

CHAPTER 30

POTATOES, WILD RICE, FRUIT

30 001	Definition	30 17	Place of inspection
	ENFORCEMENT	30 19	Rules
30 002	Enforcement	30 20	Fees
	POTATO GRADING LABELING	30 201	Penalties
	AND INSPECTION		PADDY GROWN WILD RICE
30 003	Declaration of policy	30 49	Wild rice labeling
30 01	Definitions		STRAWBERRIES AND RASPBERRIES
30 099	Definition of potatoes	30 50	Sale of strawberries and raspberries regulated
30 10	Potato grades	30 51	License revoked
30 102	Standard grades		APPLES
30 103	Seed potatoes exempt	30 55	Apples standard grades
30 104	Sale of artificially colored potatoes prohibited	30 56	Apples packages plainly marked
30 15	Commissioner to enforce	30 57	Enforcement
30 151	Freedom of contract not impaired	30 58	Application
30 152	Not to pay inspectors	30 59	Penalty
30 16	Potatoes may be inspected		
30 161	Certificate of inspector		

30 001 DEFINITION

Subdivision 1 **Scope** Except where the context otherwise indicates, for the purposes of this chapter, the terms defined in this section have the meanings given them

Subd 2 **Commissioner** "Commissioner" means the commissioner of the department of agriculture

History 1961 c 113 s 1, 1961 c 128 s 13

ENFORCEMENT

30 002 ENFORCEMENT

It shall be the duty of the commissioner to enforce the provisions of this chapter

History (3945 11, 3945 18, 3945 18i, 3945 22) 1931 c 70 s 11, 1933 c 420 s 2, Ex1934 c 41 s 4, 1935 c 164 s 8, 1937 c 282 s 5

POTATO GRADING, LABELING, AND INSPECTION

30 003 DECLARATION OF POLICY

The intent and purpose of this section and sections 30 01 to 30 201 is to regulate the grade and to improve the quality of potatoes offered for sale in Minnesota

History 1977 c 234 s 2

30 01 DEFINITIONS

Subdivision 1 **Terms** Unless the language or context clearly indicates that a different meaning is intended, the terms defined in subdivisions 2 and 6 shall, for the purposes of sections 30 099 to 30 201, have the meanings given to them

Subd 2 [Repealed, 1996 c 310 s 1]

Subd 3 [Repealed, 1961 c 145 s 14]

Subd 4 [Renumbered 30 099]

Subd 5 [Renumbered 30 159]

Subd 6 **Container or package** "Container" or "package" means cloth, burlap, or fiber sacks, barrels, boxes, crates, cartons, hampers, or baskets, or any container which is either sewed, tied, nailed, or otherwise secured

Subd 7 [Repealed, 1961 c 145 s 14]

Subd 8 [Repealed, 1961 c 145 s 14]

History (3945 13) 1935 c 164 s 2, 1961 c 145 s 1 4, 1969 c 782 s 1, 1969 c 828 s 1

30 02 [Repealed, 1961 c 145 s 14]

30 03 [Repealed, 1961 c 145 s 14]

30 04 [Renumbered 30 121]

30 05 [Repealed, 1961 c 145 s 14]

30 06 [Renumbered 30 151]

30 07 [Repealed, 1961 c 145 s 14]

30 08 [Renumbered 30 152]

30 09 [Repealed, 1961 c 145 s 14]

30 099 DEFINITION OF POTATOES

For the purposes of this chapter, "potatoes" means all varieties of the tuber (*solanum tuberosum* L.) commonly known as Irish potatoes offered for sale within the state of Minnesota

History (3945 13) 1935 c 164 s 2, 1961 c 145 s 2, 1969 c 782 s 2, 1969 c 828 s 2

30 10 POTATO GRADES

All potatoes sold or offered for sale at retail in a closed container must be graded and clearly labeled according to grades as established by section 30 102 This shall not apply to potatoes grown by a producer and sold by the producer directly to the consumer

History (3945 12) 1935 c 164 s 1, 1961 c 145 s 7, 1969 c 828 s 3, 1977 c 234 s 3

30 101 [Repealed, 1977 c 20 s 1]

30 102 STANDARD GRADES

The commissioner shall establish by rule standard grades for potatoes offered for sale in Minnesota The standard grades shall conform insofar as practical to the latest generally accepted grades in use throughout the United States except that additional consumer grades may be established if deemed necessary

History 1977 c 234 s 4

30 103 SEED POTATOES EXEMPT

Seed potatoes inspected and certified under authority of the commissioner are not affected by the provisions of sections 27 07 and 30 01 to 30 201, but shall be inspected, certified and tagged as required under sections 21 111 to 21 122

History 1977 c 234 s 5

30 104 SALE OF ARTIFICIALLY COLORED POTATOES PROHIBITED

No person, firm, corporation or officer, employee or agent thereof shall sell at retail to a consumer any potato which is artificially colored The commissioner shall by rule prescribe the meaning of "artificially colored "

History 1977 c 234 s 6, 1985 c 248 s 70

30 11 [Repealed, 1969 c 828 s 7]

30 12 [Repealed, 1969 c 828 s 7]

30 121 [Repealed, 1977 c 234 s 9]

30 13 [Repealed, 1977 c 234 s 9]

30 14 [Repealed, 1977 c 234 s 9]

30 15 COMMISSIONER TO ENFORCE

The commissioner shall at all times have access to all buildings, yards, warehouses, storage and transportation facilities in which potatoes are kept, stored, handled, or transported, to inspect the same as to grade, quality, condition, and packs, tagging, branding, and labeling

History (3945 18) 1935 c 164 s 8

30 151 FREEDOM OF CONTRACT NOT IMPAIRED

Nothing in sections 30 10 to 30 15 shall be construed in any manner to impair the freedom of contract between individuals relative to the sale and disposal of potatoes between the owners thereof and the persons purchasing the same. When any seller or buyer of potatoes shall, by a contract in writing, agree to sell and dispose of to any person potatoes in any lots or quantities of the grades and varieties specified herein, or of any other grade and variety or quality concerning which the persons desire to contract, the seller or buyer shall have the legal right to do so and shall be bound by the terms of such contract so entered into, and in case any seller attempts to tender in fulfillment of any such contract potatoes of a lower standard or quality than those specified in such a contract the purchaser of the same shall have the legal right to either reject or accept them upon a tolerance basis commensurate in value between the market price of the grade and quality contracted for and the grade and quality of the potatoes tendered in delivery thereon.

History (3945 6) 1931 c 70 s 6, 1961 c 145 s 6, 1986 c 444

30 152 NOT TO PAY INSPECTORS

No person shall, directly or indirectly, hire or pay the compensation of any state inspector to determine the grade or quality of potatoes offered or exposed for sale in the state, other than the state of Minnesota, whose duly constituted officers shall, in due form and in accordance with law, issue commissions to inspectors duly authorizing and empowering them to act as such.

Nothing herein shall prevent any person paying the proper inspection fees, duly established, to the proper persons duly authorized to receive the same, but the payment or allowance of any gratuity, commission, or allowance in addition thereto shall constitute the crime of bribery and shall be punished by law as such.

History (3945 8) (3945 17a) 1931 c 70 s 8 1935 c 164 s 7, 1969 c 782 s 3

30 159 [Repealed, 1969 c 782 s 6, 1969 c 828 s 7]

30 16 POTATOES MAY BE INSPECTED

All potatoes shipped by any person may be inspected by an authorized federal-state inspector to determine the grade, quality, and condition of such shipment. All fees shall be assessed against the inspection certificate applicant and shall be collected by the commissioner from the firm or individual against whom the fee is assessed. An application for inspection service shall be denied if the applicant has not paid all fees for prior inspection service assessed against the applicant, the initial billings for which were deposited in the mail addressed to the applicant more than 30 days before the application in question.

History (3945 18e) 1937 c 282 s 1, 1941 c 292 s 1, 1957 c 379 s 1, 1963 c 96 s 1, 1967 c 564 s 1, 1971 c 94 s 1, 1986 c 444

30 161 CERTIFICATE OF INSPECTOR

In determining controversies and standards between the parties, including but not limited to growers, as to the quality and condition of potatoes offered for sale or

tendered in performance of contracts for sale in this state, the certificates of a fully authorized and commissioned inspector of the commissioner shall be prima facie evidence both of the grade and quality of the potatoes offered for sale or tendered in performance of any such contract

History 1977 c 234 s 7

30 17 PLACE OF INSPECTION

The commissioner shall designate points at which lots of potatoes may be inspected. If inspection service is requested at other points, mileage costs at the regular rates paid by the state for private car driving may be charged and added to the inspection fee.

History (3945 18f) 1937 c 282 s 2, 1961 c 145 s 11, 1967 c 564 s 2, 1971 c 94 s 2

30 18 [Repealed, 1961 c 145 s 14]

30 19 RULES

The commissioner shall promulgate in the manner provided by law and rules establishing Minnesota consumer grades for potatoes, appropriate labeling therefor, and such other rules as may be necessary for the enforcement of this chapter.

History (3945 18h) 1937 c 282 s 4, 1961 c 145 s 12, 1969 c 828 s 4, 1985 c 248 s 70

30 20 FEES

Fees for inspection shall be determined by the commissioner as provided in section 27 07.

History (3945 18j) 1937 c 282 s 6, 1975 c 204 s 72, 1977 c 234 s 8

30 201 PENALTIES

Any person violating any of the provisions of this chapter, or any rules made thereunder, shall be guilty of a misdemeanor.

History (3945 10) 1931 c 70 s 9, Ex1934 c 41 s 3, 1961 c 145 s 13, 1969 c 828 s 5, 1985 c 248 s 70

30 21 [Renumbered 30 50]

30 22 [Renumbered 30 51]

30 23 [Renumbered 30 002]

30 24 Subdivision 1 [Renumbered 30 201]

Subd 2 [Repealed, 1961 c 145 s 14]

Subd 3 [Repealed, 1961 c 145 s 14]

30 31 [Repealed, 1967 c 417 s 18]

30 32 [Repealed, 1967 c 417 s 18]

30 33 [Repealed, 1967 c 417 s 18]

30 34 [Repealed, 1967 c 417 s 18]

30 35 [Repealed, 1967 c 417 s 18]

30 36 [Repealed, 1967 c 417 s 18]

30 37 [Repealed, 1967 c 417 s 18]

30 38 [Repealed, 1967 c 417 s 18]

30 39 [Repealed, 1967 c 417 s 18]

- 30 40 [Repealed, 1967 c 417 s 18]
- 30 41 [Repealed, 1967 c 417 s 18]
- 30 42 [Repealed, 1967 c 417 s 18]
- 30 43 [Repealed, 1967 c 417 s 18]
- 30 44 [Repealed, 1967 c 417 s 18]
- 30 45 [Repealed, 1967 c 417 s 18]
- 30 46 [Repealed, 1967 c 417 s 18]
- 30 461 [Repealed, 1982 c 582 s 14]
- 30 462 [Repealed, 1982 c 582 s 14]
- 30 463 [Repealed, 1982 c 582 s 14]
- 30 464 Subdivision 1 [Repealed, 1982 c 582 s 14]
- Subd 2 [Repealed, 1982 c 582 s 14]
- Subd 3 [Repealed, 1982 c 582 s 14]
- Subd 4 [Repealed, 1971 c 534 s 11]
- 30 465 [Repealed, 1982 c 582 s 14]
- 30 466 [Repealed, 1982 c 582 s 14]
- 30 467 [Repealed, 1982 c 582 s 14]
- 30 468 [Repealed, 1982 c 582 s 14]
- 30 469 [Repealed, 1982 c 582 s 14]
- 30 47 [Repealed 1982 c 582 s 14]
- 30 471 [Repealed, 1971 c 534 s 11]
- 30 472 [Repealed, 1982 c 582 s 14]
- 30 473 [Repealed, 1982 c 582 s 14]
- 30 474 [Repealed, 1982 c 582 s 14]
- 30 475 [Repealed, 1982 c 582 s 14]
- 30 476 [Repealed, 1982 c 582 s 14]
- 30 477 [Repealed, 1982 c 582 s 14]
- 30 478 [Repealed, 1977 c 234 s 9]
- 30 479 [Repealed, 1982 c 582 s 14]

PADDY GROWN WILD RICE

30 49 WILD RICE LABELING

Subdivision 1 **Cultivated wild rice** Wild rice containing a portion of wild rice that is cultivated and offered for wholesale or retail sale in this state must be plainly and conspicuously labeled as either "paddy" or as "cultivated" in letters of a size and form prescribed by the commissioner

Subd 2 **Natural lake or river wild rice** (a)(i) A package containing only 100 percent natural lake or river wild rice that is offered for sale at wholesale or retail sale in this state must be plainly and conspicuously labeled as '100 percent naturally grown, lake and river wild rice' in letters of a size and form prescribed by the commissioner. A package of wild rice labeled "100 percent naturally grown, lake and river wild rice" must also contain the license number issued under section 84 152 of the last licensed dealer, if any, who handled the wild rice.

(ii) A package containing only 100 percent natural lake or river wild rice that contains a portion of wild rice grown in Canada and offered for wholesale or retail sale in Minnesota must be plainly and conspicuously labeled as "Canadian' wild rice in letters of a size and form prescribed by the commissioner.

(b) A package that does not contain 100 percent natural lake or river wild rice may not contain a label authorized under paragraph (a).

(c) A package containing a portion of 100 percent naturally grown lake and river wild rice that is harvested by use of mechanical harvesting devices and that is offered for sale at wholesale or retail in this state must be plainly and conspicuously labeled as 'machine harvested' in letters of a size and form prescribed by the commissioner. In addition, the letters "machine harvested" must be placed near the product's identity on the label. Packages containing 100 percent hand-harvested wild rice may be labeled as hand harvested.

Subd 2a **Place of origin** A package of cultivated or natural lake or river wild rice offered for sale at wholesale or retail in this state must specify the place of origin of the wild rice by a plain and conspicuous label placed near the product's identity on the label in letters of a size and form prescribed by the commissioner. Only packages containing cultivated or natural lake or river wild rice that is 100 percent grown in Minnesota may be labeled as "grown in Minnesota."

Subd 3 **Records** (a) A person who buys, sells, processes, or markets over 500 pounds of cultivated or natural lake or river wild rice not for use in packaged blended rice and ready to eat rice must maintain the following records for a period of three years. A person who buys or sells, processes, or markets cultivated or natural lake or river wild rice not for use in packaged blended rice and ready-to-eat rice shall provide the department, on demand, relevant information from the records required under this section.

(b) Except for persons who sell or offer cultivated or natural lake or river wild rice for sale at retail, the records must contain:

- (1) the date of each transaction,
- (2) the quantity of wild rice bought or sold,
- (3) an identification of whether the wild rice is cultivated or paddy grown, or, whether it is naturally grown lake and river wild rice and whether it is machine harvested or hand harvested,
- (4) an identification of the place of origin of the wild rice,
- (5) the names and addresses of the parties of the transaction and the department of natural resources license or permit numbers,
- (6) the lot numbers of all the wild rice bought or sold in each transaction, and
- (7) documents that track the rice, by lot number, through processing and the assignment of a final lot number on the finished product offered for distribution or sale in Minnesota.

(c) The records for persons who sell or offer wild rice for sale at retail must include an invoice indicating:

- (1) the actual name of the product,
- (2) the amount purchased,
- (3) the date of the purchase, and

(4) the name, address, zip code, and telephone number of the supplier

Subd 4 **Fair packaging and labeling** Natural lake and river harvested wild rice from public waters and cultivated or paddy grown wild rice are separate and distinct ingredients under the fair packaging and labeling provisions of section 31 103

Subd 4a **Bulk sales** For purposes of this section, the bulk food product module labeling requirements contained in section 31 82 for cultivated or natural lake or river wild rice offered for sale at retail in bulk include the place of origin of the wild rice, and if the wild rice is 100 percent natural lake or river wild rice and is machine harvested, the letters "machine harvested" The place of origin must be placed near the product's identity in letters of a size and form prescribed by the commissioner The letters "machine harvested" must be placed near the product's identity in letters of a size and form prescribed by the commissioner

Subd 5 **Misbranding relating to Indian harvested or processed wild rice** A wild rice label that implies the wild rice is harvested or processed by Indians is misbranded unless the package contains only 100 percent natural lake or river wild rice harvested by Indians

Subd 5a **Misbranding relating to wild rice grown in Minnesota** A wild rice label that implies the wild rice is grown within the boundaries of the state of Minnesota is misbranded unless the package contains only 100 percent wild rice grown in Minnesota

Subd 6 **Packaged blended rice and ready to eat rice** A package containing a blend of wild rice and at least 40 percent other grains or food products, and puffed or ready-to-eat wild rice, are exempt from this section, except subdivisions 3, 5, and 7

Subd 7 **Penalty** Any person who sells wild rice at wholesale or retail which is not labeled as required by this section is guilty of a misdemeanor

Subd 8 **Exception** This section does not apply to cultivated or natural lake or river wild rice sold at wholesale or retail outside this state

History 1981 c 249 s 1, 1989 c 350 art 19 s 1, 1992 c 521 s 1 7, 1994 c 563 s 1

STRAWBERRIES AND RASPBERRIES

30 50 SALE OF STRAWBERRIES AND RASPBERRIES REGULATED

All fresh strawberries and raspberries that are offered for sale packed for sale, or shipped for sale by any person other than the grower thereof, in the state shall be handled and sold under rules made and designated by the commissioner The grades and the rules controlling the handling of strawberries and raspberries shall be only determined by the commissioner after due notice and public hearings with the producers of the same have been held

History (3945 21) 1933 c 420 s 1, 1985 c 248 s 70

30 51 LICENSE REVOKED

The commissioner may revoke any license issued under the commissioner's authority upon proof of violation of the provisions of section 30 50 and any rules made in pursuance thereof

History (3945 23) 1933 c 420 s 3, 1985 c 248 s 70, 1986 c 444

APPLES

30 55 APPLES, STANDARD GRADES

The commissioner shall by rule establish official standards for grading and classifying all apples offered for sale in Minnesota

History 1941 c 371 s 1, 1953 c 94 s 1, 1955 c 435 s 1

30 56 APPLES, PACKAGES PLAINLY MARKED

All apples offered for retail sale and each closed package of apples offered or exposed or packed for retail sale shall be conspicuously marked with a label bearing the

name and address of the grower or packer, the name of the variety, the minimum size and the grade except that when apples are sold at retail from open bins, open containers, or in bags, each bin or display of such containers or bags shall be marked with a label bearing the name of the variety and the grade. All apples which fail to meet the requirements of any of the established Minnesota grades shall be plainly and conspicuously marked with a label bearing the word "utility" in letters of a size and form to be prescribed by the commissioner.

History 1941 c 371 s 2, 1955 c 435 s 2

30 57 ENFORCEMENT

The commissioner shall be charged with the enforcement of the provisions of sections 30 55 to 30 57 and for that purpose has the power

(1) To enter and inspect personally, or through any authorized representative, any place within the state where apples are sold, offered or exposed or packed for sale, and to inspect such places and all apples and apple containers found in any such place

(2) To make, publish, and enforce such uniform rules as are necessary for carrying out the provisions of sections 30 55 to 30 57

History 1941 c 371 s 3, 1955 c 435 s 3, 1985 c 248 s 70

30 58 APPLICATION

Sections 30 55 to 30 57 shall not apply to any grower or producer selling less than 25 bushels of apples in any year

History 1941 c 371 s 5, 1955 c 435 s 4

30 59 PENALTY

Any person violating any of the provisions of sections 30 55 to 30 58 shall be guilty of a misdemeanor. In addition, any apples found to be offered or exposed or packed for sale in violation of these sections may be ordered temporarily withdrawn from sale by the commissioner pending either (1) informal adjustment according to law between the commissioner, or the commissioner's duly authorized representative, and the person in charge of the apples in question, or (2) by the filing of a formal complaint, without undue delay, with the attorney general or prosecuting attorney

History 1941 c 371 s 6, 1986 c 444