

CHAPTER 1556
DEPARTMENT OF AGRICULTURE
MINNESOTA GROWN LABELING STATEMENTS

- 1556.0100 AUTHORITY.
 1556.0110 DEFINITIONS.
 1556.0120 "MINNESOTA GROWN" AND "FRESH FROM YOUR NEIGHBOR" LABELING STATEMENTS.
 1556.0132 "HAND HARVESTED WILD RICE" LABELING STATEMENT.
 1556.0134 "CULTIVATED WILD RICE" LABELING STATEMENT.
 1556.0145 "FEATURING" LABELING STATEMENT.
 1556.0150 OTHER LAW.
 1556.0160 LICENSING; AUTHORIZATION.
 1556.0165 "MINNESOTA GROWN ORGANIC" LABELING STATEMENT.
 1556.0170 ENFORCEMENT.

1556.0100 AUTHORITY.

This chapter governs licensing and use of the "Minnesota grown" logo and labeling statement and is adopted by the commissioner under Minnesota Statutes, section 17.102.

Statutory Authority: *MS s 17.102*

History: *13 SR 2896; 18 SR 580*

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1556.0110 DEFINITIONS.

Subpart 1. **Scope.** The definitions in this section apply to this chapter.

Subp. 2. **Agricultural products.** "Agricultural products" means livestock or livestock products, dairy products, poultry or poultry products, fish, fruit, vegetables, grains, including natural and cultivated wild rice, bees, apiary products, products made from trees, including firewood, wreaths, maple syrup and maple products, Christmas trees, and greenhouse and nursery crops.

Subp. 3. **Commissioner.** "Commissioner" means the commissioner of agriculture or the commissioner's authorized representative.

Subp. 4. **Department.** "Department" means the Department of Agriculture.

Subp. 4a. **Hand harvested wild rice.** "Hand harvested wild rice" means 100 percent natural lake or river grown wild rice which was hand harvested in accordance with Minnesota Statutes, section 84.111.

Subp. 5. **Improper use.** "Improper use" means unauthorized use of the labeling statement or use of the labeling statement in violation of this chapter.

Subp. 6. **Processor.** "Processor" means an individual, partnership, cooperative association, or corporation that processes raw agricultural products and other food ingredients into food products or commercially slaughters or processes animals or poultry.

Subp. 7. **Produced in Minnesota.** "Produced in Minnesota" means dairy animals, poultry, or other livestock that were fed in Minnesota for at least 60 days prior to milking, processing, or slaughtering,

maple syrup or maple products that were collected from trees growing in Minnesota, Christmas trees, wreaths, firewood, and other products made from trees grown in Minnesota for not less than one year, fruits, vegetables, grains, or nursery crops, including but not limited to trees, shrubs, and perennials that have been grown in Minnesota for at least 90 days prior to sale, or greenhouse crops, including but not limited to annual plants that have been grown in Minnesota for at least 28 days prior to sale.

Subp. 8. **Producer.** "Producer" means an individual, partnership, family farm, family farm corporation, authorized farm corporation, or cooperative association engaged in the production for sale or harvest for sale of agricultural products.

Subp. 9. **Retailer.** "Retailer" means an individual, partnership, cooperative association, or corporation that purchases an agricultural product from a producer or wholesaler to sell the agricultural product to a consumer rather than to a person who will resell the product in any form.

Subp. 10. **Wholesaler.** "Wholesaler" means an individual, partnership, cooperative association, corporation, business trust, or unincorporated organization that purchases an agricultural product from a producer or another wholesaler to sell or supply the agricultural product to a retailer, industrial buyer, restaurant, or institution, or to sell it on behalf of one wholesaler to another wholesaler.

Statutory Authority: *MS s 17.102*

History: *13 SR 2896; 15 SR 692; 29 SR 655; 33 SR 1747*

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1556.0120 "MINNESOTA GROWN" AND "FRESH FROM YOUR NEIGHBOR" LABELING STATEMENTS.

Subpart 1. **Eligible products.** The products listed in items A and B are eligible to be packaged with "Minnesota grown" and "Fresh from your neighbor" labeling statements.

A. A raw agricultural product may be identified with the labeling statements if no less than 80 percent of the agricultural product was produced in Minnesota, except wild rice and firewood may only be identified with the labeling statements if 100 percent of the product was produced in Minnesota.

B. A processed agricultural product may be identified with the labeling statements if no less than 80 percent of the featured product component was produced in Minnesota, except a product containing wild rice may only be identified with the labeling statements if 100 percent of the wild rice was produced in Minnesota and products intended for use as firewood may only be identified with the labeling statements if 100 percent of the firewood was produced in Minnesota.

Subp. 2. **Use of the "Minnesota grown" and "Fresh from your neighbor" labeling statements.** A producer licensed under part 1556.0160 may use the "Minnesota grown" and "Fresh from your neighbor" labeling statements on an eligible agricultural product. A processor licensed under part 1556.0160 may use the "Minnesota grown" and "Fresh from your neighbor" labeling statements on an eligible agricultural product if it was processed or manufactured in a plant located partially or completely in Minnesota.

Subp. 3. **Use by retailers and wholesalers.** A retailer or wholesaler may use the "Minnesota grown" and "Fresh from your neighbor" labeling statements without a license in order to display and advertise products that qualify for use of those statements.

Subp. 4. **Appearance of labeling statement.** The labeling statement may be added to an eligible product or display in any color or color combination.

Statutory Authority: *MS s 17.102*

History: *13 SR 2896; 15 SR 692; 18 SR 580; 29 SR 655; 33 SR 1747*

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1556.0130 [Repealed, 15 SR 692]

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1556.0132 "HAND HARVESTED WILD RICE" LABELING STATEMENT.

Subpart 1. **Eligible products.** Agricultural products containing hand harvested wild rice may be identified with the labeling statement if all of the wild rice contained in the product was hand harvested in Minnesota.

Subp. 2. **Use of the "hand harvested wild rice" labeling statement.** A producer licensed under part 1556.0160 may use the "hand harvested wild rice" labeling statement on an eligible agricultural product. A processor licensed under part 1556.0160 may use the "hand harvested wild rice" labeling statement on an eligible product if the wild rice was processed in a plant located partially or completely in Minnesota.

Subp. 3. **Use by retailers and wholesalers.** A retailer or wholesaler may use the "hand harvested wild rice" labeling statement without a license in order to display and advertise eligible products.

Subp. 4. **Availability and appearance of labeling statement.** The labeling statement may be added to an eligible product or display in any color or color combination.

Statutory Authority: *MS s 17.102*

History: *15 SR 692; 29 SR 655*

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1556.0134 "CULTIVATED WILD RICE" LABELING STATEMENT.

Subpart 1. **Eligible products.** Agricultural products containing cultivated wild rice may be identified with the labeling statement if 100 percent of the wild rice contained in the product was produced in Minnesota.

Subp. 2. **Use of the "cultivated wild rice" labeling statement.** A producer licensed under part 1556.0160 may use the "cultivated wild rice" labeling statement on an eligible agricultural product. A processor licensed under part 1556.0160 may use the "cultivated wild rice" labeling statement on an eligible product if the cultivated wild rice was processed in a plant located partially or completely in Minnesota.

Subp. 3. **Use by retailers and wholesalers.** A retailer or wholesaler may use the "cultivated wild rice" labeling statement without a license in order to display and advertise eligible products.

Subp. 4. **Appearance of labeling statement.** The labeling statement may be added to an eligible product or display in any color or color combination.

Statutory Authority: *MS s 17.102*

History: *15 SR 692; 18 SR 580; 29 SR 655*

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1556.0140 [Repealed, 29 SR 655]

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1556.0145 "FEATURING" LABELING STATEMENT.

Subpart 1. **Eligible products.** The products listed in items A and B are eligible to be packaged with the "featuring" labeling statement.

A. A raw agricultural product may be identified with the labeling statement if no less than 80 percent of the agricultural product named on the labeling statement was produced in Minnesota, except wild rice and firewood may only be identified on the labeling statement if 100 percent of the wild rice was produced in Minnesota.

B. A processed agricultural product may be identified with the labeling statement if no less than 80 percent of the agricultural product named on the labeling statement was produced in Minnesota, except wild rice may only be identified on the labeling statement if 100 percent of the wild rice was produced in Minnesota and products intended for use as firewood may only be identified on the labeling statement if 100 percent of the firewood was produced in Minnesota.

Subp. 2. **Use of the "featuring" labeling statement.** A producer or processor licensed under part 1556.0160 may use the "featuring" labeling statement on an eligible agricultural product.

Subp. 3. **Use by retailers and wholesalers.** A retailer or wholesaler may use the "featuring" labeling statement without a license to display and advertise products that qualify for use of the labeling statement.

Subp. 4. **Appearance of labeling statement.** The labeling statement may be added to an eligible product or display in any color or color combination.

Statutory Authority: *MS s 17.102*

History: *18 SR 580; 29 SR 655; 33 SR 1747*

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1556.0150 OTHER LAW.

Compliance with this chapter does not exempt a producer, processor, retailer, or wholesaler from complying with other laws and rules relating to agricultural products and the labeling of agricultural products.

Statutory Authority: *MS s 17.102*

History: *13 SR 2896*

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1556.0160 LICENSING; AUTHORIZATION.

Subpart 1. **Approval required.** Authorization to use labeling statements covered by this chapter is dependent upon approval by the commissioner of an application for their use, with the exception of retailers and wholesalers, who may use the labeling statements without a license in order to display and advertise products that qualify for use of the labeling statements.

Subp. 2. **Application to use labeling statements.** An application to use labeling statements covered by this chapter must be made in writing, on a form provided by the department, and must reveal information considered necessary for the enforcement of the Minnesota grown marketing program.

The application form must be accompanied by a fee established in Minnesota Statutes, section 17.102. If an applicant is ineligible, the fee must be refunded. Producers and processors applying for a license to use the "Minnesota grown organic" labeling statement must also provide written evidence of current organic certification.

Subp. 3. **License to use labeling statements.** An applicant who has an application approved must receive a license valid for one year, beginning January 1. Licensees shall apply for renewal of each license before the expiration date of the current license.

Statutory Authority: *MS s 17.102*

History: *13 SR 2896; 18 SR 580; 29 SR 655; 33 SR 1747*

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1556.0165 "MINNESOTA GROWN ORGANIC" LABELING STATEMENT.

Subpart 1. **Eligible products.** The products listed in items A and B are eligible to be identified with the "Minnesota grown organic" labeling statement.

A. A raw agricultural product may be identified with the labeling statement if the product has been certified organic by a certification agency accredited by the United States Department of Agriculture and if no less than 80 percent of the agricultural product was produced in Minnesota, except wild rice and firewood may only be identified with the labeling statement if 100 percent of the product was produced in Minnesota.

B. A processed agricultural product may be identified with the labeling statement if the product has been certified organic by a certification agency accredited by the United States Department of Agriculture and if no less than 80 percent of the featured product component was produced in Minnesota, except a product containing wild rice may only be identified with the labeling statement if 100 percent of the wild rice was produced in Minnesota and products intended for use as firewood may only be identified with the labeling statement if 100 percent of the firewood was produced in Minnesota.

Subp. 2. **Use of "Minnesota grown organic" labeling statement.** A producer licensed under part 1556.0160 may use the "Minnesota grown organic" labeling statement on an eligible agricultural product. A processor licensed under part 1556.0160 may use the "Minnesota grown organic" labeling statement on an eligible agricultural product if it was processed or manufactured in a plant located partially or completely in Minnesota.

Subp. 3. **Use by retailers and wholesalers.** A retailer or wholesaler may use the "Minnesota grown organic" labeling statement without a license in order to display and advertise products that qualify for the use of that statement.

Subp. 4. **Appearance of labeling statement.** The labeling statement may be added to an eligible product or display in any color or color combination.

Statutory Authority: *MS s 17.102*

History: *33 SR 1747*

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1556.0170 ENFORCEMENT.

The commissioner may make use of random or regular investigations or inspections to ensure the proper use of labeling statements covered by this chapter. The commissioner may investigate any use of the labeling statements if there is reason to believe improper use of a labeling statement exists. The person, firm, partnership, corporation, or association applying the labeling statement to a product must be able to supply documentation to show that the product being labeled meets eligibility requirements of the labeling program.

Statutory Authority: *MS s 17.102*

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