

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE AND LIVESTOCK


Held in Room 423-S, at the Statehouse at 9:00 a. m. / ~~P.M.~~, on March 4, 19 81.

All members were present except:

Vice Chairperson Aylward - Excused

The next meeting of the Committee will be held at 9:00 a. m. / ~~P.M.~~, on March 5, 19 81.

These minutes of the meeting held on March 4, 19 81 were considered, corrected and approved.


Chairman

The conferees appearing before the Committee were:

- Rep. Darrel Webb
- Rep. Loren H. Hohman
- Rep. Belva Ott
- Jan Heaton - Dietician
- Monica Harrison - Housewife, Wichita, Ks.
- Clara Evenhoe - Dietician
- Mary Washburn - Dietician
- Jerry Slaughter - Kansas Medical Society
- Bill Stanley - Kansas Heart Association

Chairman Beezley called the meeting to order and passed out ice cream bars. The Committee then took up HB 2325 and HB 2353, Acts that would amend or repeal the Kansas filled dairy products act.

Rep. Darrel Webb passed out copies of his testimony (See Attachment I) Rep. Webb had talked to a Kraft representative in Chicago. At one time Kraft Golden Image Imitation Cheese was on shelves of grocery stores in Kansas. The Kansas Board of Agriculture made the company remove the cheese. Rep. Webb quoted a few ^{statistics} and ended his talk by saying that this would help the people on low-fat or low-cholesterol diets.

Rep. Loren Hohman spoke in favor of HB 2325. (See Attachment II) He stated that 100 to 200 people in his district were utilizing this product, Golden Image. Now they have to drive to Kansas City, Mo. to buy it. Asked if he knew about "Unique" cheese, Rep. Hohman said that he was only familiar with the Kraft product.

Rep. Belva Ott read from a statement from the Kansas Food Dealers' Assn. (See Attachment III) She said that people should have a right to choose a product other than the regular food if they are having dietary problems.

Mr. Jerry Slaughter, Kansas Medical Society, stated that this organization is not going to take a position for or against this bill. He does advocate a balanced diet.

Rep. Marvin Smith commented to the committee about dairy farmers in Ireland. He said they have the longest life span of any people in the world. He attributed this to hard work.

Jan Heaton, R.D. stated that emphasis should be on the products being clearly and completely labeled as to whether it is a filled dairy product or a dairy product. (See Attachment IV).

Clara Evanhoe, who is now a consultant for nursing homes, told of the different types of hyperlipemias or fats that are catagorized. As early as birth, a potential heart attack person can be recognized by the cord blood.

Monica Harrison made her plea for heart patients and spoke in favor of low cholesterol diets. (See Attachment V)

Mary Washburn, R.D., gave her testimony to the committee. She told how heart patients in small town hospitals are monitored by machines at Stormont Vail. They do not have to leave their community hospitals to get this care. She mentioned the Fisher Cheese Company of Ohio, a company that supplies hospitals with cheese. (See Attachment VI)

Mr. Bill Stanley, Kansas Heart Association quoted several stastics. He also stated that many people prefer the cheese containing soybean oil rather than corn oil.

Chairman Beezley thanked all the conferees for the input they had given and told the Committee that unfinished business would be taken up tomorrow.

Rep. Leach moved the minutes of the previous meeting be approved.
Rep. Bussman gave a second to the motion. The motion carried.
The meeting was adjourned.

James Moss	Wichita Kansas	
P. R. Jurney	Med. America Dairyman	Subetha (C)
Clara May Evanhoe, R.D.		Topeka, Kas. 66606
W. A. Bill Stanley	American Heart Assoc.	Topeka, Kas. 66606
Jan Keaton	Ks. Dept. On Aging	Topeka, Kas. 66610
Maime Harrison	Welder.	Wichita
Monica Harrison	Homemaker	Wichita, Kas. 67212
Joanne Hill	Ks Food Dealers Assn.	Topeka, Kas. 66604
Darlene Harmon		Pratt
Samuel M. Wilke	Ed of Agriculture	Topeka
Dea Inera	"	"
John O. Miller	Committee of Ks Farm Organizations	Topeka
Bruce Rowley	Ed of Agriculture	Topeka
JOHN WOODBURN	Ks Milk Producers Assn.	
Maury Woodburn, R.D.	Steward Jail and Center	Topeka
Rep. Belva Ott	Wichita	
Jim Penman	Topeka Kas. Program Coordinator (Ks. Hypertension Prog.)	

DARREL M. WEBB
 REPRESENTATIVE, DISTRICT 97
 SEDGWICK COUNTY
 2608 SOUTH FERN
 WICHITA, KANSAS 67217



TOPEKA

HOUSE OF
 REPRESENTATIVES

COMMITTEE ASSIGNMENTS
 MEMBER: FEDERAL AND STATE AFFAIRS
 LABOR AND INDUSTRY
 PUBLIC HEALTH AND WELFARE
 JOINT COMMITTEE ON STATE BUILDING
 CONSTRUCTION

March 4, 1981

Thank you, Mr. Chairman and Committee Members.

HOUSE BILL 2325 makes a minor change in the Filled Dairy Act, but a major change to hundreds of people on low-fat or low-cholesterol diets.

There is a provision in the present act now and my bill expands on it slightly.

In Line 40 and 41, I have taken out "order of a physician" and Line 42 "special".

This now would allow Kraft Golden Image Imitation Cheese to be sold in Kansas. But, I have been assured by Revisors this would not open up the Filled Milk Act to other products.

I talked to a Kraft Representative in Chicago and found, to make ten (10) pounds of regular cheese it takes 98.6 pounds of ^{whole} skim milk. To make the same ten pounds of Golden Image Imitation Cheese it takes 95.5 pounds of skim milk. The loss of 3.1 pounds is fat that has been skimmed off. That 3.1 pounds is added as corn oil.

I can only believe this bill must help dairymen in Kansas; also the many people on a low-fat or low-cholesterol diet.
 Thank you.

DARREL M. WEBB
 State Representative
 District 97

DMW/sw



KANSAS STATE BOARD OF AGRICULTURE

901 Kansas Avenue, Topeka, Kansas 66612

Attachment II

Legal Division
KENNETH M. WILKE, *Chief Counsel*
LELAND E. ROLFS, *Counsel*
913-296-3848

W. W. DUITSMAN,
Secretary

August 5, 1980

The Honorable Loren H. Hohman
Representative Fifty-Fifth District
1626 Plass
Topeka, Kansas 66604

Re: Kraft Golden Image Imitation
Pasteurized Process Cheese Food

Dear Representative Hohman:

Your letter dated July 28, 1980, concerning the above captioned product has been referred to me for reply.

In your letter you advise that this particular product is not being sold in Kansas by reason of an old state law which precludes the marketing of this type of product in Kansas. The state law to which you allude is the Kansas Filled Dairy Products Act (K.S.A. 65-725 et seq.).

The Kansas Filled Dairy Products Act (K.S.A. 65-725 et seq.) was enacted by the Kansas Legislature in 1953. The Act prohibits the manufacture, sale, exchange or the offering for sale or exchange of any filled dairy product. The Act defines a filled dairy product in K.S.A. 65-727(b) which provides:

" . . . (b) The term 'filled dairy product' means any milk, cream or skimmed milk, or any combination thereof, whether or not condensed, evaporated, concentrated, frozen, powdered, dried or desiccated, or any food product made or manufactured therefrom, to which has been added, or which has been blended or compounded with, any fat or oil other than milk fat, or any solids other than milk solids, except sweeteners, stabilizers and flavorings, so that the resulting product is in imitation or semblance of any dairy product, including but not limited to, milk, sour cream, butter cream, skimmed milk, ice cream, ice milk, whipped cream, flavored milk or skim milk drink, dried or powdered milk, cheese, cream cottage cheese, ice cream mix, sherbet, condensed milk, evaporated milk, or concentrated milk: Provided, however, That this term shall not be construed to mean or include: (1) Any distinctive proprietary food compound not readily mistaken for a dairy product, when such compound is customarily used on the order of a physician or special dietary use and prominently so labeled; (2) any dairy product flavored with chocolate or cocoa, or the vitamin content of which has been increased, or both, where the fats or oils other than milk fat contained in such product do not exceed the amount of cocoa fat naturally present in the chocolate or cocoa used and the food oil, not in excess of one-hundredth of one percent of the weight of the finished product, used as a carrier of such vitamins; or (3) oleomargarine, when offered for sale and sold as and for oleomargarine." (Emphasis supplied)

The Honorable Loren H. Hohman

August 5, 1980

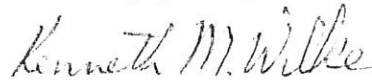
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Kraft Golden Image Imitation Pasteurized Process Cheese Food contains a combination of skim milk and corn oil which has been used to manufacture a product in imitation of cheese. The sale of this product is strictly prohibited by the terms of K.S.A. 65-728 because the product does not fall within any of the exceptions provided in K.S.A. 65-727(b).

This Act has been enforced by the Dairy Commissioner since its inception in 1953. In most instances, if a filled dairy product were found being distributed in the State of Kansas, notice to the distributor concerning the terms of the statute brought compliance.

I trust this information will be helpful to you.

Sincerely yours,

A handwritten signature in cursive script that reads "Kenneth M. Wilke".

Kenneth M. Wilke
Chief Counsel

KMW:bb

Kansas Food Dealers' Association, Inc.

JAMES G. SHEEHAN, EXECUTIVE DIRECTOR
2809 WEST 47th STREET • SHAWNEE MISSION, KANSAS 66205
PHONE (913) 384-3838

March 4, 1981

OFFICERS

- STAN HAYES, PRES.
MANHATTAN
- BILL WEST, VICE-PRES.
ABILENE
- JIM SHEEHAN
EXEC. DIRECTOR
SHAWNEE MISSION

HOUSE AGRICULTURE AND LIVESTOCK COMMITTEE -- HB 2353

Mr. Chairman and members of the Committee, I am Frances Kastner, Director of Governmental Affairs for the Kansas Food Dealers Association. Our membership consists of over 1500 retail food stores, manufacturers, wholesalers and suppliers of food products throughout Kansas.

DIRECTORS

- J.R. WAYMIRE
LEAVENWORTH
- VIC STANLEY
BLUE RAPIDS
- LEONARD MCKINZIE
OVERLAND PARK
- REX SUTHERLAND
PAOLA
- CHARLES BALLOU
CHANUTE
- DONALD CALL
CEDARVALE
- JOE ENSLINGER
WICHITA
- C. V. COMBS
WICHITA
- ROY FRIESEN
SYRACUSE
- JOE WHITE
KINGMAN
- JOHN DONELAN
COLBY
- DELL KLEMA
RUSSELL

We believe that the consumers of Kansas should have the same choice of products that are available in grocery stores in our border states. All items sold in our stores are clearly labelled, and nothing prohibits Kansans from consuming filled milk products bought in other states and brought into Kansas.

With that in mind, we can see no reason for prohibiting the sale of filled milk products in our state or forcing our customers to buy a product they want, and which is a safe dietary product, somewhere else. Our members build their business on the theory that customers should be given a wide choice of products to choose from. This is why you can find between 2500 and 20,000 items offered for sale by our members. If there is no demand for an item, the grocer soon stops reordering it.

DIRECTORS AT LARGE

- RUSTY SPRINGER
LAWRENCE
- JOHN SCOTT
SHAWNEE MISSION
- GLEN BREWER
PITTSBURG

We respectfully request that you recommend favorable action on HB 2353.

HONORARY DIRECTORS

- DAVID (BUS) STILES
HERINGTON
- PAUL DART
GARDEN CITY

Thank you for the opportunity to present our views, and I will be happy to answer any questions you may have either now, or at later date.

Frances Kastner, Director of
Governmental Affairs for KFDA

3310 West 7th Street, # 2
Topeka, Kansas 66606

(913) 232-3310

AFFILIATED WITH - - - NATIONAL ASSOCIATION OF RETAIL GROCERS (NARGUS)
FOOD INDUSTRY ASSOCIATION EXECUTIVES

OWNERS AND PUBLISHERS OF THE "KANSAS FOOD DEALERS BULLETIN."
THE OFFICIAL PUBLICATION OF THE KANSAS FOOD DEALERS ASSOCIATION, INC.

TESTIMONY BY
JAN HEATON, R.D.
NUTRITION SPECIALIST
KANSAS DEPARTMENT ON AGING

PRESENTED TO:
AGRICULTURE AND LIVESTOCK COMMITTEE
HB 2325
MARCH 4, 1981

SEVERAL OLDER KANSANS HAVE EXPRESSED CONCERN TO THE DEPARTMENT ON AGING REGARDING REMOVAL OF FILLED DAIRY PRODUCTS, SPECIFICALLY PRODUCTS LIKE "GOLDEN IMAGE", FROM KANSAS SUPERMARKET SHELVES. THEIR PHYSICIANS HAVE RECOMMENDED THEY FOLLOW A LOW CHOLESTEROL DIET OR THEY HAVE PROBLEMS DIGESTING REGULAR DAIRY PRODUCTS. THEY HAVE FOUND THIS TYPE OF PRODUCT TO BE MORE EASILY DIGESTABLE.

THE STATEWIDE NEEDS ASSESSMENT OF OLDER KANSANS CONDUCTED FOR THE KANSAS DEPARTMENT ON AGING DURING THE WINTER OF 79/80 FOUND THAT 32,000 OLDER KANSANS HAVE BEEN TOLD BY THEIR PHYSICIANS THAT THEY SHOULD FOLLOW A CHOLESTEROL OR FAT RESTRICTED DIET. FOR THOSE PERSONS ON A LOW CHOLESTEROL DIET OR WHO FOR OTHER HEALTH REASONS COULD SUCCESSFULLY USE A FILLED DAIRY PRODUCT, THE REMOVAL OF THESE PRODUCTS FROM THE AVAILABLE FOOD SUPPLY LIMITS THEIR CHOICES IN THE MARKET PLACE.

THE BILL CLEARLY PROVIDES THAT IF A FILLED DAIRY PRODUCT IS ALLOWED, IT MUST NOT BE EASILY MISTAKEN FOR A DAIRY PRODUCT AND THAT THE LABEL MUST STATE THAT THE PRODUCT IS FOR MEDICINAL OR DIETARY USE.

THE KANSAS DEPARTMENT ON AGING THEREFORE SUPPORTS HB 2325.

SHOULD THIS COMMITTEE DECIDE TO SUPPORT HB 2325, WE WOULD EMPHASIZE THAT THE PRODUCTS BE CLEARLY AND COMPLETELY LABELED TO ENABLE THE CONSUMER TO MAKE AN INFORMED CHOICE.

CORN OIL CHEESE

Below find some of the reasons we would like to see corn oil cheese back in our stores.

Heart patients on low cholesterol diets, and many people who are lactose intolerant can eat corn oil cheese but may not eat other cheeses.

Dietitians were recommending this cheese to their patients, not knowing they could not buy it in Kansas.

Most people do not know why they can not find this fine product in their grocery store any longer. Many more go out of state to buy it. Others do without. This is really not fair to the many heart patients in Kansas. Most of us has someone near to us that has some kind of a heart problem.

Heart patients are on a very limited diet. Lean meat with all the fat trimmed before cooking, and this is limited, chicken or turkey skinned and fat trimmed, or fish. We are allowed three egg yolks a week, this includes eggs used in cooking. Corn oil cheese is another source of protine we could have if we could get it.

With corn oil cheese, we could add variety to our otherwise drab menu. It has an acceptable flavor and good cooking quality, much better than skim milk cheese in making casseroles, macaroni and cheese, or other cheese dishes.

Corn oil cheese contains skim milk. We are wanting to buy this milk product, otherwise, we must do without.

Oleo margarine has skim milk and oil. We can buy it, why not corn oil cheese?

This is a bill that would benefit a great many Kansans, and not raise anyones taxes.

Monica Harrison

March 4, 1981

Attachment VI

TO: AGRICULTURAL AND LIVESTOCK COMMITTEE

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

I am Mary Washburn, R.D. Clinical Dietitian for Intensive Care, Coronary Care and the Heart Unit at Stormont-Vail Regional Medical Center. I work with all the phases of the heart program; both in-patient and out-patient, and the rehabilitative programs offered through the hospital and the Y.M.C.A.

Some patients who come through our area are placed on Low Saturated Fat diets. Right now, in only limited places in Kansas can these patients purchase a cheese-like product to use in their diets. Available is an alternative product made of skim milk, with corn oil replacing the milk fat, which meets this need. Currently, these patients are not consuming cheese-like products.

Patients under 50 with a serum cholesterol over 200 are usually placed on a Low Saturated Fat diet by their physician. With increasing age a higher serum cholesterol would be allowed before placing on a Low Saturated Fat diet.

Thank you.

Mary Washburn, R.D.

Mary Washburn, R.D.