

1 Department of Agriculture

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3 Adopted Permanent Rules Relating to Minnesota Grown Labeling

4 Statements

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6 Rules as Adopted

7 1556.0100 AUTHORITY.

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

11 1556.0110 DEFINITIONS.

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

14 Subp. 2. **Agricultural products.** "Agricultural products"  
15 means livestock or livestock products, dairy products, poultry  
16 or poultry products, fish, fruit, vegetables, grains, bees,  
17 apiary products, and floral and nursery crops.

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

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

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

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

31 Subp. 7. **Produced in Minnesota.** "Produced in Minnesota"  
32 means dairy animals, poultry, or other livestock that were fed  
33 in Minnesota for at least 60 days prior to milking, processing,  
34 or slaughtering or fruits, vegetables, grains, or floral and  
35 nursery crops that have been grown in Minnesota.

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

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

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

17 1556.0120 "MINNESOTA GROWN" AND "2,000 MILES FRESHER" LABELING  
18 STATEMENTS.

19 Subpart 1. **Eligible products.** The products listed in  
20 items A and B are eligible to be packaged with "Minnesota grown"  
21 and "2,000 miles fresher" labeling statements.

22 A. A raw agricultural product may be identified with  
23 the labeling statements if no less than 80 percent of the  
24 agricultural product was produced in Minnesota.

25 B. A processed agricultural product may be identified  
26 with the labeling statements if no less than 80 percent of the  
27 featured product component or at least 60 percent of the total  
28 product by weight was produced in Minnesota.

29 Subp. 2. **Use of the "Minnesota grown" and "2,000 miles  
30 fresher" labeling statements.** A producer licensed under part  
31 1556.0160 may use the "Minnesota grown" and "2,000 miles  
32 fresher" labeling statements on an eligible agricultural  
33 product. A processor licensed under part 1556.0160 may use the  
34 "Minnesota grown" and "2,000 miles fresher" labeling statements  
35 on an eligible agricultural product if it was processed or

1 manufactured in a plant located partially or completely in  
2 Minnesota.

3 Subp. 3. Use by retailers and wholesalers. A retailer or  
4 wholesaler may use the "Minnesota grown" and "2,000 miles  
5 fresher" labeling statements without a license in order to  
6 display and advertise products that qualify for use of those  
7 statements.

8 1556.0130 "WILD RICE STATE GRAIN" LABELING STATEMENTS.

9 Subpart 1. Eligible products. Agricultural products  
10 containing wild rice may be identified with the labeling  
11 statement if no less than 80 percent of the wild rice contained  
12 in the product was produced in Minnesota.

13 Subp. 2. Use of the "wild rice state grain" labeling  
14 statement. A producer licensed under part 1556.0160 may use the  
15 "wild rice state grain" labeling statement on an eligible  
16 agricultural product. A processor licensed under part 1556.0160  
17 may use the "wild rice state grain" labeling statement on an  
18 eligible agricultural product if it was processed or  
19 manufactured in a plant located partially or completely in  
20 Minnesota.

21 Subp. 3. Use by retailers and wholesalers. A retailer or  
22 wholesaler may use the "wild rice state grain" labeling  
23 statement without a license in order to display and advertise  
24 products that qualify for use of the labeling statement.

25 1556.0140 "CERTIFIED ORGANIC" LABELING STATEMENT.

26 Subpart 1. Eligible products. The products listed in  
27 items A and B are eligible to be packaged with the "certified  
28 organic" labeling statement. All products that carry the  
29 "certified organic" labeling statement must comply with  
30 Minnesota Statutes, sections 31.92 to 31.94 and parts 1555.0005  
31 to 1555.0012.

32 A. A raw agricultural product may be identified with  
33 the labeling statement if no less than 80 percent of the product  
34 was produced in Minnesota on a production unit that has been  
35 certified as being organic by an organization designated by the

1 commissioner as a certifying organization. The entire product  
2 must comply with Minnesota Statutes, sections 31.92 to 31.94 and  
3 parts 1555.0005 to 1555.0012.

4           B. A processed product may be identified with the  
5 labeling statement if no less than 80 percent of the featured  
6 product component or at least 60 percent of the total product by  
7 weight consists of raw agricultural products produced in  
8 Minnesota on a production unit that has been certified as being  
9 organic by an organization designated by the commissioner as a  
10 certifying organization. The entire product must comply with  
11 Minnesota Statutes, sections 31.92 to 31.94 and parts 1555.0005  
12 to 1555.0012.

13           Subp. 2. **Application to use the "certified organic"**  
14 **labeling statement.** A producer may apply for a license to use  
15 the "certified organic" labeling statement on an eligible  
16 agricultural product if the production unit has been certified  
17 as being organic by an organization designated by the  
18 commissioner as a certifying organization. A processor may  
19 apply for a license to use the "certified organic" labeling  
20 statement on an eligible agricultural product if it was  
21 processed in a plant located partially or completely in  
22 Minnesota.

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

27 1556.0150 OTHER LAW.

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

32 1556.0160 LICENSING; AUTHORIZATION.

33           Subpart 1. **Approval required.** Authorization to use  
34 labeling statements covered by this chapter is dependent upon  
35 approval of an application for their use by the commissioner,

1 with the exception of retailers and wholesalers, who may use the  
2 labeling statements without a license in order to display and  
3 advertise products that qualify for use of the labeling  
4 statements.

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

10 The application form must be accompanied by a fee  
11 established in Minnesota Statutes, section 17.102. If an  
12 applicant is ineligible, the fee must be refunded. A separate  
13 application and fee is required for each labeling statement.

14 Subp. 3. License to use labeling statements. An applicant  
15 who has an application approved must receive a license valid for  
16 one year, beginning January 1. Licensees shall apply for  
17 renewal of each license before the expiration date of the  
18 current license. The commissioner shall charge a late fee, as  
19 established by Minnesota Statutes, section 17.102, for renewal  
20 of a license that has expired.

21 1556.0170 ENFORCEMENT.

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