

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Our File No. 841

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 8-12-82
DATE FOR REVIEW 8-20-82
DATE DUE 8-26-82

Adopted w/a hearing _____
Adopted w/o hearing _____
Temporary rule _____

Approved _____ Disapproved 8-26-82 Returned to Agency 8-30-82

Resubmitted 9-8-82 Due 9-17-82
Approved 9-17-82 Disapproved _____ Returned to Agency 9/23/82

Date filed w/Secretary of State 9-23-82 Revisor approved 8/6/82 disapproved _____

✓ Rule as Adopted

_____ Rule as Proposed

✓ Order Adopting 8.11.82 Date

✓ Notice of Intent to Solicit Outside Opinion SR 7.2.79

✓ Order for rulemaking
N/A date of Hearing

N/A Certificate of Board's Authorizing Resolution

✓ Notice of rulemaking
✓ Sufficiency

✓ Affidavit of Mailing Notice or rulemaking
6.25.82 At least 30 days prior to ~~hearing~~/adoption

✓ Mailing list Certificate

✓ Publication in State Register
6.28.82 At least 30/~~20~~ days prior to ~~hearing~~/adoption

N/A Hearing Examiner's Report

✓ Chief Hearing Examiner's Report(s)
_____ Approving H.E.'s Report
_____ Approving agency action

N/A Agency's Findings of Fact

✓ LCRAR Report or agency Affidavit

✓ Certificate of Board's Resolution Adopting Rules

N/A Order Approving Incorporation by Reference

✓ Statement of Need and Reasonableness

N/A Petition for Adoption of a Rule

✓ Record (includes transcript or tape, exhibits, comments received by agency, requests for a hearing, and other relevant materials)

✓ Certificate of Compliance w/Rulemaking Procedures

N/A Affidavit of Mailing Notice of Submission to Attorney General

✓ Notice of Submission to the Attorney General

SF-00006-02

DEPARTMENT ATTORNEY GENERAL

STATE OF MINNESOTA

Office Memorandum

TO : MARK W. SEETIN
Commissioner of Agriculture

DATE: 9/17/82

ATTN : JON MURPHY, Spec. Ass't. Atty. Gen.

FROM : LARRY D. STARNS
Special Assistant
Attorney General

PHONE: 297-3493

SUBJECT: In the Matter of the Proposed Rules of the Department of Agriculture Governing Use of the Minnesota Food Products Logo (3 MCAR §§ 1.4035-1.4040)

Enclosed herewith are the rules you have submitted for approval. These rules have been approved by this office and filed with the Secretary of State. Please note that they have not been filed with the State Register. This must be done promptly by your agency.

Upon receipt and before transmittal to your agency, however, it is important that you recheck these rules as to:

1. Affixation of stamps of the Attorney General and Secretary of State;

2. Coverage by these stamps of all rules submitted; and

3. Inclusion of all pages to the rules in the approved set.

If you have any questions in this regard, please contact me.

LDS:drw
Encs.

cc: Ms. Kathy Burek
Mr. Duane Harves

SF-00006-02

STATE OF MINNESOTA

DEPARTMENT OF AGRICULTURE

Office Memorandum

RECEIVED
SEP 08 1982
ATTORNEY GENERAL
ADMINISTRATIVE AGENCIES

TO : Larry D. Starns
Special Assistant Attorney General
Office of the Attorney General

DATE: September 7, 1982

FROM : Gerald Heil, Director
Planning Division

PHONE: 296-1486

SUBJECT: In the Matter of the Proposed Rules of the Department of Agriculture Governing Use of the Minnesota Food Products Logo (3 MCAR SS 1.4035-1.4040)

The enclosed materials are being resubmitted for your review in connection with the above-mentioned rules.

The changes recommended by your office and outlined in your memorandum of August 26, 1982, have been incorporated into the rules. Two copies of the revised rules and a new Order Adopting the Rules are enclosed. Two copies of the revised rules are also being submitted to the Revisor's Office.

If you have any questions, please contact me.

GH:ake

Enclosures
cc: Office of the Revisor of Statutes
Darryl L. Anderson
Jon Murphy
Richard Haskett
Julie Smendzuik
Kathy Burek
Theresa Lauterbach

SF-00006-02

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO : MARK W. SEETIN
Commissioner of Agriculture

DATE: 8/26/82

ATTN: JON MURPHY, Spec. Ass't. Atty. Gen.

FROM : LARRY D. STARNS
Special Assistant
Attorney General

PHONE: 297-3493

SUBJECT: In the Matter of the Proposed Rules of the Department of Agriculture Governing Use of the Minnesota Food Products Logo (3 MCAR §§ 1.4035-1.4040)

The rules in the above-entitled matter have not been approved by this office for the following reasons:

1. 3 MCAR § 1.4038.A.2f provides that applications for authorization to use the Minnesota Food Products Logo should contain "any other information deemed relevant and necessary by the Commissioner." Such provision gives the Commissioner unbridled discretion in requiring information from applicants. As such, the applicant has no way of knowing what is to be expected of him. At a minimum, the applicant should be able to determine what types of information will be requested of him and the rule should be structured so that each applicant will be treated equally with respect to the types of information required. The deletion of this provision will correct the problem.

2. 3 MCAR § 1.4038.B.5 states that "the department may advise and assist" (emphasis added) those who request information regarding proper use of the Logo. Because the agency is charged with authorizing and monitoring the use of the Logo, it is only reasonable that it be required to furnish this information. Otherwise, an authorized user has no guidance as to proper use of the Logo. The agency in this rule is affording itself the discretion to deny renewal for improper use of the Logo; therefore, it should be required to give some guidance to those seeking to properly use the Logo.

3. 3 MCAR § 1.4038.C.3 states that "renewal may be denied" (emphasis added) upon the Commissioner's determination of improper use. This, too, provides too much discretion to the Commissioner without affording the applicant the knowledge of what constitutes grounds for such denial. All applicants must be treated equally with respect to administration of these rules. This provision permits unequal application; therefore, "may" should be changed to "shall" to remove the improper discretion.

4. 3 MCAR § 1.4040.A provides that the Commissioner may revoke" (emphasis added) authorization to use the Logo when such use is inconsistent with these rules. This provision, as well, provides the Commissioner with the discretion to apply these rules unequally. Therefore, for the reasons stated in Paragraph 3 above, "may" must be changed to "shall."

After consideration of the above comments and agency action, if any, these rules may be resubmitted for our review. Upon resubmission, please include a new or supplemental Order Adopting and two copies of the new Rule as Adopted. Also, please include a memorandum specifying that the rules are being resubmitted so that we may obtain our initial file in this matter.

Additionally, at the time when you resubmit the new rule to this office, you must submit two copies of the same to the Revisor of Statutes.

If you have any questions concerning the issues raised in this memorandum, please do not hesitate to call me.

LDS:drw

cc: Ms. Kathy Burek
Ms. Theresa Lautherbach

SF-00006-02

STATE OF MINNESOTA

DEPARTMENT OF AGRICULTURE

Office Memorandum

TO : Ted Martinez, Special Assistant Attorney General
Administration - Finance Division
Office of the Attorney General

DATE: 08/11/82

FROM : Gerald Heil, Director GH
Planning Division

PHONE: 296-1486

SUBJECT: Review of Rules Adopted Without A Public Hearing

The Department of Agriculture has adopted Rules Governing Use of the Minnesota Food Products Logo (3 MCAR §§ 1.4035 - 1.4040) without a public hearing pursuant to Minnesota Statutes section 15.0412, subd. 4h.

Accompanying this memorandum you will find the documents which are required to be submitted for your review. A list of these documents is attached.

Since no person requested to be notified when these documents were submitted to the Office of the Attorney General, no Notice of Submission nor Affidavit of Mailing such Notice are part of this record. Furthermore, no written comments on these proposed rules were received at any time--neither during the solicitation of outside opinion, nor during the 30 day comment period following the publication of the Rules as Proposed in the State Register. Thus, no written comments from the public are included in this record. Also, no requests for a public hearing were received during the 30 day comment period.

No changes were made between the Rules as Proposed and the Rules as Adopted, although one typographical error should be noted. In the Rules as Proposed in the State Register at 6 S.R. 2368, the number of the rule which cross-references the facsimile of the Minnesota Food Products Logo with the rule where "logo" is defined is incorrectly stated as "Exhibit 3 MCAR § 1.0436 J-1". In the Rules as Adopted the cross-reference is correctly stated as "Exhibit 3 MCAR § 1.4036 J-1".

A copy of the Rules as Adopted is also being submitted to the Revisor of Statutes in order to obtain approval as to form as required by Minnesota Statutes section 15.0412, subd. 10.

If you have any questions, please call me.

GH:cs

Enclosures

cc: Office of Revisor of Statutes
Darryl L. Anderson
Richard Haskett

PLANNING DIVISION
DEPARTMENT OF AGRICULTURE

ATTACHMENT A

LIST OF ATTACHED DOCUMENTS

A. Rule as Adopted (original and three copies).

B. Order Adopting the Rule (two copies).

C. Notice of Intent to Solicit Outside Opinion (one copy).

D. Order for Notice of Intent to Adopt Rule Without Public Hearing (one copy).

E. Notice of Intent to Adopt a Rule Without Public Hearing (one copy).

F. Affidavit of Mailing Notice of Intent to Adopt a Rule Without Public Hearing (one copy).

G. Mailing List Certificate (one copy).

H. Rule as Proposed (one copy).

I. Statement of Need and Reasonableness (one copy).

J. Certificate of Compliance with Rulemaking Procedures (one copy).

Department of Agriculture

Marketing Division

Adopted Rules Governing Use of the Minnesota Food Products Logo

(3 MCAR SS 1.4035-1.4040)

Rules as Adopted

3 MCAR S 1.4035 Authority and purpose.

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

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

3 MCAR S 1.4036 Definitions.

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

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

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

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

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

F. Department. "Department" means the Department of

Agriculture.

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

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

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

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

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

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

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

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

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

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

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

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

3 MCAR S 1.4038 Application; authorization; renewal.

A. Application.

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

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

a. the name and address of the applicant;

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

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

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

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

e. a statement that the food product on which the logo may be used is Minnesota produced, processed, or manufactured and meets all applicable minimum requirements for producing, processing, or manufacturing the food product in Minnesota; ~~and~~

~~f. any other information deemed relevant and necessary by the commissioner.~~

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

B. Authorization.

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

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

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

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

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

C. Renewal.

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

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

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

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

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

3 MCAR S 1.4040 Enforcement.

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

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

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

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

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



Exhibit 3 MCAR S 1.4036 J.-1.

Minnesota Food Products Logo

APPROVED AS TO LEGALITY

September 17, 1982

WARREN SPANNAUS, ATTORNEY GENERAL

BY _____

SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
SEP 23 1982

Joan Anderson Growe
Secretary of State

9:55
A.M.

AG copy

Department of Agriculture

Marketing Division

Adopted Rules Governing Use of the Minnesota Food Products Logo

(3 MCAR SS 1.4035-1.4040)

Rules as Adopted

3 MCAR S 1.4035 Authority and purpose.

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

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

3 MCAR S 1.4036 Definitions.

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

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

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

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

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

F. Department. "Department" means the Department of

Agriculture.

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

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

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

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

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

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

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

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

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

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

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

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

3 MCAR S 1.4038 Application; authorization; renewal.

A. Application.

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

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

a. the name and address of the applicant;

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

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

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

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

e. a statement that the food product on which the logo may be used is Minnesota produced, processed, or manufactured and meets all applicable minimum requirements for producing, processing, or manufacturing the food product in Minnesota; and

f. any other information deemed relevant and necessary by the commissioner.

? Too broad authority

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

B. Authorization.

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

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

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

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

?

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

? no criteria

C. Renewal.

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

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

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

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

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

3 MCAR S 1.4040 Enforcement.

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

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

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

applicable minimum requirements for producing, processing, or manufacturing the food product in Minnesota.

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



Exhibit 3 MCAR S 1.4036 J.-1.

Minnesota Food Products Logo

STATE OF MINNESOTA

DEPARTMENT OF AGRICULTURE

In the Matter of the Proposed Adoption of
Rules of the Department of Agriculture Governing
Use of the Minnesota Food Products Logo
(3 MCAR §§ 1.4035 - 1.4040)

ORDER ADOPTING
RULES

Notice of the Commissioner's intent to adopt the above-entitled rules without a public hearing was published in the State Register on June 28, 1982, and was sent by United States mail to all persons on the list maintained by the department pursuant to Minnesota Statutes, section 15.0412, subdivision 4, on June 25, 1982. After affording interested and affected persons an opportunity to submit comments for 30 days after Notice, receiving fewer than seven written requests for a public hearing within the 30 day comment period, reviewing and considering the comments, and determining the need for and reasonableness of the above-captioned rules,

NOW, THEREFORE, IT IS ORDERED that these rules identified as the Rules Governing use of the Minnesota Food Products Logo which were adopted the 11th day of August, 1982, pursuant to authority vested in me by Minnesota Statutes, section 17.102, are re-adopted this 7th day of September, incorporating changes recommended by the Office of the Attorney General.

STATE OF MINNESOTA

MARK W. SEETIN
COMMISSIONER OF AGRICULTURE

STATE OF MINNESOTA

DEPARTMENT OF AGRICULTURE

In the Matter of the Proposed Adoption of
Rules of the Department of Agriculture Governing
Use of the Minnesota Food Products
Logo (3 MCAR §§ 1.4035 - 1.4040)

ORDER ADOPTING
RULES

Notice of the Commissioner's intent to adopt the above-entitled rules without a public hearing was published in the State Register on June 28, 1982, and was sent by United States mail to all persons on the list maintained by the department pursuant to Minnesota Statutes, section 15.0412, subdivision 4, on June 25, 1982. After affording interested and affected persons an opportunity to submit comments for 30 days after Notice, receiving fewer than seven written requests for a public hearing within the 30 day comment period, reviewing and considering the comments, and determining the need for and reasonableness of the above-captioned rules,

NOW, THEREFORE, IT IS ORDERED that these rules identified as the Rules Governing Use of the Minnesota Food Products Logo are adopted this 11th day of August, 1982, pursuant to authority vested in me by Minnesota Statutes, section 17.102.

STATE OF MINNESOTA

Mark W. Seetin

MARK W. SEETIN
COMMISSIONER OF AGRICULTURE

OFFICIAL NOTICES

Pursuant to the provisions of Minn. Stat. § 15.0412, subd. 6, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

The *State Register* also publishes other official notices of state agencies, notices of meetings, and matters of public interest.

Department of Agriculture Marketing Services Division

Notice of Intent to Solicit Outside Opinion Regarding Proposed Rules Governing the Establishment of a Logo for Use in Identifying Minnesota Grown, Processed, or Manufactured Foods

Notice is hereby given that the Minnesota Department of Agriculture has begun consideration of proposed rules governing the establishment of a logo for use in identifying food grown, processed, or manufactured in Minnesota. Authority to promulgate such rules is found in Laws of 1979, ch. 36 (Minn. Stat. § 17.102).

In order to adequately determine the nature and utility of such rules, the Department of Agriculture hereby requests information and comments from all interested individuals or groups concerning the subject matter of the proposed rules.

All interested or affected persons or groups are requested to participate. Statements of information and comment may be made orally or in writing.

Written statements of information and comment may be addressed to:

M. C. Combs, Director
Marketing Services Division
540 State Office Building
Saint Paul, Minnesota 55155

Oral statements of information and comment will be received during regular business hours over the telephone at (612) 296-2847, and in person at the above address.

All statements of information and comment must be received by 4:30 p.m., August 9, 1979. Any written material received by the department shall become part of the hearing record.

The proposed rules, if adopted, would establish criteria for the use of a Minnesota food logo.

June 25, 1979

Mark W. Seetin
Commissioner

Department of Education Vocational-Technical Education Division

Notice of Intent to Solicit Outside Opinion Regarding Rules for Vocational Instructors and Administrators Licensure and Changes in the Post-Secondary Vocational Rules

The Department of Education, Division of Vocational-Technical Education, is drafting rules to implement Laws of 1978, ch. 764, § 77, which permits the State Board of Education to promulgate rules regarding licensure for vocational instructors and administrators.

The Department will also be drafting changes in the Post-Secondary Vocational Education Rules (Chapter Six, §§ 1.0100-1.0109), to comply with the following changes:

Laws of 1978, ch. 764, §§ 9, 10, 14, 64, 65, 66, 108, 130, 131, 132, 133, 134 and Laws of 1978, ch. 792, §§ 8, 24, 25, 26, 27 and 28.

The Department invites interested persons or groups to provide information, comment and advice on these subjects in writing or orally to Mr. Robert Van Tries, Assistant Commissioner for Vocational-Technical Education, 564 Capitol Square Building, 550 Cedar Street, St. Paul, Minnesota 55101.

Written statements will be made part of the public hearing record.

STATE OF MINNESOTA

DEPARTMENT OF AGRICULTURE

In the Matter of the Proposed Adoption of Rules of the Department of Agriculture Governing Use of the Minnesota Food Products Logo (3 MCAR §§ 1.4035 - 1.4040)

ORDER FOR NOTICE OF INTENT TO ADOPT RULES WITHOUT PUBLIC HEARING

IT IS ORDERED this 11 day of June, 1982, that a Notice of Intent to Adopt Rules Without Public Hearing in the above-entitled matter be given to all persons who have registered their names with the Minnesota Department of Agriculture for that purpose and be published in the State Register.

STATE OF MINNESOTA

Ralph M Dennistoun

for COMMISSIONER OF AGRICULTURE

Rollin M. Dennistoun, Deputy Commissioner

Department of Agriculture

Marketing Division

In the Matter of the Proposed Adoption of Rules Governing Use of the Minnesota Food Products Logo (3 MCAR §§ 1.4035 - 1.4040).

Notice of Intent to Adopt Rules Without a Public Hearing

Notice is hereby given that the Minnesota Department of Agriculture proposes to adopt the above-entitled rules without a public hearing. The Commissioner of Agriculture has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes, Section 15.0412, subdivision 4h (1980).

Persons interested in these rules shall have 30 days to submit comment on the proposed rules. The proposed rules may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change in the proposed language.

Unless seven or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of Minnesota Statutes, Section 15.0412, subdivisions 4-4f. If a public hearing is requested, identification of the particular objection, the suggested modifications to the proposed language, and the reasons or data relied on to support the suggested modifications is desired.

Persons who wish to submit comments or a written request for a public hearing should submit such comments or request to: Gerald Heil, Minnesota Department of Agriculture, 90 West Plato Boulevard, St. Paul, MN 55107, (612) 296-1486.

Authority to adopt these rules is contained in Minnesota Statutes, Section 17.102, subd. 1. Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available upon request from Mr. Heil.

Upon adoption of the final rules without a public hearing, the proposed rules, this Notice, the Statement of Need and Reasonableness, all written comments received, and the final Rules as Adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as adopted, should submit a written statement of such request to Mr. Heil.

The Commissioner of Agriculture is authorized by Minnesota Statutes, Section 17.102 to establish a Minnesota food products logo or labeling statement for use in identifying food products which are Minnesota grown, processed or manufactured, and to promulgate rules for use of the logo. The proposed rules contain a facsimile of the Minnesota food products logo; provisions regarding eligibility of producers, processors and manufacturers to use the logo; requirements for application and authorization to use the logo, as well as procedures for renewing applications; and provisions for promotional use of the logo.

Please be advised that Minnesota Statutes, Chapter 10A requires each lobbyist to register with the State Ethical Practices Board within five (5) days after he or she commences lobbying. A lobbyist is defined in Minnesota Statutes, Section 10A.01, subdivision 11 (Supp. 1979) as any individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than $250.00, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

(b) Who spends more than $250.00, not including his own traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 40 State Office Building, St. Paul, MN 55155, (612) 296-5615.

Copies of this Notice and proposed rules are available and may be obtained by contacting Mr. Heil.

STATE OF MINNESOTA

Dated: June 11, 1982

Ralph W Dennistoun

Commissioner of Agriculture

In the Matter of the Proposed Adoption of
Rules of the Minnesota Department of Agriculture
Governing Use of the Minnesota Food Products Logo
(3MCAR §§ 1.4035 - 1.4040)

AFFIDAVIT OF
MAILING

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Joyce Walkosz, being first duly sworn, deposes and says:

That on the 25th day of June, 1982, at the City of St. Paul, County of Ramsey, State of Minnesota, he/she served the attached Notice of Intent to Adopt Rules Without Public Hearing by depositing in the State of Minnesota Central Mail System for United States mailing at said City of St. Paul, a copy thereof, properly enveloped, with postage prepaid, on all persons and associations who have requested that their names be placed on file with the Minnesota Department of Agriculture for the purpose of receiving notice of the proposed adoption of rules by this Department.

Joyce Walkosz

Subscribed and sworn to before me
this 25th day of June, 1982.

Christine Canaday

Christine Canaday
NOTARY PUBLIC — MINNESOTA
RAMSEY COUNTY
My commission expires June 25, 1986

STATE OF MINNESOTA

COUNTY OF RAMSEY

CERTIFICATE

In the Matter of the Proposed Adoption of Rules of the Minnesota Department of Agriculture Governing Use of the Minnesota Food Products Logo (3MCAR §§ 1.4035-1.4040).

I hereby certify that the list of persons, associations, and other interested groups who have requested, pursuant to Minn. Stat. § 15.0412, subd. 4, that their names be placed on file with and maintained by the Minnesota Department of Agriculture for the purpose of receiving notice of the proposed adoption of rules by this Department is accurate and complete as of 2:00 p.m., this 25th day of June, 1982.

Gerald J Hail

(1)-4; 2025 (2)-1; 2025 (2)-2; 2025 (2)-3; 2025 (3)-1; 2025 (3)-2; 2025 (3)-3; 2025 (3)-4; 2025 (4)-1; 2025 (4)-2; 2025 (4)-3; 2025 (4)-4; 2025 (4)-5; 2025 (5); 2027-1; 2027-2; 2028 (1)-1; 2028 (1)-2; 2028 (2)-1; 2028 (2)-2; 2028 (2)-3; 2028 (2)-4; 2031 (28); 2036.1 (1); 2037 (1); 2037 (2); 2038 (2); 2040 (4); 2042 (5); 2044; 2045 (3); 2050 (2); 2050 (4); 2053 (3); 2053 (4); 2061; 2065 (1); 2065 (6); 2065 (7); 2092 (1)-1; 2092 (1)-5; 2092 (7)-3; 2092 (11); 2093.1-1; 2093.1-2; 2093.1-4; 2093.2-1; 2093.2-2; 2093.2-3; 2093.2-5; 2093.3-3; 2093.4-4; 2093.4-5; 2093.4-6; 2097.1 (1); 2097.1 (2); 2097.1 (3); 2097.2 (1); 2097.2 (2); 2097.2 (3); 2097.2 (5); and 2097.2 (6) (repealed) 1314
13 MCAR § 1.6501 (withdrawn) 1397

TITLE 14 TRANSPORTATION

Part 1 Transportation Department
14 MCAR § 1.4010-1.4016 (proposed) 1711
14 MCAR § 1.5050 (withdrawn) 38

PROPOSED RULES

Pursuant to Minn. Laws of 1980, § 15.0412, subd. 4h, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
2. that no public hearing will be held unless seven or more persons make a written request for a hearing within the 30-day comment period;
3. of the manner in which persons shall request a hearing on the proposed rules;

and

4. that the rule may be modified if modifications are supported by the data and views submitted.

If, during the 30-day comment period, seven or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of § 15.0412, subds. 4 through 4g, which state that if an agency decides to hold a public hearing, it must publish in the *State Register* a notice of its intent to do so. This notice must appear at least 30 days prior to the date set for the hearing, along with the full text of the proposed rules. (If the agency has followed the provisions of subd. 4h and has already published the proposed rules, a citation to the prior publication may be substituted for republication.)

Pursuant to Minn. Stat. § 15.0412, subd. 5, when a statute, federal law or court order to adopt, suspend or repeal a rule does not allow time for the usual rulemaking process, temporary rules may be proposed. Proposed temporary rules are published in the *State Register*, and for at least 20 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Department of Agriculture Marketing Division

Proposed Rules Governing Use of the Minnesota Food Products Logo (3 MCAR §§ 1.4035-1.4040)

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the Minnesota Department of Agriculture proposes to adopt the above-entitled rules without a public hearing. The Commissioner of Agriculture has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes § 15.0412, subd. 4h (1980).

Persons interested in these rules shall have 30 days to submit comment on the proposed rules. The proposed rules may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change in the proposed language.

Unless seven or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of Minnesota Statutes § 15.0412, subds. 4-4f. If a public hearing is requested, identification of the particular objection, the suggested modifications to the proposed language, and the reasons or data relied on to support the suggested modifications is desired.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Persons who wish to submit comments or a written request for a public hearing should submit such comments or request to: Gerald Heil, Minnesota Department of Agriculture, 90 West Plato Boulevard, St. Paul, MN 55107, (612) 296-1486.

Authority to adopt these rules is contained in Minnesota Statutes § 17.102, subd. 1. Additionally, a statement of need and reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available upon request from Mr. Heil.

Upon adoption of the final rules without a public hearing, the proposed rules, this notice, the statement of need and reasonableness, all written comments received, and the final rules as adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to recieve a copy of the final rules as adopted, should submit a written statement of such request to Mr. Heil.

The Commissioner of Agriculture is authorized by Minnesota Statutes § 17.102 to establish a Minnesota food products logo or labeling statement for use in identifying food products which are Minnesota grown, processed or manufactured, and to promulgate rules for use of the logo. The proposed rules contain a facsimile of the Minnesota food products logo; provisions regarding eligibility of producers, processors and manufacturers to use the logo; requirements for application and authorization to use the logo, as well as procedures for renewing applications; and provisions for promotional use of the logo.

Please be advised that Minnesota Statutes ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five (5) days after he or she commences lobbying. A lobbyist is defined in Minnesota Statutes, Section 10A.01, subdivision 11 (Supp. 1979) as any individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than $250.00, not including *his own* travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

(b) Who spends more than $250.00, not including *his own* traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 40 State Office Building, St. Paul, MN 55155, (612) 296-5615.

Copies of this notice and proposed rules are available and may be obtained by contacting Mr. Heil.

June 11, 1982

Rollin M. Dennistoun
Commissioner of Agriculture

Rules as Proposed (all new material)

3 MCAR § 1.4035 Authority and purpose.

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

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

3 MCAR § 1.4036 Definitions.

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

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

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

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

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

F. Department. "Department" means the Department of Agriculture.

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

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

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

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

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

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

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

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

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

3 MCAR § 1.4037 Eligibility for application to use the logo.

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

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

3 MCAR § 1.4038 Application; authorization; renewal.

A. Application.

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

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

a. the name and address of the applicant;

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

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

d. at least one facsimile of the tag, sticker, package, container, or other way the logo will be used on the food products. The facsimile must include the manner in which the labeling statement will accompany the logo;

e. a statement that the food product on which the logo may be used is Minnesota produced, processed, or manufactured and meets all applicable minimum requirements for producing, processing, or manufacturing the food product in Minnesota; and

f. any other information deemed relevant and necessary by the commissioner.

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

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

B. Authorization.

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

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

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

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

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

C. Renewal.

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

2. Authorization to use the logo shall be renewed if reapplication, including any changes from the previous application, is made on forms provided by the commissioner and approval is granted by the department.

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

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

3 MCAR § 1.4040 Enforcement.

A. Investigation and revocation. If the commissioner has reason to believe there is improper use, the commissioner may investigate any use of the logo and determine whether there is improper use. The commissioner may revoke authorization to use the logo when its use is inconsistent with 3 MCAR §§ 1.4035-1.4040.

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

C. No warranty of quality. The certification mark does not represent a warranty by the department of any kind, express or implied, as to the quality of the food product on which it appears. The certification mark means only that the food product certified was produced, processed, or manufactured in Minnesota, and that the authorized producer, processor, or manufacturer represents that the food product meets all applicable minimum requirements for producing, processing, or manufacturing the food product in Minnesota.

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



Exhibit 3 MCAR § 1.0436 J.-1
Minnesota Food Products Logo

STATE OF MINNESOTA
DEPARTMENT OF AGRICULTURE

IN THE MATTER OF THE PROPOSED RULES)
OF THE DEPARTMENT OF AGRICULTURE)
GOVERNING USE OF THE MINNESOTA FOOD)
PRODUCTS LOGO (3 MCAR SS 1.4035-1.4040))

STATEMENT OF NEED
AND REASONABLENESS

I. INTRODUCTION

The subject of this rulemaking is the proposed adoption by the Minnesota Department of Agriculture of rules governing use of the Minnesota food products logo. These rules are proposed for adoption pursuant to Minn. Stat. section 17.102, subd. 1 which authorizes the Department to establish a logo or labeling statement for use in identifying food products which are Minnesota grown, processed or manufactured, and to promulgate rules authorizing and governing the use of the logo or labeling statement.

Rulemaking on the proposed rules was authorized by the Department on June 11, 1982. Prior to the authorization of rulemaking, the Department found that the proposed adoption of these rules was noncontroversial in nature as a result of consultations with food industry representatives who are potential users of the Minnesota food products logo and would thus be subject to these rules. Due to the noncontroversial nature of the rules, the Department directed that the rulemaking proceedings be conducted in accordance with the statutory provisions governing the adoption of noncontroversial rules, Minn. Stat. section 15.0412, subd. 4h (1981 Supp.). Accordingly, the rulemaking proceedings on the proposed rules are governed by that statute and no hearing will be conducted on the adoption of the rules unless, on or before July 28, 1982, seven or more persons submit to the Department a written request for such a hearing.

In accordance with the requirements of Minn. Stat. section 15.0412, subd. 4h (1981 Supp.), this document, the Statement of Need and Reasonableness, was prepared and completed prior to the dates that the proposed adoption of the rules was noticed in the State Register.

The discussion provided in this Statement is divided into the following parts:

Part II. General Overview

Part III. Need for and Reasonableness of the Proposed Rules

II. GENERAL OVERVIEW

A. The Need for Food and Agricultural Product Market Promotion

In order to understand the need for and reasonableness of the proposed rules, it will be useful to have a general understanding of the current situation in food and agricultural product marketing and its benefits to the economy of Minnesota. In 1981, about one-third of the state's raw agricultural products were exported from the state into national and international markets, amounting to roughly $2 billion. Coupled with the state's food industry, the agricultural production processing and distribution systems in Minnesota account for 40 percent of the economic activity of the state. Currently, there is much interest among food and agricultural industries in processing more of Minnesota's raw agricultural products within the state before marketing them elsewhere. The use of a food products logo to identify these products of Minnesota origin would be a useful tool in expanding promotion of both raw and processed Minnesota food products in markets around the world.

At the same time that increased food and farm exports are anticipated from use of the Minnesota food products logo, there is some indication that the logo would also address a growing interest in promoting purchase of the state's agricultural produce by Minnesota consumers and its use would

strengthen local markets for local products. In the July 18, 1981 issue of The Farmer, an article argued that two-thirds of the food consumed in Minnesota was from out of state and suggested some ways to change that balance. A related article appeared in the March 1982 issue of Corporate Report: Minnesota, describing a project recently funded by the Bremer Foundation called "Buy Minnesota." The Minnesota food products logo could assist in identifying Minnesota agricultural produce for marketing directly to Minnesota consumers. This projected overall increase in the quantity of Minnesota food products marketed locally, nationally and internationally would improve income for Minnesota farm families as well as increase industry revenues during this difficult economic period.

B. Policy Interpretations of the Department

Several determinations were made by the Department during the course of developing these proposed rules. The initial interpretation of the enabling statute was that two steps should be taken: first, the logo or labeling statement should be established, and second, the rules should be promulgated. Upon researching the use of logos in other states, the Department also decided to take steps to protect the logo for its intended use.

Whether to develop a logo or labeling statement was the first choice faced by the Department because of the option provided by the statute, and the decision was made to develop the visual representation, or logo, rather than a labeling statement. It was felt that this visual symbol would be more appealing because of its flexibility for use on promotional materials as well as on food product packages and containers and also because of a philosophy that a visual design, when recognition had developed over time, would have more impact than words in a labeling statement.

Once the logo was developed, the method of establishing it was the next consideration. Research into the market promotion and logo programs of other states (Illinois, Massachusetts, Texas, New Hampshire, South Dakota, Iowa, Michigan, Georgia, North Carolina, Kansas, Indiana, Kentucky, New York and Pennsylvania) revealed Minnesota to be unique in having a specific enabling statute for establishment of a logo and also in having a statutory directive to promulgate rules for its use. At the same time that Minnesota is unique, the experience of these other states was helpful because many had chosen to protect their market promotion labels or quality seals through registration at the U.S. Copyright Office at the Library of Congress or the Office of Patents and Trademarks of the U.S. Department of Commerce. In the case of one state which had chosen not to protect by copyright a promotional logo of the state, the department which had developed the logo ran into problems with other states' borrowing their general format, and had subsequent problems with the legislature in that state. In addition to their experiences in developing and protecting logos, some of the other states contacted also had developed informal guidelines for users of logos or quality seals. Some of the ideas from those informal guidelines were useful in developing these proposed rules.

At the end of this research phase, the Department elected to establish the logo and protect it for its legislatively intended use in identifying the origin of Minnesota food products by seeking registration of the logo with the Minnesota Secretary of State and the U.S. Office of Patents and Trademarks. Registration sought for the logo was its registration as a certification mark intended only for use in certifying the origin of the food product in Minnesota, as directed by Minn. Stat. section 17.102, subd. 1. This registration provides certain protections under federal and state law and regulations, and such registration of the logo as a

certification mark for origin is distinct from other possible certification mark registrations, such as for quality. The Minnesota food products logo was neither intended by the legislature nor registered by the Department as a "quality" mark. As it is a requirement before seeking state or federal registration, the Department has also seen to it that the logo was used in intrastate and interstate trade.

In developing these proposed rules, the Department reviewed the informal guidelines used in some other states as mentioned earlier, and also relied on its own administrative experience. The Department's administrative experience in the areas of enforcing the state's food laws; in inspecting dairy plants and dairy farms; in market promotion; in licensing food handlers and dealers; and in developing application procedures were heavily relied upon in making policy decisions about specific provisions to include in the proposed rules for administration of the Minnesota food products logo program.

C. Format of the Proposed Rules

The proposed rules are set forth in the following manner: purpose and authority; definitions; eligibility; application; authorization; renewal; promotional use of the logo; and enforcement.

In this statement, for the sake of brevity, the content of the rules has not been repeated, but the numbers of the rules have been noted for reference.

III. NEED FOR AND REASONABLENESS OF THE PROPOSED RULES

The need for and reasonableness of each of the proposed rules and sections follows.

3 MCAR S 1.4035

This rule clarifies the purpose of the rules and the authority by which the Commissioner proposes them for readers of the rules. The purpose is in keeping with the general requirement of Minn. Stat., section 17.101, which directs the Commissioner of Agriculture to encourage and promote the marketing of the products of Minnesota agriculture. Since Minn. Stat., section 17.102 directs the Commissioner to establish either a logo or a labeling statement, the Commissioner elected to establish a specific visual symbol or "logo", and permit individual producers, processors or manufacturers to select their own labeling statements, as is apparent in 3 MCAR SS 1.4036 I., 1.4038 A.2.d., and 1.4038 B.3.

The purpose of the logo will be to identify food products which are produced, processed or manufactured in Minnesota, in keeping with the statutory directive contained in Minn. Stat., section 17.102, subdivision 1. The statute uses the word "grown", but "produced" was used for the purpose of the rules because milk, a very important food product, is not grown but rather is produced from livestock. The Department interpreted the legislative intent to include raw agricultural materials such as milk which is a food product for human consumption, but which would be produced originally rather than grown.

Authority to adopt rules to authorize and govern use of the Minnesota food products logo or labeling statement is given to the Commissioner under Minnesota Statutes, section 17.102, subdivision 1.

3 MCAR S 1.4036

This section is necessary to clarify for readers of the rules the meanings of the terms used. Some of the definitions are similar to definitions that appear in various chapters of Minnesota Statutes. Familiar terms and meanings were chosen to be consistent with current labeling, grading and enforcement programs of the Department and thus to provide for smoother administration of this new Minnesota food products logo program. These familiar definitions include "agricultural products" (Minn. Stat., section 273.111), "commissioner," "commodity council" (Minn. Stat., chapter 17) "department," "processor or manufacturer" (Minn. Stat., section 28A.05), "retailer" (Minn. Stat., section 325D.01, subdivision 2) and "wholesaler" (Minn. Stat., section 325D.01, subdivision 3).

Another group of definitions were derived specifically for these rules, and focus on concepts that use of the Minnesota food products logo will add to the present enforcement and administration of food-related laws and regulations. They are intended to make it possible for the Commissioner to establish, authorize and govern the use of the Minnesota food products logo. The definitions specifically derived for these rules include: "certification mark," "food products," "improper use," "labeling statement," "logo," "producer," and "trade association".

The definition of "food product" is important for these rules because the criteria in its definition will be key determinants in the eligibility of any product submitted for approval to use the logo. The definition uses the key criterion of "food or drink for human consumption" which is similar to the definition found in

Minn. Stat., section 31.01, subdivision 3, but it also states the connection between agricultural products and food products for the purpose of the rules. This association seems reasonable for the purpose of these rules.

These definitions are reasonable in that they will not provide undue hardship for any potential user of the Minnesota food products logo.

3 MCAR S 1.4037

This rule provides the eligibility criteria under which producers or processors and manufacturers may apply to use the logo. The rule provides separately for the two groups of potential users in order to clarify that producers are eligible to use the logo on agricultural as well as food products under certain circumstances, i.e. if the agricultural product is intended to be a food product. While the provisions for producers and processors or manufacturers are treated separately, the eligibility requirements are parallel in order to be consistent and non-discriminatory. Each provision states the general type of product on which the Minnesota food products logo may be used, whether agricultural or food product, and then states two criteria for eligibility: location of production unit, or processing or manufacturing plant and a requirement that the food product must meet all minimum applicable requirements for its production, or processing or manufacturing in Minnesota.

The provision regarding the location of the production unit, or processing or manufacturing plant is necessary because Minn. Stat., section 17.102, subdivision 1, states that the logo shall be used to identify food products from Minnesota. It is reasonable, therefore, to require that the food products must come from sources geographically located within the boundaries of the State of Minnesota. In the case of a producer, this might mean that an agricultural product intended for processing into a food product outside the state would still be eligible to use the logo if produced in Minnesota. Similarly, a processing or manufacturing plant might get agricultural products from another state and process them into food products in Minnesota, and the resulting food products would be eligible for use with the Minnesota food products logo.

The statements in both parts A and B of this rule requiring that the food product meet all applicable minimum requirements for producing, processing or manufacturing the food product in Minnesota is necessary because Minn. Stat., section 17.102, subdivision 2 requires that the logo shall not supersede or replace any federal label or grade standard. This is interpreted to mean that there should be some recognition in the rules that certain requirements exist for the production, processing or manufacturing of food products in Minnesota. This criterion for eligibility reflects recognition of the fact that these requirements already exist, and is reasonable because its inclusion will not cause any hardship for producers, processors and manufacturers who are already meeting minimum requirements for producing, processing or manufacturing food products as a basic condition of doing business in the state.

3 MCAR S 1.4038 A.

This section of the rule sets forth the procedure producers and processors or manufacturers are to follow in applying to use the Minnesota food products label.

The first statement is necessary and reasonable to assure applicants that the Minnesota food products logo program is open to all eligible producers, processors and manufacturers and that it is a non-discriminatory program.

The second part of this section of the rule sets forth the information which is to appear on the application forms. It is necessary that the forms required for application contain the information needed by the Commissioner to determine eligibility, primarily the location of the production unit or processing or manufacturing plant and the representation from the producer, processor or manufacturer that the food product meets all applicable minimum requirements set for that food product in Minnesota. The list of all food products on which the producer, processor or manufacturer may use the logo is necessary so that the Department can monitor whether the logo is being used on eligible and approved food products. Also necessary is the provision requiring submission of one facsimile of the form in which the logo and the labeling statement will be used since the Commissioner needs this information in order to assure that the logo will be accompanied by a labeling statement as required under 3 MCAR S 1.4038 B.3., and in order to be able to determine whether the labeling statement signifies "Minnesota origin" to remain consistent with Minn. Stat., section 17.102, subdivision 1.

These requirements for this application form are reasonable because they are similar to requirements on other administrative application forms used by this Department and others, and for that reason will not pose an undue hardship for any industry users. Additionally, applying for use of the logo and filing the form will be voluntary on the part of the applicant; industry users have a choice as to whether or not to participate in the program.

The third part of this section of the rule which permits application for new food products to be used with the logo is necessary and reasonable so that producers, or processors and manufacturers will not have to wait until their three-year renewal date before listing with the Commissioner additional food products on which they may want to use the logo.

3 MCAR 1.4038 B.

This section of the rule sets forth the basis for authorization to use the logo and the conditions under which authorized users may use the logo. Authorization to use the logo is necessary because Minn. Stat. section 17.101, subdivision 1 directs the Commissioner to establish the logo and provide rules to govern its use. As part of establishing the logo, the Commissioner registered the logo, without any labeling statement, as a certification mark with the Secretary of State and the U.S. Commissioner of Patents and Trademarks. As part of this process, the Commissioner was required to state the ways in which the logo would be used. Thus, as the owner of the certification mark and pursuant to federal and state laws and rules governing such marks, as well as by virtue of the enabling statute, the Commissioner must approve applications and authorize use of the logo. At the same time, because of the simplicity of the application process, acquiring approval and authorization will not pose undue hardship on industry applicants and is therefore reasonable.

This first part of this section of the rule is necessary because it makes explicit the terms on which and the length of time for which a producer, processor or manufacturer will be authorized to use the logo. The three-year time period is a reasonable length of time in which industry users can integrate the logo into

their packaging labels, advertising, containers, and related items since this will provide enough time to plan and execute such integration.

The second part of this section of the rule regarding discretionary use of the logo by an authorized producer, processor or manufacturer during the authorization period is consistent with Minn. Stat., section 17.102, subdivision 2.

The third part of this section of the rule sets forth the requirement that when used on a food product, the logo must be accompanied by an approved labeling statement. The labeling statement is necessary because while the logo itself on food products may suggest "agriculture," there is nothing inherent in the circular design itself which suggests "Minnesota." In time, the logo standing alone may be recognized as related to Minnesota, but during the initial few years, a labeling statement explicitly denoting "Minnesota" will be necessary. These types of procedures are frequently followed by private industry companies in the establishment of product "marks." In addition to this reason, this part of the rule remains consistent with the directive of Minn. Stat. 17.102, subdivision 1 to the Commissioner to establish a logo or labeling statement by including the flexibility in this part. While a producer, processor or manufacturer will need to provide a labeling statement reflecting Minnesota origin in order to be consistent with the enabling statute, they have the flexibility to choose a labeling statement they prefer rather than being required to use a labeling statement established by the Commissioner. This flexibility is reasonable because producers, processors or manufacturers will have their choice of language for the labeling statement, such as "Minnesota Produced," "Minnesota Processed," etc., and can determine for themselves the amount of additional print in which they wish to invest in printing these labeling statements.

The fourth part of this section of the rule which includes the provision that the authorized users receive a certificate indicating authorization to use the logo is necessary so that the Department will be able to identify such users in order to accomplish the function of monitoring authorized users. The registration number will assist the Department in the administrative task of recording and filing lists of authorized users and their food products. Providing such certificates is reasonable in that it is similar to current licensing procedures of the Department, although is not exactly the same, and thus will not constitute an entirely new procedure with which industry will have to familiarize itself. It is necessary that the Department supply the authorized producer, processor or manufacturer with reproduction proofs, which are copies of the logo clearly enough printed so as to make possible duplication, since the Department, as owner and governing agency of the certification mark, prefers to control the dissemination of the correct representation of the registered mark. It is also reasonable that the Department furnish at least one such original rendering of the logo to users, since they will not have a copy of the logo prior to their authorization to use it and will have no other manner of acquiring a copy.

The fifth part of this section of the rule which permits the Department to offer assistance to authorized users of the logo is necessary so that the Department may offer to logo users whatever expertise it has gained in its experience of other market promotion efforts, as well as the experience it may gain in this particular case of advising and assisting other authorized users of the logo. Such administrative experience is a resource which should be utilized. The provision is reasonable in that it would be similar to other market promotion services offered by the Department.

3 MCAR S 1.4038 C.

This part of the rule sets forth requirements for authorized users in renewing their authorizations to use the logo, and is necessary so that the Department can monitor the use of the logo and periodically determine which authorized producers, processors or manufacturers are continuing to use the logo.

The three-year authorization period between renewals stated in the first part of this section of the rule is necessary to be consistent with 3 MCAR S 1.4038 B.1. and is reasonable for reasons similar to those outlined for that part of the rule. The three-year period will permit a long enough lead time for authorized users to integrate the logo into appropriate parts of their packaging and to amortize any expense for doing so over a reasonable length of time. This period of time is also reasonable from the standpoint of the Department's administration of the program, since it will not require neither excessive and frequent paperwork nor large mailing costs. The 60-day notice before the renewal date is necessary and reasonable because authorized users will have sufficient advance notice, and the Department will be better able to anticipate and plan the amount of administrative work which will be periodically required to handle the renewal notification and renewal process.

The second part of this section of the rule sets forth in simple terms the procedure required for renewal and is analogous to the procedure set forth for initial approval in 3 MCAR S 1.4038 A. It is necessary and reasonable for those same reasons. The language regarding inclusion of any changes from the previous application is necessary in order to assure the Department's capacity to monitor which food products are being used with the logo, and whether authorized users have discontinued use of the logo with certain products. This provision is reasonable because it provides flexibility to authorized users of the logo and is consistent with the discretionary use requirement of Minn. Stat., section 17.102, subdivision 2.

The third part of this section of the rule sets forth two conditions under which renewal of authorization to use the logo may be denied. The first denial of renewal for improper use of the logo, is necessary because Minn. Stat. section 17.102, subdivision 1 says that the Commissioner shall promulgate rules governing use of the logo, and if there is improper use, it is necessary that the Commissioner be able to exercise his directive to govern use by denying renewal. It is a reasonable provision because each user shall be made aware of these rules governing use, and, as with other of the Department's regulatory functions, users should be expected to comply with these rules if they wish to participate in the program. This last point should be emphasized: the program is voluntary for producers, processors and manufacturers; they are not required to participate. It seems reasonable, therefore, that if they wish to participate they should comply with provisions for the proper use of the logo outlined in these rules. If they do not comply, it is reasonable for the Commissioner to have the power to deny renewal for such failure to comply with the rules, or "improper use."

The second condition for denying renewal in this part of this section of the rule is also necessary and reasonable. In order to keep current in its record keeping, the Department needs a time frame in which to expect renewals of certain authorized users. If users do not re-apply and do not notify the Department as to the reason for failure to do so, it can only be assumed that they no longer wish to participate in the program. The total time frame in which authorized users can renew their applications is reasonable, since they will receive a

renewal notice sixty days prior to renewal date and have an additional 30 days after that renewal date, a total of ninety days, in which to renew their application. This should provide enough time for authorized users to assess the usefulness of continuing in the Minnesota food products logo program.

3 MCAR S 1.4039

This rule sets forth conditions for the promotional use of the logo, because while the primary purpose of the Minnesota food products logo is to identify Minnesota food products, it is necessary and reasonable that there should also be promotional use of the logo for two reasons. The first is that until the logo is established and recognized as designating Minnesota food products, there will have to be some promotion of the logo itself so that the association will become familiar to purchasers and consumers of Minnesota food products. Secondly, the promotion of food products does not occur as the product is sold and its reputation enhanced, but also occurs through advertising the food products. This rule would permit the logo to be used in such an advertising effort.

It is necessary that the logo be available without the labeling statement for promotional purposes, since generally there is other language used on posters, brochures, etc. as part of a marketing campaign which would state that the food products being promoted are from Minnesota. Further, since the Commissioner is required under 3 MCAR S 1.4039 to approve these promotional uses of the logo, the Commissioner would assure that the logo is in fact being used with such accompanying language reflecting Minnesota origin. At the same time, this promotional use of the logo without the labeling statement is reasonable because it permits a certain measure of flexibility in the manner in which the logo might be presented during a promotional campaign.

It is necessary and reasonable to extend this promotional use of the logo to three groups named in this rule which might well use the logo in a promotion of Minnesota food products: producers, processors or manufacturers already authorized to use the logo on Minnesota food products themselves; wholesalers, retailers, commodity councils or trade associations who generally act as the movers of such food products into consumer marketing channels; or the Department itself. It is reasonable to extend the authorized use of the logo on Minnesota food products to the promotional use in the case of producers, processors and manufacturers, since many of them market their own food products and might wish to elect to use the Minnesota food products logo as part of that marketing program. In the case of the wholesalers, retailers, commodity councils and trade associations, who are traditional actors in the promotion and marketing of Minnesota food products, it is necessary and reasonable to allow them access to this one additional marketing tool, particularly since without their participation in promoting use of the logo, the entire program may be neither very visible nor successful. The Department interpreted this to be a reasonable extension of the legislative intent of Minn. Stat., sections 17.101 and 17.102, subdivision 1. The use by the Department is necessary and reasonable because the Department is charged by the Minnesota Legislature with the responsibility of acting to promote the products of Minnesota agriculture, in accordance with Minn. Stat., section 17.101. If one of the tools to promote Minnesota food products is the Minnesota food products logo, then it is reasonable for the Department to be able to use the logo in a promotional sense, too, in order to be consistent with the statutory directive.

The final provision of this rule, stating the requirement that the Commissioner must approve any promotional use of the logo is necessary so that the Commissioner will be able to assure that the promotional campaign adequately reflects Minnesota origin, as stated above, and so that the Department will be able to monitor proper use of the logo. This provision is reasonable because as owner and governing agency of the logo, the Department wishes to assure its proper use.

3 MCAR S 1.4040

This rule is set forth to provide remedies in the event there appears to be or in the event there is actual improper use of the logo, and to clarify the exact significance of the appearance of the logo as a certification mark on Minnesota food products.

The first section of this rule is necessary in order for the Commissioner to act in accordance with the statutory directive to authorize and govern the use of the Minnesota food products logo which is found in Minn. Stat., section 17.102, subdivision 1. In order to be able to govern the use of the logo, it is necessary that the Commissioner be able to investigate any improper use and revoke permission to use the logo if such improper use is determined. The criterion that the Commissioner shall use in determining whether to revoke authorization to use the logo, conformity of the use with these rules, is reasonable.

This section of the rule is necessary to inform authorized users that certain protections are afforded the logo by state and federal statutes since it is a registered certification mark. These protections are also necessary for the Commissioner to be able to govern the use of the logo. The use of certification and other marks such as trademarks in intrastate and interstate commercial trade is an important component of market promotion efforts; in some cases trademarks are assets valued in the millions of dollars. Should the Minnesota food products logo come to have such value, there may be increased possibility of its improper use and it will be necessary for the Commissioner to take appropriate protective action against any party using the Minnesota food products logo improperly. Such actions would be reasonable because authorized users have the right to expect that a market promotion tool in which they have invested their time and resources will be protected by the authorizing agent, the Commissioner, against unauthorized or improper use.

This section of the rule is necessary to clarify the proper use of the logo for the authorized users, and sets limits on the expectations of those who may view the logo. The section is consistent with Minn. Stat. section 17.102, subdivision 2 which states that the logo or labeling statement shall not replace or supersede any federal label or grade standard. This section is necessary because it acknowledges the existence of those other requirements for producing, processing or manufacturing the food product in Minnesota, but does not supersede or replace them. Further, this section is included to protect the Department against liability in the event consumers think that the Department is guaranteeing the quality of a particular food product. This section reaffirms the responsibility that producers, processors and manufacturers have to meet certain requirements as a condition of doing business in Minnesota, rather than creating a new role for the Department which the enabling statute did not envision. The second part of the section is consistent with Minn. Stat., section 17.102, subdivision 1, which says that the logo shall be used to identify Minnesota food products. To guarantee quality would be to go beyond the directive of the statute.

The final section of this rule is included to clarify the relationship between this set of rules and other laws and regulations relating to the production, processing or manufacturing of food products and their labeling and is a slightly different statement from the one in the section just preceding this section. The previous section indicates what the Department is certifying by authorizing use of the Minnesota food products logo, while this section clarifies for readers and users of the rules that these rules do not exempt producers, processors or manufacturers from other laws or regulations governing food products. The Department only monitors certain requirements for food products and labeling. This section assures that authorized users will know clearly that authorization for use of this certification mark does not exempt them from any requirement not monitored by the Department. Its inclusion is necessary and reasonable as information for authorized users of the logo and for readers of the rules.

In the Matter of the Proposed Adoption of Rules of the Department of Agriculture Governing Use of the Minnesota Food Products Logo (3 MCAR §§ 1.4035 - 1.4040)

STATEMENT OF COMPLIANCE WITH RULEMAKING PROCEDURES

I, [Special Assistant Attorney General] Jon Murphy, do hereby declare that I have examined the rules and all related documents and that, based on my examination and my personal familiarity with the applicable procedures, the Administrative Procedure Act, the rules of the Office of Administrative Hearings, and the rules of the Attorney General have been followed. Any exceptions are noted below.

[Special Assistant Attorney General]

Date: 8/10/82