

State of Alabama

CODE OF ALABAMA

TITLE 6. CIVIL PRACTICE

CHAPTER 5. ACTIONS

ARTICLE 32. ACTION FOR DISPARAGEMENT OF FOOD PRODUCT OR COMMODITY (1996)

§ 6-5-620. Legislative findings and intent

The Legislature hereby finds, determines, and declares that the production of agricultural and aquacultural food products and commodities constitute an important and significant portion of the state economy and that it is imperative to protect the vitality of the agricultural and aquacultural economy for the citizens of this state by providing a cause of action for producers to recover damages for the disparagement of any perishable product or commodity.

§ 6-5-621. Definitions

As used in this article, the following terms have the following meanings:

(1) Disparagement. The dissemination to the public in any manner of false information that a perishable food product or commodity is not safe for human consumption. The information shall be deemed to be false if it is not based upon reasonable and reliable scientific inquiry, facts, or data.

(2) Perishable food product or Commodity. Any agricultural or aquacultural food product which is sold or distributed in a form that will perish or decay beyond marketability within a short period of time.

§ 6-5-622. Cause of action

Any person who produces, markets, or sells a perishable food product or commodity, and suffers damage as a result of another person's disparagement of perishable food products or commodities has a cause of action for damages and for any other relief a court of competent jurisdiction deems appropriate, including but not limited to, compensatory and punitive damages.

§ 6-5-623. Lack of knowledge or intent no defense

It is no defense under this article that the actor did not intend, or was unaware of, the act charged.

§ 6-5-624. Statute of limitations

Any civil action for damages for disparagement of perishable agricultural or aquacultural food products or commodities shall be commenced within one year after the cause of action accrues.

§ 6-5-625. Construction

This article shall be construed in pari materia with all laws relating to fraud, criminal mischief, criminal tampering with property, interruption of or impairing commerce and trade, unlawful trade practices, and property damage