

JAN 31 1995  
Agriculture

HOUSE FILE 106  
BY GRUBBS

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act creating a civil action for disparagement of agricultural  
2 food products and commodities, and providing an effective  
3 date.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 106

1 Section 1. FINDINGS. The general assembly finds that the  
2 production of agricultural food products and commodities  
3 constitutes an important and significant portion of the state  
4 economy and that it is imperative to protect the vitality of  
5 the agricultural economy of this state by providing a cause of  
6 action for producers, marketers, or sellers to recover damages  
7 for the disparagement of any perishable agricultural food  
8 product or commodity.

9 Sec. 2. NEW SECTION. 673.1 DEFINITIONS.

10 1. "Disparagement" means the willful dissemination in any  
11 manner of false information to the public that a perishable  
12 agricultural food product or commodity is not safe for human  
13 consumption or that generally accepted agricultural and  
14 management practices make a perishable agricultural food  
15 product or commodity unsafe for human consumption.  
16 Information shall be considered false if it is not based upon  
17 reasonable and scientific inquiry, facts, or data.

18 2. "Perishable agricultural food product or commodity"  
19 means any agricultural food product or commodity that is sold  
20 or distributed in a form that will perish or decay beyond  
21 marketability within a certain period of time.

22 Sec. 3. NEW SECTION. 673.2 CAUSE OF ACTION.

23 1. A person who produces, processes, markets, or sells a  
24 perishable agricultural food product or commodity and who  
25 suffers damage as the result of disparagement of the product  
26 or commodity may bring an action for injunctive relief,  
27 general and special damages, attorney's fees, and court costs.

28 2. A person who intentionally disparages perishable  
29 agricultural food products or commodities for the purpose of  
30 harming those products or commodities is liable for treble  
31 damages.

32 Sec. 4. Section 614.1, Code 1995, is amended by adding the  
33 following new subsection:

34 NEW SUBSECTION. 14. DISPARAGEMENT. An action for damages  
35 for disparagement of perishable agricultural food products or

1 commodities under section 673.2 shall be commenced within two  
2 years from the date of the incident giving rise to the cause  
3 of action.

4 Sec. 5. APPLICABILITY. This Act applies to causes of  
5 action which accrue on or after the effective date of the Act.

6 Sec. 6. EFFECTIVE DATE. This Act, being deemed of  
7 immediate importance, takes effect upon enactment.

8 EXPLANATION

9 This bill prohibits disparagement of perishable  
10 agricultural food products or commodities. Disparagement is  
11 defined as the willful dissemination of false information to  
12 the public that a perishable agricultural food product or  
13 commodity is not safe for human consumption or that generally  
14 accepted agricultural and management practices make a  
15 perishable agricultural food product or commodity unsafe for  
16 human consumption. Dissemination can be made in any manner  
17 and information is considered false if it is not based on  
18 reasonable and scientific inquiry, facts, or data.

19 The bill creates a cause of action for a person who  
20 produces, processes, markets, or sells a perishable  
21 agricultural food product or commodity who has suffered  
22 damages as the result of disparagement of the product or  
23 commodity. A person who intentionally disparages is liable  
24 for treble damages. An action for disparagement must be  
25 commenced within two years from the date of the incident  
26 giving rise to the cause of action.

27 This bill applies only to disparagement which occurs on or  
28 after the effective date of this bill. This bill is made  
29 immediately effective.

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