

3 MCAR 1

9-23-82

1 Department of Agriculture

2 Marketing Division

3

4 Adopted Rules Governing Use of the Minnesota Food Products Logo

5 (3 MCAR SS 1.4035-1.4040)

6

7 Rules as Adopted

8 3 MCAR S 1.4035 Authority and purpose.

9 A. Purpose. In keeping with the policy of the department to  
10 expand, improve, and develop markets for Minnesota agricultural  
11 products by promoting their use and sale, it is the purpose of  
12 the Minnesota food products logo to identify and promote those  
13 food products which are Minnesota produced, processed, or  
14 manufactured.

15 B. Authority. Rules 3 MCAR SS 1.4035-1.4040 are prescribed  
16 by the commissioner pursuant to Minn. Stat. S 17.102, subd. 1.

17 3 MCAR S 1.4036 Definitions.

18 A. Applicability. For the purposes of 3 MCAR SS  
19 1.4035-1.4040 the terms in this rule have the meanings given  
20 them.

21 B. Agricultural products. "Agricultural products" means  
22 livestock, dairy products, poultry or poultry products, fish,  
23 fruit of all kinds, vegetables, grains, bees, and apiary  
24 products.

25 C. Certification mark. "Certification mark" means the logo  
26 registered by the department with the Secretary of State and the  
27 United States Office of Patents and Trademarks to identify a  
28 food product which is produced, processed, or manufactured in  
29 Minnesota.

30 D. Commissioner. "Commissioner" means the Commissioner of  
31 Agriculture or his authorized representative.

32 E. Commodity council. "Commodity council" means any of the  
33 agricultural research and promotion councils created under the  
34 provisions of Minnesota Statutes.

35 F. Department. "Department" means the Department of

1 Agriculture.

2 G. Food product. "Food product" means an agricultural  
3 product used directly for food or drink for human consumption or  
4 a combination of agricultural products, raw materials, and food  
5 ingredients which is processed or manufactured into an article  
6 of food or drink for human consumption.

7 H. Improper use. "Improper use" means an unauthorized use  
8 of the logo or a use of the logo inconsistent with 3 MCAR SS  
9 1.4035-1.4040.

10 I. Labeling statement. "Labeling statement" means the  
11 phrase "Minnesota Food Product" or other words signifying  
12 Minnesota origin.

13 J. Logo. "Logo" means the Minnesota food products logo. A  
14 facsimile of the logo appears in Exhibit 3 MCAR S 1.4036 J.-1.

15 K. Manufacturer; processor. "Manufacturer" or "processor"  
16 means an individual, partnership, cooperative association, or  
17 corporation which processes or manufactures raw materials and  
18 other food ingredients into food products, reprocesses food  
19 products, packages food products for sale to others for resale,  
20 or commercially slaughters animals or poultry. The terms  
21 include cold storage warehouses as defined in Minn. Stat. S  
22 28.01, subd. 3, dairy plants as defined in Minn. Stat. S 32.01,  
23 subd. 6, and individuals, partnerships, cooperative  
24 associations, or corporations which extract, ferment, distill,  
25 pickle, bake, freeze, dry, smoke, grind, mix, stuff, pack,  
26 bottle, treat, or preserve food for sale to others for resale.

27 L. Producer. "Producer" means an individual, partnership,  
28 family farm, family farm corporation, authorized farm  
29 corporation, or cooperative association engaged in the  
30 production for sale of agricultural products.

31 M. Retailer. "Retailer" means an individual, partnership,  
32 cooperative association, or corporation selling a food product  
33 to the consumer and not for the purpose of resale in any form.

34 N. Trade association. "Trade association" means a  
35 Minnesota-based organization of producers, processors,  
36 manufacturers, or retailers of food products.

1 O. Wholesaler. "Wholesaler" means an individual,  
2 partnership, cooperative association, corporation, business  
3 trust, or unincorporated organization which sells or supplies a  
4 food product to a retailer, industrial buyer, restaurant, or  
5 institution or sells on behalf of one wholesaler to another  
6 wholesaler.

7 3 MCAR S 1.4037 Eligibility for application to use the logo.

8 A. Producers. A producer may apply to use the logo on an  
9 agricultural product to be used in its original state as a food  
10 product or on an agricultural product intended to be processed  
11 or manufactured into a food product, if the agricultural product  
12 is produced on a production unit located completely or in part  
13 within the boundaries of Minnesota, and if the food product  
14 meets all applicable minimum requirements for the production of  
15 the food product in Minnesota.

16 B. Processors. A processor may apply to use the logo on a  
17 food product if the food product was processed or manufactured  
18 in a plant located completely or in part within the boundaries  
19 of Minnesota, and if the food product meets all applicable  
20 minimum requirements for processing or manufacturing the food  
21 product in Minnesota.

22 3 MCAR S 1.4038 Application; authorization; renewal.

23 A. Application.

24 1. An eligible producer, processor, or manufacturer of  
25 Minnesota food products may apply to use the logo.

26 2. Application shall be made on forms provided by the  
27 commissioner and shall contain the following:

28 a. the name and address of the applicant;

29 b. the location of the production unit, processing  
30 plant, or manufacturing plant providing food products on which  
31 the logo is intended to be used;

32 c. a list of all food products on which the logo may  
33 be used;

34 d. at least one facsimile of the tag, sticker,  
35 package, container, or other way the logo will be used on the

1 food products. The facsimile must include the manner in which  
2 the labeling statement will accompany the logo; and

3 e. a statement that the food product on which the logo  
4 may be used is Minnesota produced, processed, or manufactured  
5 and meets all applicable minimum requirements for producing,  
6 processing, or manufacturing the food product in Minnesota; and  
7 f. any other information deemed relevant and necessary  
8 by the commissioner.

9 3. Application to use the logo with any food product not  
10 listed with the commissioner may be made between renewals of a  
11 previous application.

12 B. Authorization.

13 1. Authorization to use the logo is dependent upon  
14 approval of the application by the commissioner and extends for  
15 three years from the authorization date.

16 2. Use of the logo, with the labeling statement, on  
17 approved food products remains discretionary with the authorized  
18 producer, processor, or manufacturer during the three-year  
19 authorization period.

20 3. When used on a food product, the logo must be  
21 accompanied by an approved labeling statement.

22 4. Authorized users will receive a certificate of  
23 qualification to use the logo, including a registration number,  
24 which they may display in their places of business.  
25 Reproduction proofs of the logo will also be furnished to  
26 authorized users.

27 5. The department may will advise and assist any  
28 authorized use of the logo with respect to the size of the  
29 logo, its color, its placement on packages, or similar matters,  
30 as requested.

31 C. Renewal.

32 1. Every three years the commissioner shall notify  
33 authorized users of the logo 60 days prior to the scheduled  
34 renewal date.

35 2. Authorization to use the logo shall be renewed if  
36 reapplication, including any changes from the previous

1 application, is made on forms provided by the commissioner and  
2 approval is granted by the department.

3 3. Renewal ~~may~~ shall be denied if the commissioner  
4 determines there has been ~~improper~~ use of the logo or if the  
5 user fails to reapply for use of the logo within 30 days after  
6 the renewal date and fails to notify the commissioner of the  
7 reason.

8 3 MCAR S 1.4039 Promotional use of the logo. The logo may be  
9 used with or without the labeling statement for promotional  
10 purposes by an authorized producer, processor, or manufacturer  
11 on any materials used in a direct, national or international  
12 marketing effort, by a wholesaler, retailer, commodity council,  
13 or trade association in any promotion of Minnesota food  
14 products, or by the department on any stationery, business  
15 cards, or other items determined by the commissioner which will  
16 promote Minnesota food products. Use of the logo and any  
17 accompanying labeling statement must have the prior approval of  
18 the commissioner in cases under 3 MCAR S 1.4039 where Minnesota  
19 food products are being promoted.

20 3 MCAR S 1.4040 Enforcement.

21 A. Investigation and revocation. If the commissioner has  
22 reason to believe there is improper use, the commissioner may  
23 investigate any use of the logo and determine whether there is  
24 improper use. The commissioner ~~may~~ shall revoke authorization  
25 to use the logo when its use is inconsistent with 3 MCAR SS  
26 1.4035-1.4040.

27 B. Legal action. When investigation reveals improper use of  
28 the logo, the commissioner may seek injunctive relief or other  
29 available legal remedies in a court of competent jurisdiction.

30 C. No warranty of quality. The certification mark does not  
31 represent a warranty by the department of any kind, express or  
32 implied, as to the quality of the food product on which it  
33 appears. The certification mark means only that the food  
34 product certified was produced, processed, or manufactured in  
35 Minnesota, and that the authorized producer, processor, or

1 manufacturer represents that the food product meets all  
2 applicable minimum requirements for producing, processing, or  
3 manufacturing the food product in Minnesota.

4 D. Other law. Compliance with 3 MCAR SS 1.4035-1.4040 does  
5 not exempt a producer, processor, or manufacturer from complying  
6 with other laws and rules relating to food products and the  
7 labeling of food products.

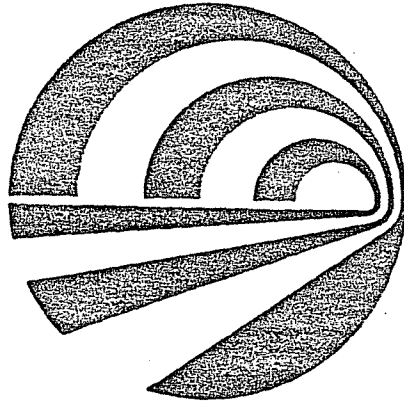


Exhibit 3 MCAR S 1.4036 J.-1.

Minnesota Food Products Logo