINITIONS.—In this section:

9 “(1) GINSENG.—The term ‘ginseng’ means an
 10 herb or herbal ingredient that is derived from a
 11 plant classified within the genus *Panax*.

12 “(2) RAW AGRICULTURAL COMMODITY.—The
 13 term ‘raw agricultural commodity’ has the meaning
 14 given the term in section 201 of the Federal Food,
 15 Drug, and Cosmetic Act (21 U.S.C. 321).

16 “(3) SECRETARY.—The term ‘Secretary’ means
 17 the Secretary of Agriculture.

18 “(b) DISCLOSURE.—

19 “(1) IN GENERAL.—A person that offers gin-
 20 seng for sale as a raw agricultural commodity shall
 21 disclose to a potential purchaser the country of har-
 22 vest of the ginseng.

23 “(2) IMPORTATION.—A person that imports
 24 ginseng as a raw agricultural commodity into the
 25 United States shall disclose at the point of entry
 26 into the United States, in accordance with section

1 304 of the Tariff Act of 1930 (19 U.S.C. 1304), the
2 country in which the ginseng was harvested.

3 “(c) MANNER OF DISCLOSURE.—

4 “(1) IN GENERAL.—The disclosure required by
5 subsection (b) shall be provided to a potential pur-
6 chaser by means of a label, stamp, mark, placard, or
7 other easily legible and visible sign on the ginseng
8 or on the package, display, holding unit, or bin con-
9 taining the ginseng.

10 “(2) RETAILERS.—A retailer of ginseng as a
11 raw agricultural commodity shall—

12 “(A) retain the means of disclosure pro-
13 vided under subsection (b); and

14 “(B) provide the received means of disclo-
15 sure to a retail purchaser of the ginseng.

16 “(3) REGULATIONS.—The Secretary shall by
17 regulation prescribe with specificity the manner in
18 which disclosure shall be made in a transaction at
19 the wholesale or retail level (including a transaction
20 by mail, telephone, internet, or in retail stores).

21 “(d) FAILURE TO DISCLOSE.—The Secretary may
22 impose on a person that fails to comply with subsection
23 (b) a civil penalty in an amount of not more than—

24 “(1) \$1,000 for the first day on which the fail-
25 ure to disclose occurs; and

1 “(2) \$250 for each subsequent day on which
2 the failure to disclose continues.

3 “(e) INFORMATION.—The Secretary shall make infor-
4 mation available to wholesalers, importers, retailers, trade
5 associations, and other interested persons concerning the
6 requirements of this section (including regulations promul-
7 gated to carry out this section).”.

8 **SEC. 3. EFFECTIVE DATE.**

9 This Act and the amendments made by this Act take
10 effect on the date that is 180 days after the date of enact-
11 ment of this Act.

○